

Joint Public Hearing Minutes
City Council Ordinance Committee / Planning Board
Zone Change – 200 Whiting Farms Road, BG to BH
Francis D. Lavelle
(meeting is being recorded)

On Tuesday, April 14, 2015, the Holyoke Planning Board held Joint Public Hearings with the Ordinance Committee of the City Council regarding a Zone Change Petition from BG (General Business) to BH (Highway Business) for the land in Holyoke, Massachusetts identified by the City’s Assessors as Map 169, Block 00, Parcel 010 also known as 200 Whiting Farms Road, submitted by Francis D. Lavelle. 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
John Kelley.....	Member
Eileen Regan	Member
Harry Montalvo	Associate

Planning Department

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

Ordinance Committee

Rebecca Lisi	At Large Councilor
Linda Vacon.....	Ward 5 Councilor
Gordon Alexander.....	Ward 7 Councilor
David Bartley	Ward 3 Councilor
Jennifer Chateaufneuf	At Large Councilor

City Council

Joseph McGiverin.....	At Large Councilor
Kevin Jourdain	At Large Councilor
Howard Greaney	At Large Councilor
Peter Tallman	At Large Councilor
James Leahy	At Large Councilor

Kara Cunha..... 2nd Ass’t City Solicitor

Others Present

James Lavelle	JP’S Restaurant
Terri Laramee	15 Gordon Drive
Susan Van Pelt	246 Walnut Street
Gayle Keith	6 Farnum Drive

MIMI PANITCH, at 8:06 p.m., called for a motion to open the Public Hearing for the above mentioned Zone Change Petition. A motion was made by JOHN KELLEY and seconded by EILEEN REGAN. The motion carried 5-0.

JAMES LAVELLE stated that he has held a used car license for over 10 years at that location and recently, when renewing his Business Certificate, he learned that he had been operating a non-conforming use and therefore the Building Commissioner would not provide the required signature to allow the license. MR LAVELLE added that he let his (4) four motor vehicle license lapse in 2011 and was now seeking a Zone Change to allow for a used car sales. He had been operating by word of mouth and would attend auctions to obtain cars for people he knew.

JOHN KELLEY questioned if the intent was to return to selling cars as he had done in the past. JAMES LAVELLE responded yes adding that there would be no signage.

REBECCA LISI, being very confused, asked Planning staff to comment.

JEFFREY BURKOTT noted that the Zone Change was to allow the use; in addition, a Special Permit for Auto Sales would be required through the City Council. He added that Zone Changes look at the highest and best use of the property.

COUNCILOR BARTLEY stated that he was currently unable to support the proposed Zone Change as he was unaware of the request and sought additional information. COUNCILOR LISI provided a synopsis.

COUNCILOR BARTLEY clarified that MR LAVELLE had inadvertently been operating a used car business in a BG Zoning District when it was not allowed by Zoning. JAMES LAVELLE responded yes adding that the former Building Commissioners had provided the signature required on the Building Certificate.

COUNCILOR BARTLEY asked if the Zoning Ordinance allowed for a way to sell cars in a BG Zone. JEFFREY BURKOTT responded that he was unaware of a way and noted that with a Zone Change to BH all the uses would be allowed.

JOHN KELLEY noted that if the Zone Change were adopted, similar to the Gary Rome Zone Change, it would also require a Special Permit and Used Car License.

COUNCILOR ALEXANDER stated that the Special Permit would address signage, and the License would limit the number of cars.

COUNCILOR VACON thanked the applicant for coming forward to "right the wrong".

MARK JOY stated that the abutting parcel on Tokeneke Road was zoned RM-20 and the property to the south and across the street was zoned R-1A.

CHRIS LACHAPPELLE questioned if the reason that MR LAVELLE was seeking a Zone Change had something to do with the proposed used car sales business down road. MR LAVELLE responded yes.

COUNCILOR LISI asked for those that wished to speak in favor of the BH Zone to come forward. No one was forthcoming.

COUNCILOR LISI asked for those that wished to speak against the BH Zone to come forward.

TERRY LARAMEE stated that the request for a Zone Change was only due to the upcoming project. Restaurants come and go, but the BH Zone will remain and allow additional uses. MS LARAMEE stated that the 4 additional used car spaces about a residential neighborhood and school; she did not want to live on a "Chicopee Memorial Drive".

SUSAN VAN PELT concurred with Ms Laramée's comments and reminded the Boards that a Zone Change is for the parcel and not the project or personality. She stated that allowing a bar to open up next to a school and neighborhood should not have occurred. This Zone Change is a step in the wrong direction; the survey results did not support such a use on Whiting Farms Road.

GAYLE KEITH stated that the reason a bar exists next to a school and several Building Commissioners signed off on a car dealership in a BG are the same. Once the zone is changed, the City Council cannot prohibit other uses that are allowed as of right. She noted that because of the recent Zone Change approval up the road, unfortunately this Zone Change should pass to be fair. MS KEITH added that a favorable Zone Change will be the beginning of the end for their neighborhood; this threatens their lives, homes, and neighborhood.

JOHN KELLEY noted that the major change would be to allow auto sales which would be regulated by a Special Permit of the City Council. The additional uses allowed by right (arcade, amusement park, wholesale where house, or self storage) would not fit on the parcel.

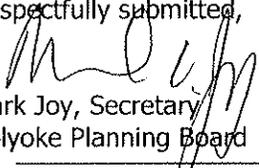
COUNCILOR LISI noted that an Order was recently filed to amend the dimensional requirements which would minimize to potential for large developments.

MARCOS MARRERO stated that in Zoning, the scale (size) of a parcel matters; 28 acres versus one acre contributes to the interpretation if a parcel is a spot zone.

Adjournment

MIMI PANITCH at 8:30 p.m. called for motion to close the Public Hearings. A motion was made by MARK JOY and seconded by EILEEN REGAN. The motion carried 5-0.

Respectfully submitted,


Mark Joy, Secretary
Holyoke Planning Board