

Planning Board Meeting
(meeting is being recorded)

On Tuesday, April 28, 2015 the Holyoke Planning Board held a Public Meeting in the 4th Floor Conference Room, City Hall Annex, Holyoke City Hall, Holyoke, MA 01040 at 6:00 p.m.

Attendance:

Planning Board

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

Planning Staff

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

Others Present

Jerome Hobert	47 Pynchon Road	Chris Sugrue	1 Parkview Terrace
Tim Ferreira	Gary Rome Hyundai	John Furman	Vanesse Hangen Brustlin (VHB)
Gay Rome	Gary Rome Hyundai		
Patrick Eulberg	6200 Oak Tree Blvd. Ste 250, Independence, OH 44131		
Thomas Wilson	Dunn & Wilson, 98 Lower Westfield Road		

OPEN

At 6:00 p.m., MIMI PANITCH called for a motion to open the Planning Board meeting. A motion was made by EILEEN REGAN and seconded by MARK JOY. The motion carried 5-0.

MIMI PANITCH stated that to accommodate those present, the agenda would be taken out of order. She explained that the intent was for the Planning Board to discuss the Zone Change petitions in order to render a recommendation to the Ordinance Committee; there was no opportunity for public comment.

ZONE CHANGE/ SITE PLAN REVIEW/ SUBDIVISION /SPECIAL PERMIT

3. Zone Change BG to RM20 – Whiting Farms Road 18-Acre Parcel, Helen Norris

JOHN KELLEY stated that he recommended the Zone Change be denied as there was very little public support from BG to RM-20 and that the parcel had been a business zone for years. The proponents have submitted zone change requests over the past several years for various zones, some of which were business zones. A dense housing development would tax the Whiting Farms Road traffic.

EILEEN REGAN stated she recommended that the Zone Change be denied based on the increase in traffic from a high end residential development and the strain it would cause on the City’s current Infrastructure and school system; it was not the highest and best use of the property.

MIMI PANITCH stated that she recognized that out of the survey it became clear that the BG was not the right zone; BH was a preferred zone for one of the applicants because of its highway component. She was not in favor of the RM-20 zone and felt that the zone should not remain BG. JOHN KELLEY responded that the BG, BH, and RM-20 zones all allow for multifamily dwellings. The RM-20 zone was too restrictive for mixed use.

MARK JOY stated that the uses that would be allowed as of right in the RM-20 zone would be a rehabilitation center, a hospital, or nursing home, of which the City would not have oversight through the Special Permit process. Because of the high density uses that would be allowed as of right, he was not in favor of the Zone Change.

CHRIS LACHAPELLE clarified that a multi-family development could have been built all along and there has been no interest. MIMI PANITCH responded that was the reason for changing the zone from BG and reexamining what would be the most appropriate zone to eliminate the potential for a large development.

A motion was made EILEEN REGAN and seconded by MARK JOY to Deny the Zone Change Petition from BG to RM-20 submitted by Helen Norris for the property known as Whiting Farms Road/18-acre parcel. The motion carried.

4. Zone Change BG to BH – Whiting Farms Road 18-Acre Parcel, Gary Rome

MARK JOY stated that the BG was not an appropriate zone in comparison to the BH which allowed for a wider range of uses. Additional uses as of right would be an arcade, amusement park, warehouse or self storage, or restaurant.

JOHN KELLEY stated that there was significant public support by the City. He noted that motor vehicle uses would also be allowed but through the Special Permit process, giving the City oversight. He was in favor of the Zone Change as BG was not the best use for the parcel.

MIMI PANICH stated that she was in support of the Zone Change and recommended that advice to the City Council be attached.

A motion was made JOHN KELLEY and seconded EILEEN REGAN by to Approve the Zone Change Petition from BG to BH submitted by Gary Rome for the property known as Whiting Farms Road/18-acre parcel. The motion carried.

5. Zone Change BG to BH – 200 Whiting Farms Road, Francis Lavelle (Mimi Panitch recued herself)

JOHN KELLEY noted that for years Mr. Lavelle had been allowed to sell cars through permission given by the former Building Commissioners although not allowed in that zone. Not granting the Zone Change would penalize the small business owner. The City Councilor would have oversight through the Special Permit process. The proposal was for up to four (4) vehicles and no signage on the building. There had been no past issues at that sight as car sales was by word of mouth.

MARK JOY asked why the use for motor vehicle sales did not hold a pre-existing non-conforming use status. JEFFREY BURKOTT responded that the applicant had let the used car license lapse when he was not able to renew his Business Certificate. He added that the question to ask was if the Zone Change to BH was the highest and best use for the parcel. MARCOS MARRERO added that in this case, the pre-existing non-conforming status would not apply as the motor vehicle use was never conforming.

EILEEN REGAN noted that the current petition was for a Zone Change for the parcel and not the intended use of the property; is the BH zoning the best use of the parcel.

MARK JOY noting that the parcel was small stated that the BH zone would allow as of right an arcade, amusement park, warehouse or self storage, or restaurant. EILEEN REGAN responded that if the zone were changed what would prohibit an arcade from existing in the restaurant.

The Board discussed the differences between the existing uses, the proposed uses, and the particulars of assuring the City would be protected from an overgrown, unsightly used car lot.

JOHN KELLEY noted that the existing used car business has no signage and therefore a "hidden secret".

CHRIS LACHAPELLE noted that the applicant had agreed the only reason he was seeking this Zone Change was as a result of the proposed business down the road and questioned if it would remain "a hidden secret" and no signage once allowed as of right.

MARCOS MARRERO cautioned the Board about focusing on the particulars of one use and one owner and, similar to the 18-acre parcel Zone Change, suggested they identify the criteria such as is the Zone Change a benefit to the public. EILEEN REGAN replied that there was no public benefit as the zone change would only serve one person.

MARK JOY asked if the Zone Change was considered a spot zone. EILEEN REGAN replied yes. MARCOS MARRERO added that it was a small parcel and not surrounded by business zones. MARK JOY noted that it was currently a spot zone.

MARK JOY called for a vote to determine the position of the Board and made a motion to recommend to the Ordinance Committee of the City Council approval of the Zone Change. The motion was seconded by JOHN KELLEY. The vote was 2 in favor, 2 against, 1 abstention.

The Board deliberated a way to statutorily assure that their desire to limit the number of vehicles allowed and have no signage would be imposed with a favorable Zone Change.

JEFFREY BURKOTT replied that although the Special Permit could impose conditions, the City Council could only restrict up to the maximum number of cars allowed and the License Board would determine the number of cars allowed.

MARK JOY stated that he would be in favor of submitting a split vote as he was not comfortable approving a Zone Change with the hopes that a Special Permit may or may not address their concerns.

JOHN KELLEY noted that in the event that JP's Restaurant became a used car lot, he did not feel that would be a detriment as it would generate less traffic than what was there now. CHRIS LACHAPELLE added that the hours would also be far less. JEFFREY BURKOTT noted that allowing motor vehicle use could also allow for motor vehicle repair and car wash.

CHRIS LACHAPELLE asked what the repercussions would be of recommending the approval of the Zone Change up the road and not the current one. MARK JOY responded that the significant difference is the parcel size. MARCOS MARRERO added that legal repercussions of favoring one Zone Change over the other are that the proponents would have to prove that the parties were treated unfairly.

Based on further discussion, CHRIS LACHAPELLE called for a motion to reconsider the vote. A motion was made by MARK JOY and seconded by JOHN KELLEY. The motion carried 4-0 (Mimi Panitch abstained).

A motion was made by CHRIS LACHAPELLE and seconded by MARK JOY to recommend to the Ordinance Committee of the City Council approval of the Zone Change Petition from BG to BH submitted by Gary Rome for the property known as Whiting Farms Road/18-acre parcel. The vote carried 3-1 (EILEEN REGAN opposed, MIMI PANICH abstained).

RECESS

At 6:53 p.m., MIMI PANITCH called for a motion to recess the Planning Board meeting for the purpose of opening up the Public Hearing regarding Holyoke Hotel Restaurant1/Applebee's Site Plan Review. A motion was made by MARK JOY and seconded by EILEEN REGAN. The motion carried.

RESUME

At 7:26 p.m., MIMI PANITCH called for a motion to reopen the Planning Board meeting. A motion was made by JOHN KELLEY and seconded by MARK JOY. The motion carried 5-0.

1. Site Plan Review – Holyoke Hotel Restaurant1/Applebee's, 245 Whiting Farms Road

The Board reviewed the draft Notice of Decision with Conditions.

A motion to approve the draft Notice of Decision with Conditions as amended was made by EILEEN REGAN and seconded by CHRIS LACHAPELLE. The motion carried.

2. Site Plan Review Amendment (File#92) – U.S. Tsubaki, 821 Main Street

The Board reviewed the approved Notice of Decision.

MIMI PANITCH noted that the Planning Department was not holding up the process for the Applicant to obtain a Certificate of Occupancy as several Building Department requirements had not been addressed. A letter was submitted to U.S. Tsubaki by the Building Commissioner stating that a cease and desist order would be filed if the outstanding conditions were not met; the addition was not built according to the submitted plans nor State building code.

The amendments to the Site Plan Review are additional pavement at the south end of the lot; the addition of bollards; the repositioning of the large doors (n/s); relocation of the fire hydrant and the installation of an additional hydrant; the 5 exterior large air handler units (3 on the west side and 2 on the east side); and the addition of a sprinkler building and a water heater building located on the south side.

The Board reviewed the Draft Notice of Decision with Conditions. JEFFREY BURKOTT noted that the conditions provided safeguards relative to acquiring and/or mitigating the sound decibel levels in relation to the neighborhood.

A motion was made by MARK JOY and seconded by JOHN KELLEY to approve the Notice of Decision as amended. The motion carried in favor.

PLANNING BOARD BUSINESS

A) Project Updates/Old Business/New Business

Marcotte Ford – The groundbreaking was expected the 2nd week of May. JEFFREY BURKOTT noted that the plans now include concrete sidewalks.

Depot Square – The rail platform was 37% complete.

B) Meeting Schedule

The next Planning Board meetings scheduled were:

May 12, 2015 – Zone Change Continuations: Parking Areas and Vehicle Types, and Auto-Related Use Sections, amend the Special Permit process, Create Shopping Center for Large Scale Districts

May 26, 2015 remained open.

C) Minutes

A motion was made by EILEEN REGAN and seconded by JOHN KELLEY to approve the March 24, 2015 Public Hearing (SPR for Pride & Holyoke Hotel Rest 2) and Planning Board meeting minutes, and the March 31, 2015 Public Hearing (Regulate parking areas and types) and Planning Board meeting minutes as submitted. The motion carried.

D) Other Business

There was no other business to come before the Board.

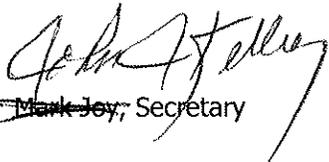
E) Correspondence

There was no correspondence to come before the Board.

Adjournment

There being no further business to come before the Planning Board, MIMI PANITCH, at 7:46 p.m., called for a motion to close the Planning Board Meeting. A motion was made by CHRIS LACHAPELLE and seconded by EILEEN REGAN. The motion carried 5-0.

Respectfully submitted,



~~Mark Joy~~, Secretary