

**Joint Public Hearing Minutes  
City Council Ordinance Committee / Planning Board  
Zone Change – DR to BC, Greater Holyoke YMCA  
(meeting is being recorded)**

On Tuesday, October 28, 2014, the Holyoke Planning Board held a Joint Public Hearing with the Ordinance Committee of the City Council regarding a Zone Change Petition from DR (Downtown Residential) to BC (Downtown Business) for the land in Holyoke, Massachusetts identified by the City's Assessors as Map 005, Block 07, Parcel 004 also known as 399 Appleton Street. The meeting was held in the City Council Chambers, 536 Dwight Street, Holyoke, Massachusetts.

Attendance:

**Planning Board**

Mimi Panitch .....	Chairman
Christian LaChapelle.....	Vice-Chairman
Mark Joy.....	Secretary
Eileen Regan .....	Member
John Kelley.....	Member

**Planning Department**

Marcos Marrero.....	Director
Jeffrey Burkott .....	Principal Planner
Claire Ricker .....	Senior Planner
Sharon Konstantinidis.....	Head Clerk

**Ordinance Committee**

Gordon Alexander.....	Ward 7 Councilor
Linda Vacon.....	Ward 5 Councilor
David Bartley .....	At Large Councilor
Jennifer Chateauneuf .....	At Large Councilor

**City Council**

Joseph McGiverin.....	At Large Councilor
Gladys Lebron Martinez...	Ward 1 Councilor

**Others Present**

Kara Cunha.....	2 <sup>nd</sup> Asst City Solicitor	Jorge Neves .....	16 Labrie Lane
Kathy Veins .....	YMCA, Executive Director	Maggie Burgen .....	42 Clinton Avenue
Dan Delaney .....	Fuss & O'Neil Project Manager	Stephen Corrigan .....	183 Allyn Street
Kevin Redfern .....	160 Pine Street	Karen Betournay .....	749 Hampden Street
Dan Larrow .....	32 Dwight Street, Ludlow	Martin Dunn .....	89 Madison Avenue
Edward Owen .....	120 Front Street	Jay Breines .....	Holyoke Health Center
Steven Kravetz .....	9 Deer Run	John Hamson .....	160 Suffolk Street
Susan Van Pelt .....	246 Walnut Street	Lauren Cook .....	197 Pine Street
Daphne Board .....	162 Suffolk Street		
Steven Bosco .....	Arrow Properties, 430 Appleton St		

MIMI PANITCH, at 7:00 p.m., called for a motion to open the Public Hearing for the YMCA Zone Change. A motion was made by MARK JOY and seconded by JOHN KELLEY. The motion carried 5-0.

KATHY VEINS, CEO stated that the YMCA has been in existence for 127 years and continues to serve the greater community. Years ago, people used to live in the downtown and would walk to the YMCA; that is no longer the case. In 198, the YMCA expanded the building allowing their membership to grow substantially. In 2000 during the discussions to install a new pool, the stakeholders requested that the pool be installed downtown and not considered to be located at HCC. Two-million dollars were invested, the floor space was doubled, and membership increased. Today, most of the 4,500 members have to travel to the YMCA and parking continues to be a strain. The concern is for young mothers and senior citizens in the winter months trying to navigate the snow. The request for the zone change would allow for a parking lot.

DAN DELANEY explained the project provided as much parking as possible while creating an esthetically pleasing design. Proposed are 21 spaces, which meet the requirements and setbacks including 24 foot drive isles, a sustainable rain garden system, a robust landscaping plan which include flowering and street trees around the perimeter to match those located on Appleton and Pine Streets, and plantings for screening around the pre-school, and adequate lamp post style lighting. In addition, there may be a potential to stripe pavement games as a secondary use. The proposed entrance is located at the existing paved entrance.

COUNCILOR LISI asked what the parking lot material was composed of. DAN DELANEY responded that proposed was standard bituminous asphalt and depending on the bylaws surrounding the rain garden, there may be pervious pavement.

JOHN KELLEY asked if there would be additional handicapped parking spaces provided. DAN DELANEY replied that the additional 20 spaces may trigger an ADA requirement of an additional space.

EILEEN REGAN asked the hours of operation. KATHY VEINS replied Monday thru Friday, 5:30 a.m. to 9:30 p.m.; Saturday 7:00 a.m. to 5:00 p.m.; and Sunday 9:00 a.m. 3:00 p.m.

MARK JOY asked if a crosswalk was proposed across Pine Street. DAN DELANHEY replied that no additional crosswalk was proposed; there is a striped crosswalk at the corner of Pine and Appleton Streets.

MIMI PANITCH asked that since the YMCA purchased the property in 2011 solely for the purpose of creating a parking lot, why have they waited until now to pursue a zone change. KATHY VEINS replied that she did not realize that the YMCA could not obtain a Special Permit for the use, and that they had been trying to obtain the adjacent property (166-168 Pine Street) and recently learned it would not be acquired.

MIMI PANICH stated that she did not follow the logic. KATHY VEINS clarified that the YMCA had hoped to come before the City Council for a Zone Change for 399 and 166-168 Pine Street at the same time. Since renovations for 399 Pine Street would be in excess of \$50,000, the building had been demolished.

COUNCILOR BARTLEY asked if there had been a survey conducted to determine the neighborhood preference. KATHY VEINS replied that if one had been conducted she had not seen it.

COUNCILOR ALEXANDER asked if Downtown Business (BC) was the only zone that would allow for a parking lot without an associated structure. KATHY VEINS replied that a meeting was held with the Planning Staff to determine which zone would allow for a parking lot with no associated structure; it was determined to be the BC zone.

MARCOS MARRERO stated that the YMCA wanted to pursue a zone change to a zone that would allow for a commercial parking lot and at the same time not allow additional intrusive uses. He read the differences between the two zones.

COUNCILOR LISI noted that the uses allowed had the least impact and asked what other factors contributed to choosing the BC zone. JEFFREY BURKOTT replied that dimensional requirements were also a consideration.

COUNCILOR MCGIVERIN asked if it was practical to have a hotel or restaurant on the lot due to the dimensional requirements. MARCOS MARRERO replied that he was unsure of the smallest size of a hotel that could be built.

COUNCILOR LISI asked if anyone from the public wished to speak in favor to come forward.

KEVIN REDFERN stated that his family has owned the house at 160 Pine for over 110 years; the YMCA has always met with the neighbors to discuss proposed development; they are good neighbors; and they are fair to deal with. He stated that there are many months in the winter where on-street parking is limited to only one side of the street. He asked if there were a potential building on the site would there be a minimum parking requirement. MIMI PANITCH replied that the number of parking spaces is determined by the actual use on the property.

JORGE NEVES stated that he has been associated with the YMCA since 1976; "it was a life changing experience". Back then it was a safe place to walk to from your house. He understood the politics that surround the zone change, but did not feel that the YMCA was dishonest in stating their plan was for a parking lot.

MAGGIE BURGEM stated that the facts that support the zone change are:

- There are 4,500 members of which a vast majority drive to the site;
- There are 73 existing parking spaces;
- The YMCA brings more people to the downtown than any other organization; and
- Parking within the line of sight matters, especially for those with small children, Senior Citizens, and those that have perception issues.

The heartfelt reasons in support of the zone change are:

- The YMCA serves everyone;
- The YMCA makes all programming available to everyone;
- You see every segment of our community at the YMCA;
- The YMCA changes lives; and
- The YMCA implemented health and wellness programs.

The needs of a thoughtful reasonable request are worth supporting.

JAY BREINES stated that he has been in the downtown for 20 years and has seen many of the parking problems within the downtown. Currently there is a positive movement and momentum in the downtown. The YMCA is one of those gems that if the additional parking is

not allowed it will look like a poorly planned facility. He added that often times when he gives tours to newly hired doctors, it negates his selling point of easy access to services at the YMCA when there is no parking. Additional parking would be helpful for the YMCA as well as the downtown; it would address the perceived safety issues, and will improve the likelihood that health & wellness services would be used.

STEPHEN CORRIGAN, as a member of the Board of Directors, stated that he while learning about the YMCA's financial matters he began to understand its economic impact. They employ over 100 employees, staff continues to add additional programs, and they are continuously growing. He added that the YMCA did look into renovating the building; it would cost over a million dollars. He looked forward to having a parking lot across the street for the safety and growth of the Holyoke YMCA.

STEVEN KRAVETZ, owner of a long-term care facility, stated that he understands the challenges of the elderly having to walk such a distance to the entrance and how they do not feel safe parking on the street. The YMCA offers programming to help the elderly; the YMCA is an intricate part of the community.

KAREN BETOURNAY stated that she recently joined the YMCA and was impressed with the diversity of those that attend. The YMCA is not another gym, but a community. As a Holyoke resident she is not typically concerned about her surroundings. On the occasions when she attends the gym in the evening, she would leave if the lot is full and she had to walk a distance in dark. Elders may also feel the same way.

DAN LARROW stated that he too would not attend the YMCA if there were no room in the parking lot; it's not a perception of the area just a fact. That part of the downtown is just not safe enough for him to walk the streets after dark.

MARTIN DUNN as a member on Board of Directors stated that he was proud to be speaking on their behalf. He added that he had appeared before the Historic Commission and City Council relevant to tearing down the former building. The YMCA was not present as an adversary, but rather to serve the community and work together to revitalize the downtown as they are the corner stone of the redevelopment. The YMCA helps create a comfort zone where hopefully investors take notice. There has been, and continues to be, great plans for the revitalization of that area although the missing component is creating a comfort level for those coming to the area in support of the various businesses. The YMCA will play a critical role in the redevelopment; there is a widespread support throughout the community and region with the proposed expansion. MR DUNN stated that there was "no cynical action" done by the YMCA and they assertively refute the criticism regarding how the YMCA purchased the building and applied for the zone change. The YMCA is growing, hence the need for parking. The removal of the Farr Mansion was determined following a study and cost analysis; it was simply a business decision. The YMCA has been there for 140 years and has by now earned the City's trust. The City should trust the YMCA and collaboratively work with the community to build something; we should celebrate its growth.

EDWARD OWEN stated that he had just attended a Site Plan Review hearing with the Planning Board that addressed a parking issue. He noted that he believed that Holyoke has always had a parking issue and felt that if the YMCA wanted to improve the issue, why not support it. He suggested creating a replica of the former building and erecting a monument on the site.

COUNCILOR LISI asked if there was anyone from the public that wished to speak **against** to come forward.

OLIVIA MAUSEL stated that in addition to being a Holyoke resident, she was also a member of the Holyoke Historic Commission. The YMCA was approached by the City with the hopes that they could have a thoughtful consideration of what else the YMCA could do separate to tearing down the Farr mansion. She added that they had invited themselves to this meeting. The walk through revealed that the building was in need of repair, but not \$50,000 worth. As Kathy Veins stated, the YMCA had purchased the property to tear it down. She thanked Jay Brienes for his adaptive reuse of the Holyoke Health Center with its parking issues. She stated that there was no question that the YMCA provided wonderful services to the City and that the business is growing. The angst of many in the community is the manner in which the process was handled; it did not go through the proper channels. She hoped that the Ordinance Committee can plug the gap that the demolition of the building has created.

STEVE BOSCO stated that he lives part-time in the City as he owns 100 units of housing located near the YMCA. They are a good neighbor in many ways; however, many challenges surround this issue. The YMCA has not properly engaged the neighborhood. Although he attended a meeting to discuss options for the property, he did not feel that residents were being heard in a meaningful manner. Being a developer and familiar with the renovation of properties, he questioned the million dollar cost for renovations at the Farr Mansion and offered at his expense and liability to access the building and was denied; that was not acting in good faith. MR BOSCO did not agree that there was not enough parking, the neighborhood was not safe, and that the zoning map should be changed to suit the needs of one property owner. Many of their customers come from outside of Holyoke and that neighborhood. He acknowledged the positive contribution that the YMCA has to the City of Holyoke, but a parking lot was not a harmonious use of the land and that neighborhood.

DAPHNE BOARD, a resident and homeowner for over 10 years, stated that the proposed zone change is an example of "spot" zoning; there is no BC zoning in close proximity. She was worried that if YMCA acquired this new zoning, they could easily sell or develop the property into something not in keeping with the residential feel of the adjacent Pine and Appleton Street area. She stated that another parking lot was not what the citizens identified in the Holyoke Redevelopment Authority's Center City Vision Plan. A dense, urban, walkable downtown was what the residents wanted. MS BOARD stated that since the YMCA has a leveled and cleared the lot, asked why not expand their facility by building something within the guidelines of the existing zoning. Utilize the playground area outside the YMCA building as parking, and relocate the playground to the 399 Appleton Street site, thereby complying with all existing zoning regulations? The neighborhood has changed for the better since 2003 when the row houses were unoccupied. She wanted to keep the existing downtown a residential feel, and hopes that there can be a solution that works for both the YMCA and the neighbors.

JOHN HAMSON stated that the idea of the neighborhood being threatening is propaganda. One cannot walk in any neighborhood without the perception of "threats" being present. He understood why families may not want to go in certain areas but that walking 20 feet to the front door appeared like a racial issue. The YMCA is a business in the center of a residential neighborhood. He added that contrary to what the YMCA has claimed, there was opposition to the demolition of the former building with the 200 signatures; the demolition was done in a "sneaky manner".

SUSAN VAN PELT stated that approving the zone change would send the wrong message to property owners by rewarding bad behavior. Not everything the YMCA does for the City is good. The YMCA was asked to postpone the demolition of the building until following the zone change Public Hearing and they declined. They did not work with the neighbors to come up with a solution or contemplate a purchase offer. The purpose of zoning is to protect the neighborhood from negative impact. MS VAN PELT stated that the YMCA has lost customers not as a result of the parking situation, but a number of reasons. They are unwelcoming, have a negative attitude towards the neighborhood, do not have acceptable amenities, classes, or equipment, and the total cost to attend was too high. The Historic Commission, Redevelopment Authority, and the City Council meetings acted in good faith to save the mansion, the YMCA acted in bad faith and that should not be rewarded. MS VAN PELT requested clarity relative to the abutter notification process, the next steps for those that oppose the zone change, and requested that the Public Hearing be continued to allow others the opportunity to speak.

LAUREN COOK stated that approving the zone change was approving spot zoning. MS COOK requested that the Boards not just look at the next 100 years, but look at the next 200 years as a zone change has long lasting effects. She stated that she loves her neighborhood, walks at night, and has never had an issue; it is a diverse neighborhood. She chooses to live in Holyoke and in that neighborhood. Changing the zone would change the fabric of the neighborhood. MS COOK requested that the Public Hearing be continued to allow others the opportunity to be heard. She was one of the abutters that were not notified.

MIMI PANITCH stated that a continuation might be warranted as there were disputed issues, others that may want to speak that were not notified, and a need to review the information presented and determine if further information was needed.

COUNCILOR LISI noted that per the City Solicitor, the notification requirements were met and in the event of a continuation, there would be no further public notification. MIMI PANITCH replied that her concern was for those that did not know about the meeting. Separate from the legal requirements, to decide on what reflects the will of the community and not be perceived as "bulldozing", and give consideration to going above to reach those interested.

COUNCILOR VACON stated that she would support a continuance only to obtain information from the Planning Department relative to the implication of spot zoning by the abutters.

COUNCILOR ALEXANDER stated that he would support a continuance as he needed time to formulate any questions. He was not only concerned about the spot zoning, but how the zoning integrates with the Master Plan for the downtown.

EILEEN REGAN stated that she also would support a continuance as time was needed to process the information. She added that residents present noted that there were others who were not notified; those not present must have been made aware of the meeting to state that they were not notified.

COUNCILOR MCGIVERIN stated that to the question "*is this spot zoning?*" the answer is no. He pointed out that the debate is an important issue and he respects the residents sharing their viewpoints for consideration. He stated that the Council on Aging and the Holyoke Medical Center both has expanded their parking lots into residential neighborhoods without debate. The need for parking is a necessary evil while having positive impacts to a neighborhood and community at large. He felt that there was no need for a continuation based on spot zoning or proper public notification.

COUNCILOR BARTLEY asked who would provide the answer regarding spot zoning. MARCOS MARRERO replied that he would have to confer with the Law Department relative to the implications of one lot being one zone in an area that does not share the same zoning. The area contains the RO or DR zone; no abutting zone that contains downtown business. KARA CUNHA added that spot zoning, which

is illegal, is when one parcel that is singled out as a particular zone that does not match up with what is around. The implications are that it could be overturned.

COUNCILOR BARTLEY stated that he was regretful that no one had the foresight to obtain a legal "spot zoning" opinion prior to the hearing. He rejected the comments that there are factual disputes and the assertion of the Historical Commission. He had nothing in writing only their word. He opposed the continuance of the Public Hearing since we learned that it is a spot zone and the public has been notified. He added that he was sorry that the building was demolished and how the YMCA went about it, but the evidence presented has not persuaded him to oppose the zone change.

COUNCILOR VACON stated the purpose of the public hearing is to hear from the public and if appropriate questions are raised the Ordinance Committee was obligated to obtain answers. There were questions raised that have merit.

COUNCILOR MCGIVERIN stated that when the Office of Planning & Economic Development (OPED) met with the YMCA to discuss which zones would be best he assumed that the zone recommended was appropriate and not a spot zone. MARCOS MARRERO replied that OPED did not meet with the YMCA to recommend a zone, but rather to review the Zoning Ordinance as to which zone would have the least impact and allow a parking lot as a principal use.

COUNCILOR MCGIVERIN asked if OPED would inform the applicant that their desired zone was a spot zone. MARCOS MARRERO replied that they would not deter any applicant from exercising their right to petition for a zone change, they were made aware that the proposed zone was unique to the area.

The Planning Board and Ordinance Committee discussed a possible continuation date and time. COUNCILOR LISI clarified that the continuation was not due to any defect in the abutter notification or to allow those not present an opportunity to speak, but to obtain additional information relative to "spot zoning".

EILEEN REGAN stated that her questions have been answered and she was prepared to close on the Planning Board Public Hearing. MIMI PANITCH replied that she was not prepared to close the Public Hearing.

COUNCILOR LISI explained the process going forward in the event that the Planning Board closes their portion of the Hearing.

**ADJOURNMENT**

The Ordinance Committee voted 3-2 to continue the Public Hearing until December 23, 2014 at 6:30 p.m.

MIMI PANITCH called for a motion to continue the Public Hearing. The motion failed.

A motion to close the Public Hearing was made by JOHN KELLEY and seconded by EILEEN REGAN. The motion carried 3-2.

Mimi Panitch, Chairman	NO
Chris LaChapelle, Vice-Chairman	YES
Mark Joy, Secretary	NO
John Kelley, Member	YES
Eileen Regan, Member	YES

COUNCILOR LISI clarified that the Planning Board has 20 days to render a recommendation.

Respectfully submitted,  
  
Mark Joy, Secretary  
Holyoke Planning Board