

AACO Realty Corp
380 Dwight Street, #6
Holyoke, MA 01040

City Council
% Jeffery Anderson-Burgos
Administrative Assistant to the City Council
Holyoke City Hall
536 Dwight St, Room 10
Holyoke, MA 01040

19 October, 2022

Failure to enforce city ordinances - Continued complaint

Councilors:

Further to our letter of 27 July, 2022.

As you are aware, AACO Realty Corp owns and operates the building at 380 Dwight Street, Holyoke. Our previous letter brought to your attention our concerns regarding certain violations of local ordinances, special permit, and signage regulations by our tenant Holyoke 420 LLC. Regrettably, we have not received any further response from the City Administration in this regard.

Commissioner Cote's previous statements, regarding lack of enforcement resources, seem belied by recent promises made by Mayor Garcia of an enforcement drive to address blighted properties. While this sudden focus on enforcement is both admirable and necessary, it suggests that the resources to address AACO Realty Corp's concerns are readily available, but that, notwithstanding the clear guidance offered by the Ordinance Committee to Holyoke 420 LLC regarding these violations, the will to carry out this enforcement by the City Administration is lacking. This gives the appearance of selective enforcement and begs the question, why?.

In the meantime, Holyoke 420 LLC has enquired of us if we would be willing to sign an application for the amendment of its special permit. We have agreed to do so subject to certain minimal changes in the architectural plans that they wish to submit. Thus far, they have failed to fulfill this simple request. Importantly, Holyoke 420 LLCs self-acknowledged need to file an amendment clearly and unequivocally proves our contention that they are, indeed, in violation of their special permit. Holyoke 420 LLC's lack of urgency in resolving this, and other violations, is perhaps mirrored by the low priority that the City Building Commissioner and City Administration appear to have placed on these matters.

In conclusion, we would like to draw the City Council's attention to the following items;

1. Neither the City Building Commissioner nor the City Administration have made any effort, that we are aware of, to enforce the City Ordinances at the heart of this matter and cure these violations despite being aware of them for three (3) months.
2. AACO Realty Corp has not yet authorized Holyoke 420 LLC's amended special permit application pending compliance with our very reasonable requests.
3. We believe that Holyoke 420 LLC continues to violate multiple City signage ordinances.
4. Holyoke 420 LLC continues to conduct business operations in both the foyer space and the vault, both of which are outside the "designated square footage" stated in its special permit application.

5. Holyoke 420 LLC is required by the terms and conditions of its special permit to provide eight parking spaces for the use of its customers. Holyoke 420 LLC is currently only able to provide six spaces as one of its spaces is occupied by a dumpster, and the other by a delivery vehicle belonging to a delivery company with which they are associated.

It seems both bizarre and, frankly, baffling that, despite the clearest demonstration of a business operator's violations of the terms and conditions of its special permit and other City Ordinances, the City Administration remains unwilling to enforce its own laws except where it chooses to do so. We understood City Ordinances to be local laws that govern us all without favor or prejudice rather than a menu of options that may be applied selectively to achieve political or administrative goals.

Yours sincerely,

Mark Jarvis

President, AACO Realty Corp.