Joint Public Hearing Minutes
City Council Ordinance Committee / Planning Board
Zone Change – Amend the Special Permit Application Process for Auto Related
(meeting is being recorded)

On Tuesday, February 10, 2015, the Holyoke Planning Board held a Joint Public Hearing with the Ordinance Committee of the City Council regarding revisiting the Zoning Ordinance to amend the Special Permit application process for auto-related uses. The meeting was held in the City Council Chambers, 536 Dwight Street, Holyoke, Massachusetts at 6:30 p.m.

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

Rebecca Lisi	At Large Councilor
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

Others Present

Kara Cunha.....	2nd Asst City Solicitor

MIMI PANITCH, at 6:40 p.m., called for a motion to reopen the Public Hearing for a Zone Change Amendment to re-craft the application process for Special Permits for auto-related uses. A motion was made by MARK JOY and seconded by CHRISTIAN LACHAPELLE. The motion carried 5-0.

COUNCILOR LISI stated that the intent of the Order filed was to amend the current application process as it was not effective and difficult for those involved. A meeting occurred with the Law Department, Planning Department, and City Clerk to identify the key issues and develop a better process. COUNCILOR LISI noted that the City Clerk, although invited, was not present.

JEFFREY BURKOTT stated that per Sections 7.2.13, 13a), and 13 (b) of the Zoning Ordinance, the Planning Department would be notified in writing from the City Clerk that an application had been submitted and would go before the City Council on a particular date to be referred to committee; a copy of which is forwarded from the City Clerk's to the Fire Department, Board of Health, and Building Commissioner for review. He stated that recently the various departments have been meeting with the applicants to refine the application submittal. A review letter is then submitted to the City Council Administrative Assistant to make available to the Ordinance Committee who then would schedule a Public Hearing.

COUNCILOR ALEXANDER asked if the applicant was made aware of the recommendation. JEFFREY BURKOTT responded that the Planning Department does respond to the applicant as we often do not receive the applicants contact information. MIMI PANITCH added that the Planning Department had an advisory role and was not the Special Permit granting authority.

COUNCILOR LISI stated that the application should be clear enough to allow the applicant the ability to submit a complete application.

COUNCILOR ALEXANDER concurred and noted that the current process was not serving the applicant; the process should be designed to obtain a yes and not rely on a review to identify the omitted information. In addition, the applicant was not made aware of the outcome of the meeting and many times surprised that their application was not complete. JEFFREY BURKOTT responded that often the Planning Department has met with the applicant several times and the end product is less then acceptable. Short of designing the applicants plan, there has to be a mechanism to obtain vital details such as the square footage of the lot in order to determine the numbers of cars that could fit on the lot.

JEFFREY BURKOTT stated that the protocol has been to provide the Ordinance Committee a recommendation through the Administrative Assistant to the City Council. MIMI PANITCH responded that in addition to the breakdown in communication, the process should be reviewed to determine the Ordinance Committee criteria needed regardless of how it has been done in the past.

MARCOS MARRERO agreed that the process could always improve and that the applicants should receive the recommendation letter prior to the Ordinance Committee meeting. However, after several meetings/phone calls, the applicants should not be surprised as to the contents of the recommendation letter as the details had been discussed numerous times. He added that there was no process to design a "yes" outcome when the applicant was unwilling to change the proposed plan to be compliant. Reluctantly the Planning Department could act as a gate-keeper for the City Council or accept that a certain percentage of applications that are poor and deny the request.

COUNCILOR ALEXANDER asked if the Ordinance dictated that the recommendation be provided to only the Ordinance Committee and not the applicant and, if so, would change to the Ordinance be helpful. JEFFREY BURKOTT replied that, in following the protocol, the recommendation letter has been submitted to the Ordinance Committee through the Administrative Assistant to the City Council; changing the Ordinance to include the applicant is not appropriate.

COUNCILOR ALEXANDER asked if providing the applicant with a copy of their parcel via the City's Property Viewer would provide useful. JEFFREY BURKOTT stated that the City's Property Viewer was not a scalable plan and would not provide a good representation of the property.

JOHN KELLEY stated that perhaps a solution would be to provide the applicant with resources, such as HCC, Chamber of Commerce, or SCORE to assist in providing a scalable plan and complete application. MARK JOY responded that in order to protect the public, the applicant, abutters, and future owners, an accurate representation of the square footage is required by a knowledgeable entity.

JEFFREY BURKOTT stated that the application form is currently being amended to include proper information such as property owner and contact information. COUNCILOR ALEXANDER responded that the amended document lies with the City Clerk.

COUNCILOR LISI stated that it was appropriate to be sure that the City Clerk would be present at the next Public Hearing and additionally invite a HCC and/or Chamber of Commerce representative to discuss their potential assistance. She added that she felt that abandoning the current Ordinance and redrafting a new Ordinance would optimize the process and be more productive.

MIMI PANITCH, at 7:08 p.m., called for motion to continue the Public Hearing until March 10, 2015 at 6:30 p.m. A motion was made by MARK JOY and seconded by JOHN KELLEY. The motion carried 5-0.

Respectfully submitted,

Mark Joy, Secretary
Holyoke Planning Board