



**Office of Planning & Economic Development**

70 Tapley Street Springfield, MA 01104

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[www.springfieldcityhall.com/planning](http://www.springfieldcityhall.com/planning)

# Application Packet

## City Council Special Permit (Tier 3)

### (Adult Use Marijuana Establishments)

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### Information about this review process

**Number of copies to submit:**

Submit one (1) full copy of application package.  
*(Additional copies may be required depending on the size of the submission)*

**Application Fee:**

\$250.00 (check made out to the City of Springfield)

**Duration of Approved Permit**

2 years unless extended per 12.4.40

**Meeting with the Neighborhood Council?**

Recommended

**Will I still need to apply for a Building Permit?**

Yes. OPED will forward the decision to the building department.

**Who will Review the application:**

The Office of Planning and Economic Development staff, in conjunction with other relevant City Departments, will review the application and make a recommendation to the City Council.

**Who will make the decision about the application?**

City Council will make a decision on the application after considering it at a public meeting.

NOTE: Upon receiving this application, OPED staff will request a certificate of TAX COMPLIANCE from the City's Tax Collector's Office **relating to the property owner's and petitioner's standing** with the City. **The application will not be processed without this certification.** The petitioner and property owner will be contacted by the City Collector's Office if a tax issue needs to be resolved. The tax review includes but is not limited to Real Estate Tax, Personnel Property Tax, Excise Tax, Water/Sewer Bills, and other City accounts.

**PAYMENT OF FEES:** Payment of all costs including advertising and abutter notifications must be paid in full to the **City Clerk's Office** prior to the public hearing and vote. All fees are **NON REFUNDABLE** whatever the disposition of the matter, including withdraws.

# Section 1: Preliminary Application Form

Please complete the form below and submit it to the Office of Planning & Economic Development (please print clearly or type). Once the completed application is received, a formal petition will be typed up and will be required to be signed by the petitioner and property owner.

Office of Planning & Economic Development  
70 Tapley Street Springfield, MA 01104

<b>Petitioner/Owner Information</b>	
<p>Full Address of the Property: <i>Street number, City, State and zip code</i></p>	<p>Street _____ City _____ State ____ Zip code _____</p>
Parcel Number of the Property	
Registry of Deeds Book/Page	
Zoning of the Property:	
Current Use of Property:	
<p>Specific Adult Use Marijuana Category being Applied for:  <i>You may attach additional pages if needed to explain the proposal.</i></p>	<p>_____ _____ _____ _____</p>
<p><b>Petitioner Information (if different from Owner)</b> <i>Name, mailing address, email address and telephone number (include name of person who will be signing the formal application)</i></p>	<p>Name: _____ Street Address: _____ City _____ State ____ Zip code _____ Email _____ Telephone/Mobile _____</p>
<p><b>Property Owner Information</b> <i>Name, mailing address, email address and telephone number (include name of person who will be signing the formal application)</i></p>	<p>Name: _____ Street Address: _____ City _____ State ____ Zip code _____ Email _____ Telephone/Mobile _____</p>
<b>Dates Below To Be Filled Out By OPED Staff Only</b>	
<b>Date Received:</b>	
<b>Date of Completed Application:</b>	

## Section 2: List of Submittal Requirements\*

(Article 12, Section 12.4.20)

**\*An application shall not be considered complete until ALL information required by the Springfield Zoning Ordinance and/or the City Council is submitted, as determined by the Office of Planning & Economic Development.**

- Site plan must be prepared by a qualified professional (including but not limited to a licensed architect, professional engineer, or landscape architect)
- Site Plan shall include all requirements as set forth in Section 12.3.40, including but not limited to:
  - o Zoning districts, overlay districts, topography, wetlands, watercourses, soils, existing vegetation, roads, structures, driveways and other relevant site conditions;
  - o Proposed driveways, parking areas, sidewalks, landscaping, utilities, lighting, drainage, vehicular circulation, refuse disposal storage areas, signs and building plans/elevations;
  - o If the land will be developed in more than one (1) phase, the City Council may require the Petitioner to present a master plan for an entire property showing intended future development and a plan for phasing.

**In addition to the requirements listed above, applications for an Adult Use Marijuana Establishment shall include the following (as per Article 4, Section 4.7.115):**

- The name and address of each owner, manager and designated representative of the Adult Use Marijuana Establishment facility/operation;
- A copy of the Petitioner's Host Community Agreement or in the event that a Host Community Agreement has not been granted, Petitioner shall state the date and manner in which they contacted the City requesting a Host Community Agreement.
- If it's in conjunction with an approved Registered Marijuana Dispensary (RMD), a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or from the Cannabis Control Commission in accordance with 935 CMR 500.

- Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500.
- Evidence that the Petitioner has site control and right to use the site for an ADULT USE MARIJUANA ESTABLISHMENT in the form of a deed or valid purchase and sales agreement or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;
- Evidence that a Community Outreach Meeting, in accordance with 935 CMR 500, has occurred and that the meeting occurred within the neighborhood that the project will be located, when possible. *(As with all special permits, it is advised that that the petitioner meet with the appropriate neighborhood council and/or civic association for the area in which the site will be located. Information on those organizations can be obtained from the Office of Planning & Economic Development or online at: [www.springfield-ma.gov/planning/index.php?id=neighborhoodcouncils](http://www.springfield-ma.gov/planning/index.php?id=neighborhoodcouncils))*
- A notarized statement signed by the ADULT USE MARIJUANA ESTABLISHMENT organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Petitioner must disclose the identity of all such responsible individual persons;
- In addition to Site Plan Review Submission Requirements found in Section 12.3.40, plans must also detail all proposed security measures for the ADULT USE MARIJUANA ESTABLISHMENT including but not limited to lighting, fencing, cameras, alarms, etc., thus ensuring the safety of employees and patrons and to protect the premises from theft and/or other criminal activity. This plan should also include security measures for the transportation and/or delivery of marijuana and marijuana products.
- A detailed floor plan identifying the areas available and functional uses (including square footage).
- A detailed sign plan.
- The City Council may require a pedestrian/vehicular traffic impact study to establish the Adult Use Marijuana Establishment's impacts at peak demand times, including a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic along the public right of ways will not be unreasonably obstructed.

- ❑ An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative of odor control including maintenance of such controls.
- ❑ A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to an ADULT USE MARIJUANA ESTABLISHMENT or off-site direct delivery.
- ❑ Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the ADULT USE MARIJUANA ESTABLISHMENT'S:
  1. Operating procedures
  2. Marketing and advertising
  3. Waste disposal
  4. Transportation and delivery of marijuana or marijuana products
  5. Energy efficiency and conservation
  6. Security and alarms
  7. Decommissioning of the ADULT USE MARIJUANA ESTABLISHMENT

**(In addition to the issuance of the special permit, any and all Adult Use Marijuana Establishment(s) must also comply with all requirements outlined in Chapter 245 of the Revised Ordinances of the City of Springfield, 1986.)**

### **Section 3: City Council Findings:**

In addition to the Special Permit Review Standards/Findings outlined in Article 12, the City Council must also find all of the following:

1. That the ADULT USE MARIJUANA ESTABLISHMENT is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest; Requiring larger front, side or rear yards that meets the minimum standards required by Article 4 of the Zoning Ordinance;

2. That the ADULT USE MARIJUANA ESTABLISHMENT is consistent with and does not derogate from the purposes and intent of the Zoning Ordinance;
3. That the ADULT USE MARIJUANA ESTABLISHMENT demonstrates that it will meet or exceed all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;
4. That the Petitioner has satisfied all of the conditions and requirements of this Section and other applicable sections of the Zoning Ordinance;
5. That the ADULT USE MARIJUANA ESTABLISHMENT project meets a demonstrated need;
6. That the ADULT USE MARIJUANA ESTABLISHMENT facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of marijuana and marijuana products is adequately secured; and
7. That the ADULT USE MARIJUANA ESTABLISHMENT facility adequately addresses issues of traffic demand, circulation flow, parking and queuing (including pedestrian queuing), particularly at peak periods at the facility and any impact on neighboring uses.

## **Section 4: Relevant Details from Section 12.4 of the Zoning Ordinance\***

(\*PLEASE SEE ZONING ORDINANCE FOR COMPLETE DETAILS AND PROCESS)

### **CITY COUNCIL SPECIAL PERMIT REVIEW PROCESS AND TIMEFRAME (12.4.30)**

1. Application for a Special Permit shall be made to the Office of Planning and Economic Development on forms provided for that purpose, accompanied by the required fee of \$250.00. When the application has been received in a completed form as defined by the rules, a copy shall be forwarded to the City Clerk. **The stamp of the City Clerk shall designate the date of filing.**
2. The City Council shall hold a **public hearing within sixty-five (65) days** after the **application has been stamped by the City Clerk** as provided in M.G.L Chapter 40A. The

Office of Planning and Economic Development may revise its reports in response to comments made at the public hearing within fourteen (14) days of the close of the public hearing. The City Council may act in the absence of a report from the Office of Planning and Economic Development if no report is submitted within fourteen (14) days of the close of the public hearing.

3. In all cases **notice of public hearing** shall be given by the City Clerk by publication in a newspaper of general circulation in the city **once in each of two (2) successive weeks; the first publication to be not less than fourteen (14) days before the day of the hearing** and by posting such notice in a conspicuous place in City Hall, in the Office of Planning and Economic Development and on the City's website for a period of not less than fourteen (14) days before the day of such hearing.
4. The **City Council shall act within ninety (90) days following the public hearing**. Special Permits shall require a two-thirds (2/3) vote of the entire membership of the City Council to be approved.
5. Failure to take final action upon an application for a Special Permit within said ninety (90) days shall be deemed a grant of the permit as provided in M.G.L. Chapter 40A, Section 9.
6. Upon the granting of a Special Permit under this section, **a copy of the decision shall be issued to the owner or Petitioner** if other than the owner, certified by the City Council. **(NO SPECIAL PERMIT WILL BE ISSUED UNTIL ALL REQUIRED FEES HAVE BEEN PAID)** The City Council shall make a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reason for its decision and of its official actions, copies of all of which **shall be filed within fourteen days in the office of the City Clerk** and the Office of Planning and Economic Development.
7. The City Council's decision shall be deemed a public record, and notice of the decision shall be mailed forthwith to the Petitioner, to the parties in interest designated in M.G.L. Chapter 40A, Section 11, and to every person present at the hearing who requested that notice be sent and stated the address to which such notice was to be sent. Each such notice shall specify that appeals, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 17 and shall be filed within (20) days after the date of filing of such notice in the office of the City Clerk. No Special Permit shall take effect until a copy of the decision is recorded in the Hampden County Registry of Deeds. In order for such recording to

occur, the City Clerk must certify that twenty (20) days have elapsed and no appeal has been filed, or that if an appeal has been filed, that it has been dismissed or denied.

