



SITE PLAN REVIEW
FINDINGS AND DECISION OF THE CITY COUNCIL

Project: For a Casino Overlay Site Plan Review to Facilitate the Location of a Licensed Casino and Casino Complex with the Boundaries Established by the City of Springfield for Casino Gaming Activities as Outlined Under the Casino Overlay Regulations (Article 8, Section 8.5) at the Property Bounded by State Street, Main Street, Union Street and East Columbus Avenue.

Owner: Blue Tarp reDevelopment, LLC

By: Seth Stratton, Vice President & General Counsel

I. MATERIALS:

The following materials in addition to the plans as recorded were submitted into the public record:

MGM Springfield: Site Plan Approval Request

Material Submittals

1. October 19, 2015: Site Plan Review Submittal #1
2. October 28, 2015: Storm Water Management
3. November 18, 2015: Site Plan Supplemental Drawings Submittal #2
4. November 18, 2015: Record of the public meeting including MGM PowerPoint presentation and Questions & Answers
5. December 21, 2015: MGM 30-Day Comments/Questions Response and Appendices
6. December 22, 2015: MGM Reissued Site Improvement Plans for MGM-Springfield; Allen and Major, Civil/Landscape
7. January 11, 2016: CCS Site Plan Review Summary Report: Plan/Design/Development Aspect.
8. January 19 & 20, 2016: Record of supplemental materials and drawings presented by MGM at City Council hearings.
9. "Agreement for Removal and Replacement of Trees", signed October 26, 2015.

10. Letter from Seth Stratton dated January 11, 2016 responding to comments of Council President Fenton.
11. November 25, 2015 NPC letter (the “NPC Letter”) from the State Executive Office of Energy and Environmental Affairs attached as Ex A to Seth Stratton’s January 11, 2016 response letter to Council President Fenton, which includes the Mitigation Section 61 Findings, including but not limited to, a Memorandum of Agreement (MOU) with the Massachusetts Historical Commission.
12. “Project Property Line Plan; prepared and stamped by Allen & Major Associates, Inc.
13. Allen & Major Plans dated 12-22-15/Titled: “Site Improvement Plans For MGM Springfield”
14. City comments submitted during the EIR process as to project design and mitigation measures related to traffic and transportation impacts.
15. Robinson/Donovan Letter from abutters: dated January 5, 2016
16. Robinson/Donovan Letter from abutters: dated January 12, 2016
17. Abutter comments submitted to the Springfield Planning Board/ December 16, 2015
18. Mitigation Request of Abutting Parcel #14: dated January 8, 2016
19. Other Documents submitted by participants at public hearing
20. Recording and minutes of meeting.

II. FINDINGS:

1. Using the criteria for evaluation set forth in Section 12.3.51 the City Council finds that the application complies with such review criteria in Section 12.3.51. Specifically:
 - A. Complies with all applicable provisions and requirements of this Ordinance, including all use, dimensional, site, utility, and overlay district standards: *The City’s review of the site plan submittal materials confirms general compliance with the Ordinance. The plans illustrate a development that responds to the opportunities within the site and through the “casino overlay district”*
 - B. Avoids significant detrimental environmental impacts, including storm water runoff, erosion or sedimentation: *The civil engineering and utility plans sufficiently address all site work aspects and the integration of open space, landscape terraces and roof gardens within the site illustrates a positive environmental effect of the project.*
 - C. Ensures adequate light and air quality for adjacent properties and minimize detrimental visual impacts on adjacent uses and public STREETS, parks, BUILDINGS, and other public places: *The site plan embodies improvements including additional setback from adjacent structures, specifically the parking garage; additionally the inclusion of significant usable open space throughout the project including the main Plaza, the*

Armory Marketplace, improved Da Vinci Park, abundant outdoor terraces and roof top gardens, ensure the project has minimized any adverse impacts on light and air quality.

- D. Does not impair pedestrian safety or overload existing roads, considering their current width, surfacing, and condition: *Springfield's downtown city streets can accommodate additional load without compromising public safety or quality of life, and the addition of new businesses, pedestrian and vehicular activity is a positive to the overall urban condition.*
- E. Provides adequate access for fire, police, and emergency vehicles: *Proper widths, materials and access have all been reviewed with the relevant City agencies including enhancements to public areas, paved open spaces/promenades to ensure proper safety and emergency accessibility.*
- F. Minimizes noise, dust, odors, solid waste, glare, or any other nuisances in accordance with the City Ordinance. *The site plan materials reflect that all noise, dust, odors, solid waste, glare, or any other nuisances are planned for to be addressed during construction upon operation, in accordance with the City Ordinances and such reasonable conditions on the issuance of any building or other permit.*
- G. Minimizes impacts on historic resources as determined by Section 12.7: *The site plan materials reflect that all historic resources have been addressed consistent with the MOU with local and state historic preservation agencies.*

2. Pursuant to Section 12.3.60, the City Council makes the following Specific Findings:

- A. Pursuant to Section 12.3.62 the City Council finds that the application meets all zoning requirements, and imposes reasonable conditions as set forth in this decision to ensure compliance with these requirements and other provisions of this Ordinance, consistent with the limitations set forth in Section 12.3.70. These conditions shall be incorporated into any BUILDING PERMIT Road and Curb Cut Permit, Public Way Discontinuance , approved Application for Re-Zoning as well as the Host Community Agreement and any amendments thereto Plan or any other approval issued by the City including but not limited to the City's involvement as to Traffic and Transportation mitigation matters, many of which must be coordinated with the City and others and which may involve MassDOT or the PVRTA; Air Quality mitigation measures that may involve MassDEP; Greenhouse Gas Emissions; Water and Wastewater mitigation matters that may involve the City and the Springfield Water and Sewer Commission; Historic Resources which involve the Massachusetts Historic Commission, Springfield Historic Commission, or Springfield Preservation Trust; Storm water mitigation measures that may involve the

SWSC and MassDEP; Hazardous Materials which may involve City of Springfield regulations; and Construction Period issues which involve the City and MassDOT insofar as they affect traffic management including road closures, detours, and parking; noise, use or occupation of the public ways, or otherwise authorizing the City's participation as to compliance with the terms and conditions of the NPC Letter or the Section 61 findings.

- B. Pursuant to Section 12.3.63 prior to granting approval of the Site Plan Review application, the City Council makes a finding that the proposed DEVELOPMENT is in conformance with this Ordinance, and if applicable, that with conditions imposed, the review criteria in Section 12.3.50 will be satisfied.
- C. Pursuant to Section 12.3.64 such findings in this Decision shall pertain to the entire proposed DEVELOPMENT, including any Site Plan modifications requested by the City Council as a condition of its approval, and any off-site improvements proposed by the applicant or required by the City Council as condition of its approval.

3. Pursuant to Section 12.3.70 City Council Site Plan Review the following Conditions, Limitations and Safeguards are imposed:

Approval of the Site Plan submittal is contingent on the following conditions and performance parameters:

1. This Casino Overlay Site Plan Review approval is granted solely for the development of a licensed casino and casino complex with the boundaries established by the City of Springfield for casino gaming activities as outlined under the Casino Overlay District Regulations (Article 8, Section 8.5) at the properties listed above.
2. The use shall be developed according to the attached plans and elevations, except as listed in the conditions and provided for by the amendment process outlined below.
3. All other requirements and permits shall be sought and received, including, but not limited to, utility connections and Board of Health approvals. The Applicant shall bear the burden of ensuring all state and local permitting has been sought and received, including but not limited to any licenses and/or permits issued by the Springfield Water & Sewer Commission, Massachusetts Gaming Commission (MGC), and any conditions contained in any such license including but not limited to the Section 61 Findings and the Memorandum of Agreement (MOA) with the Massachusetts Historical Commission (MHC).
4. All of the lastly revised plans, including those submitted during the public hearings and as referenced above, shall be updated as Conditioned in this Decision and three (3) complete sets shall be provided to the Office of Planning and Economic

Development (OPED) and the Department of Public Works (DPW). The plans shall be properly stamped and as certified by the applicant (dated and indexed). These plans shall indicate compliance with all applicable zoning by-laws.

5. The Applicant shall coordinate with OPED and the Casino Liaison Office to set up a pre-construction meeting with staff prior to the start of any construction to review these conditions and any and all final construction sequencing, details, and/or plans for this Project. The limit of work line for the particular area or phase being developed shall be demarcated at this time through the placement of temporary fence material or erosion control barriers. Periodic status reports and progress meetings (agreed upon at said pre-construction meeting) shall be coordinated with parties mentioned above, which shall outline the general status of the construction and major milestones completed.
6. The Applicant shall continue to advance the design and construction documents in substantial conformance with the governing drawings and documents collectively contained in Section I (MATERIALS) of this decision.
7. The Applicant shall continue an ongoing and regular dialogue with the City departments and their consultants to pursue further advancement to design and engineering details so that the final construction documents meet or exceed the intent herein resulting in construction of a high quality urban development.
8. The proposed hotel shall be developed and operated as a four (4) star quality, urban venue including but not limited to the level of interior fit out and finishes, guest/public amenities, programming, marketing and branding suitable to be highly competitive with other four star urban hospitality venues in the state and region and in accordance with the HCA, as amended.
9. The Applicant shall demonstrate, through submission of plans, specifications, or other satisfactory documentation, submitted to OPED, its compliance with its residential development commitment set forth in the Host Community Agreement (“HCA”), as amended.
10. The Applicant shall meet all terms and commitments contained and referenced in the HCA, as amended (including full and satisfactory performance related to joint agreements with civic organizations and other public agencies).
11. The Applicant shall coordinate the installation of all street trees with the City Forester in conformance with the “Agreement for Removal and Replacement of Trees”, signed October 26, 2015.

12. The Fire Suppression System, hydrant locations and alarm design shall be subject to approval by the Fire Commissioner or his/her designee and the Code Enforcement Commission or his/her designee.
13. No refuse containers, trailers, construction materials or construction equipment of any kind shall be placed, parked or stored upon a public way without written approval from DPW.
14. Final landscaping plans, including improvements to Da Vinci Park, shall be submitted to OPED and the Parks Department for review and approval, prior to installation.
15. The Applicant shall have the responsibility of maintaining or replacing landscaping, fencing and lighting as indicated in the plans required herein and if such landscape maintenance is not handled directly by the Applicant's employees, the Applicant shall be required to maintain a contract with professional landscaping and maintenance services company. Irrigation systems shall also be installed within all areas proposed to be grassed and/or turf.
16. The public sidewalks immediately adjacent to the Project site along State Street, Main Street, Union Street and East Columbus Avenue shall be maintained, including snow removal.
17. The Applicant shall ensure daily that exterior areas of the site remain clear of debris, trash and any equipment used in connection with commercial activity on the site, and any property or refuse from the commercial operation of the tenants shall not accumulate off-site.
18. The Applicant shall ensure that the required parking spaces are accessible at all times. Snow storage shall not restrict sight lines or damage landscaping.
19. The Applicant shall submit final architectural renderings for all buildings, indicating the proposed construction details, which shall be subject to design review and approval by OPED. These renderings shall indicate a consistent treatment of the elevations on all sides in terms of design, detail, relief, colors and materials. EFIS systems should be avoided. Further, the elevation plans shall include details on the proposed valet entrance within the garage.

20. The final drainage, grading and utility designs shall be revised according to this Decision, subject to further review and approval, as necessary, by the City Engineer or his/her designee.
21. Final construction plans shall be submitted to the Commissioner of Code Enforcement or his/her designee and Fire Commissioner or his/her designee, for review and approval, prior to the issuance of a Building Permit.
22. All documentation on prior environmental remediation shall be provided to the Commissioner of Code Enforcement; any further contamination or analysis identified shall be remediated in accordance with applicable local, state and federal standards.
23. The Applicant shall schedule a meeting with the Building Inspector, Casino Liaison Office and OPED at least thirty (30) days before the request for a Building Permit to review compliance with this Decision.
24. The Applicant shall provide written proof to the OPED, City Engineer and the Building Inspector that the performance standards, as Conditioned herein, were included in the construction documents.
25. The Applicant shall provide a detailed Construction Sequencing Plan, subject to the approval of the City Engineer or his/her designee, the Casino Liaison Office and the Commissioner of Code Enforcement or his/her designee.
26. All DPW comments/conditions, as outlined in the December 21, 2015: MGM 30-Day Comments/Questions Response and Appendices and as noted above in the “materials submittals”, shall be reasonably addressed by the applicant, prior to the issuance of a Building Permit.
27. A full detailed sign plan (as per Article 8, Section 8.5.70) indicating locations, sizes, materials, type of illumination, etc., of all signage shall be submitted to the City Council for review and approval, prior to the issuance of a sign permit(s).
28. The Applicant shall use best efforts, including appropriate signage, subject to the approval of the City Council, to ensure that all delivery trucks to the businesses on the premises shall access and exit the property to and from Union Street.

29. The Applicant shall submit the location for the off-site bus parking to the Department of Public Works (DPW).
30. The proposed Howard Street cul-de-sac shall meet all the underlying requirements of the Board of Public Works, including all fire lanes.
31. An ANR (Approval Not Required) Plan, incorporating all the individual parcels, shall be submitted to the Springfield Planning Board for review and approval and filed at the Hampden County Registry of Deeds.
32. If the proposed MGM Way is to become a public way, a subdivision plan will need to be filed with and approved by the Springfield Planning Board.
33. All the required applications and/or plans for the discontinuance of Bliss Street and Howard Street shall be submitted to the Board of Public Works for review and approval.
34. All proposed new street lights, to be located on the public way, shall be reviewed and approved by OPED and DPW.
35. Access to the adjacent Red Rose parking lot, located on Howard Street, shall be maintained at all times.
36. In the event that the City widens the right of way on Union Street between Main Street and East Columbus Avenue through the exercise of its eminent domain powers, the Applicant will be required to construct an additional turning lane on Union Street to improve traffic mitigation at the intersection of Union Street and East Columbus Avenue.
37. The Applicant shall continue to work with DPW to review taxi drop-off/pick-up issues to ensure that traffic related issues do not occur at the new hotel entrance located at the corner of Main Street and Howard Street.
38. All proposed entrances/exits providing access to the food and/or retail establishments, from a public way, shall generally remain open during full food and/or retail business hours Any plans to change the proposed layout of the entrances or exits shall be reviewed and approved by OPED.
39. The Applicant shall work with the Springfield Police Department on plans for security related issues during construction including the implementation of the

resources provided for under the HCA to enhance public safety in the surrounding area, as well as any post construction issues in so far as the use or jurisdiction of Springfield Police Officers in accordance with an MOU with the State Police pursuant to the provisions of G.L. c. 23K.

40. Construction activities shall be conducted in a workmanlike manner at all times. Blowing dust or debris shall be controlled by the Applicant through stabilization, wetting down, and proper storage and disposal methods, subject to the approval of the Code Enforcement Commissioner or designee. The Applicant shall ensure that abutting local streets and private ways are kept clear of dirt and debris, which may accumulate as a result of construction activities for the Project and documentation, shall be provided demonstrating ongoing pest management control, subject to the approval of and administration by the Code Enforcement Commissioner.
41. Public transportation access shall be maintained throughout the construction phase to the extent that necessary public utility work or life safety measures in connection with construction do not prohibit.
42. The Applicant shall work with OPED and PVTA to coordinate the final proposed trolley transit linkages to other activities and venues with the City of Springfield.
43. The Applicant shall work with remaining tenants, including Focus Springfield, to facilitate relocation.
44. Following occupancy, two hour free parking from 8:00 a.m. to 6:00 p.m. Monday through Friday shall be made generally available in surface or garage parking spaces in sufficient number to replace the number of formerly available on-street public parking spaces on site lost as a result of the construction of the Project; provided however, Applicant shall be free to restrict the number of free parking spaces from time to time in connection with special events or other special accommodations in the ordinary course of business
45. During construction and following occupancy the Applicant shall continue to reasonably work with the abutters as to correspondence relating to operational measures to ameliorate project-related impacts to abutting properties, including but not limited to access, egress, parking, deliveries, and trash removal, to the satisfaction of OPED.

46. Approved site plans and elevations, and other aspects of the development proposal, including uses, may be amended from what is specified in the HCA and Site Plan Approval, pursuant to the same procedure and subject to the same limitations and requirements by which said plans and proposals were initially approved. However, upon written request by the petitioner minor changes from what is specified in the HCA and approved development parameters may be permitted by the Office of Planning & Economic Development subject to a finding that such changes will not cause any of the following:

- A. A change in the character of the development, including the overall massing, primary land uses, quality of materials or significant deviation from the architectural character or building footprints of approved site plans and elevations; or
- B. An increase in the ratio of gross floor area (as specified in the HCA) to LOT area by more than twenty five percent (25%); or
- C. A decrease in open space, pedestrian areas, parks and amenities unless justified by changes in other factors; or
- D. A reduction or increase in approved off-street parking unless justified by changes in other factors.

Copies of all changes found to be “minor” by the Mayor shall be forwarded to the City Council.

Signed as to the accuracy of the vote as reflected in the minutes:

Philip Dromey, Deputy Direct of Planning
Office of Planning & Economic Development

Appeal: The Appeal of any decision of the City council hereunder shall be made in accordance with the provisions of Mass. Gen. L. 40A, Section 17 within 20 days after filing with the City Clerk.

DATE: