

**Joint Public Hearing Minutes
City Council Ordinance Committee / Planning Board
Zone Change – Whiting Farms Road 18-Acre Parcel
BG to BH – Gary Rome
BG to RM-20 – Helen Norris
(meeting is being recorded)**

On Tuesday, April 14, 2015, the Holyoke Planning Board held Joint Public Hearings (continued from 3/31/15) with the Ordinance Committee of the City Council to run concurrently regarding a Zone Change Petition from BG (General Business) to BH (Highway Business) and BG (General Business) to RM-20 (Multi-Family Residence, 20 units per acre) or the parcel known as Whiting Farms Road 18-acre Parcel. 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

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

Others Present

Thomas Wilson, Atty 18 Carlton Street
Susan Van Pelt 246 Walnut Street
Chris Sugrue 1 Parkview Terrace
Mary Lou Comtois 55 Farnum Drive
Telesha Williams Longmeadow, MA

Planning Department

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

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

Others Present

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

Gayle Keith 6 Farnum Drive
Terri Laramee 15 Gordon Drive
Helen Norris 2090 Northampton Street
Jim Lavelle HG&E & 54 Pleasant Street

MIMI PANITCH, at 6:45 p.m., called for a motion to open the Public Hearings for the above mentioned Zone Change Petitions. A motion was made by JOHN KELLEY and seconded by EILEEN REGAN. The motion carried 5-0.

COUNCILOR LISI noted for the record that a communication was received from Ferriter & Ferriter, legal council for the Holyoke G&E, in opposition to the proposed RM-20 Zoning district. The protest letter triggers the requirement of an affirmative vote to a super majority (12 Councilors).

A legal opinion was sought relative to the ability to submit additional supportive information in favor of or opposed to the Planning Board's recommendation after the Public Hearing has closed. ATTORNEY CUNHA clarified that new information can not be received once the Public Hearing is closed; supportive information accompanying the opinion was a separate issue.

ATTORNEY WILSON provided a brief overview for the proposed Zone Change request and plan for the property. (see 3/31/15 minutes).

HELEN NORRIS stated that during a previous Zone Change request from BG to IP, it was determined that BG was not a compatible use or harmonious to the neighborhood and ask that the request was denied. In working with the Planning Department to discuss the best use for the parcel, a survey was distributed which showed that the best fit would be the RM-20

Zone as it abuts an RM-20 Zone; allows for a Planned Unit Development (PUD); and it was the desire of the residents. MS NORRIS added that the zoning laws were intended to "promote the health, safety, and welfare of the community at large" rather than improve the economic welfare of an individual property owner. A zone change to BH would allow more intrusive uses and devastate real-estate values; the RM-20 Zone would allow for mixed use which is compatible with the City and the taxpayers.

COUNCILOR LISI asked for input from the Planning Department. MARCOS MARRERO stated that he would be happy to share the Planning Department's thought and clarified that it was the role of the Planning Board to provide a recommendation to the City Council Ordinance Committee for the highest and best use for the parcel. The Planning Department staff had met with both parties and, as with all potential applicants, obligated to assist in meeting their goal; not support either Zone Change or identify the highest and best use for the parcel. During the rezoning of the parcel to IP, the idea whether or not the parcel should remain BG gave way to the City-wide study and residential survey.

MARCOS MARRERO stated that the RM-20 Zoning district was consistent with the green and buffering preferences although housing was a low priority. This zone would shift away from the historical business use but allow for mixed use through the PUD, which has never been used from its inception in 1970; the PUD would need to be reviewed.

MARCOS MARRERO stated that the current BG Zone or the proposed BH Zone would allow for residential and commercial use. The major difference between the Zones was the ability for motor vehicle repair and sales; both would require a Special Permit from the City Council where conditions can be imposed. The survey results did show that air and water quality are a high priority. The one consistent requirement with other large businesses along Whiting Farms Road is the inclusion of a landscape buffer with trees.

MARCOS MARRERO explained that the other residential concerns mentioned were the objection to the "big box" businesses and the potential for an increase in traffic. The BH Zone could be modified to provide protection from such developments in the neighborhood. He added that one of the proponents has mentioned subdividing the parcel.

ATTORNEY WILSON noted that the parcel will not be subdivided; there is the potential for a second car dealership to exist on the site.

COUNCILOR ALEXANDER asked if either of the proposed Zones were incompatible with the existing Planning Department framework. MARCOS MARRERO replied no.

COUNCILOR ALEXANDER asked if either of the proposed zones were in harmonious or detrimental in "promoting the health, safety, and welfare of the community at large". MARCOS MARRERO responded that there are ways to accomplish the goals of either zones; the RM-20 is more restrictive, a lengthier process to reach the goal, and currently has no proposal.

MARCOS MARRERO reviewed the development and intent of the City-wide survey at the request of COUNCILOR BARTLEY noting that the survey reached over 750 residents of which 500 survey's were completed.

COUNCILOR MCGIVERIN asked what the maximum build out could potentially be if zoned RM-20. MARCOS MARRERO responded that it could potentially be developed similarly to that of the Tokeneke Development. JOHN KELLEY added that the Zone would also allow for single-family homes or a "Devonshire" type development.

COUNCILOR LEAHY stated there was a concern with the RM-20 Zone due to the density and potential for an increase in traffic.

EILEEN REGAN stated that any high density development would place a strain on the City's infrastructure, School, Fire & Police Departments.

COUNCILOR GREANEY stated there was currently no proposal for a residential development but there was for a business by a person who has displayed high character and community involvement. COUNCILOR LISI responded that a Zone Change looks at the potential uses for the property and not a specific proposal.

MARK JOY noted the additional uses that would be allowed as of right in the BH Zoning district (auto-body shop, amusement park, a ware house, self storage, and restaurants) and the RM-20 Zoning district (nursing home, hospital, rehab clinic); all other additional uses would require a Special Permit.

COUNCILOR LISI asked for those that wished to speak in favor of the RM-20 Zone to come forward. MIMI PANITCH reminded the public that character testimony was not necessary and requested that remarks be specific to the changes in the uses allowed. SUSAN VAN PELT spoke in favor of the Zone Change noting that Zone Changes are not for plans, projects, or personalities. She understood that the City of Holyoke was desperate to grow the tax base, but what appears to be easy was not always best for a community as a whole. She added that government should be in service to long-term vision and broad interests as reflected in the community-wide survey and best represented in the Holyoke First application. MS VAN PELT stated that it was unfortunate that the zone was previously changed for a project that did not materialize and so in moving forward the City should zone and define projects in accordance to the wishes of the survey. She wished there had been a greater urgency to address the million square feet of vacant space and unused Brownfield locations to help build the tax base.

GAYLE KEITH stated, in reference to the Ferriter & Ferriter protest document, the applicant writes (Grounds for Protest #I) that it would set a bad precedent to change the Zone from the current BG Zone to RM-20 just after 6 years: the same should hold true for a Zone Change to BH. She did not believe that the Zone Change vote to from IP to BG was a unanimous vote; 4 Councilors voted against it. To claim that the proponents of the RM-20 Zone are misunderstanding the facts is condescending, and lack of providing "a valid reason" is up for interpretation (#II). MS KEITH added that the Zone Change request was not a method to stop the development or reverse spot zoning (#III) as they have been active in addressing the zoning of the parcel. In addition, their Zone Change application was submitted well in advance of Gary Rome's petition in an effort to improve their lives, harmonize the neighborhood, and create a transition between the businesses and the residents. She questioned the compensation to the ratepayers if the RM-20 Zone is adopted (#IV), and the classification of the HG&E as a business or City Department with either shareholders or rate-payers. If the HG&E has rate payers then everyone on Whiting Farms Road is a rate payer; if they are a City Department then they should have a responsibility towards the citizens. COUNCILOR LISI responded that the HG&E serves the ratepayers and not the citizens of Holyoke.

COUNCILOR LISI asked for those that wished to speak in favor of the BH Zone that did not speak at the last Public Hearing to come forward.

CHRIS SUGRUE spoke in favor of the Zone Change noting that the growth of business was vital to the long time financial success of the City. As a member on the Conservation Commission, he has learned that an open field has the same rain water runoff absorption as pavement does. Gary Rome has already taken the flooded basement of the adjacent abutters into consideration.

MARY LOU COMTOIS spoke in favor of the Zone Change noting that as one of the poorest cities in the State, Holyoke needed the revenue.

TELESHA WILLIAMS spoke in favor of the opportunity Gary Rome has given her between employment, participation in Leadership Holyoke and the Chamber of Commerce.

GARY ROME stated that he appreciated all the kind words but wanted approval for the Zone Change request not because he is a nice guy, but because it is good for Holyoke; he would like to be the catalyst and engine to grow Holyoke together.

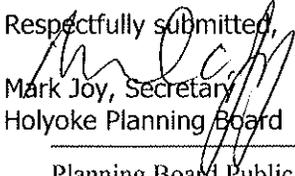
HELEN NORRIS questioned the ability to provide a response to the petition letter once the Public Hearing is closed. ATTORNEY CUNHA replied that the petition letter with only a signature and a reason (whether or not accurate) triggers a $\frac{3}{4}$ super majority vote of the City Council and a response would have no bearing. COUNCILOR LISI added that a correspondence letter can be submitted to the full City Council; the petition letter only serves as the mechanism to trigger the super majority vote.

The Planning Board and Ordinance Committee discussed the impact of the Ferriter & Ferriter petition letter and whether or not a legal document outlining the history of the parcel in the open forum would be beneficial as this was a controversial Zone Change. According to the letter, there could be a potential for legal action if the RM-20 Zone Change were to be adopted. COUNCILOR VACON suggested submitting the parcel history and subsequent information with the Planning Board recommendation.

Adjournment

MIMI PANITCH at 8:05 p.m. called for motion to close the Public Hearings. A motion was made by EILEEN REGAN and seconded by MARK JOY. The motion carried 5-0.

Respectfully submitted,


Mark Joy, Secretary
Holyoke Planning Board