

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

On Tuesday, May 12, 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
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
Gordon Alexander.....	Ward 7 Councilor
Linda Vacon.....	Ward 5 Councilor
David Bartley	At Large Councilor
Jennifer Chateaufneuf	At Large Councilor

City Council

Joseph McGiverin.....	At Large Councilor
-----------------------	--------------------

Others Present

Kara Cunha.....	2 nd Assistant City Solicitor
-----------------	--

MIMI PANITCH, at 7:42 p.m., called for a motion to reopen the Public Hearing (continued from March 10, 2015) for the above mentioned Zone Change Amendment. A motion was made by MARK JOY and seconded by EILEEN REGAN. The motion carried 5-0.

COUNCILOR LISI explained that a sub-group meeting occurred with JEFFREY BURKOTT, MIMI PANITCH and herself to review the current application. Amendments were made with consideration given to becoming in line with the Zoning Ordinance and understandable to the people.

JEFFREY BURKOTT stated that the document was reviewed by the Law Department, the Building Commissioner, and comments taken into consideration.

COUNCILOR ALEXANDER thanked JEFFREY BURKOTT for the amendments to the document recognizing the level of work involved. He asked the following process questions:

- 1 – Was it possible to combine the fees collected?
- 2 – Under #3. Procedures (d), is the “applicant” really responsible for scheduling a Public Hearing. COUNCILOR LISI stated that it reads that the applicant could “move forward” implying a Public Hearing will be scheduled. KARA CUNHA agreed, noting that the Applicant would be notified by the Administrative Assistant to the City Council of the Hearing date, and from the Newspaper as to the cost of the ad.
- 3 – Who determined if the Application is considered complete or completed? After a discussion relative to the incomplete or completed application to be submitted and the statutory requirements, COUNCILOR ALEXANDER suggested that under #3. Procedures (e), amend to read “The application will be:” and amend #3. Procedures (f). Further review with the Law Department was needed.

MARK JOY asked if the statutory clock started with the submission of the document or acceptance by the City Clerk’s office. JEFFREY BURKOTT responded that statutorily it was the City Clerk’s Office that certifies that a document is completed. COUNCILOR ALEXANDER noted that the Clerk’s Office has stated that they do not want the responsibility of determining if the requirements of the application were included, making the application complete.

JEFFREY BURKOT stated that there is a fine line between being business-friendly and business-sensible. The owner/applicant has to take some responsibility on filling out the application and the Clerk’s office is responsible for

accepting and reviewing for minimal completeness. MARK JOY responded that identifying that the required items listed on a checklist would be an easy solution in determining a "complete" submittal.

4 – Under 4. Notice and Advertising Requirements (b), change "Republican" to "paper of general circulation". COUNCILOR VACON asked if there could be a joint Public Hearing process with the License Board to expedite the process. COUNCILOR LISI responded that it would not work as the License Board may require different submittal information all together.

COUNCILOR BARTLEY provided amendments to the draft document. (noted in red on the draft document titled Application_Instructions_Repair-JB2)

EILEEN REGAN noted that it appears that from the date of the application, obtaining a Special Permit from the City Council could take 186 days (not including the License Board timeframe) which appeared to be unacceptable. JEFFREY BURKOTT responded that technically the City could eliminate the Special Permit process altogether and rely on the License Board to review the criteria. COUNCILOR ALEXANDER added that perhaps there should be a review of the License Board criteria and consideration given to Mr. Burkott's suggestion as obtaining a permit and license seemed redundant.

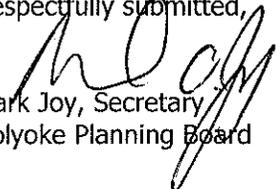
MIMI PANITCH agreed with Councilor Alexander and stated that there should be only a few kinds of businesses that are subject to a Special Permit; to allow the use either an important use to the Community or a noxious use to the residents.

COUNCILOR LISI asked if the amendments to the application resolve the problems that were previously identified. COUNCILOR VACON responded that there was enough detail provided by the Planning Staff and to move forward and put the document into practice. In addition, the Planning Staff should work with the License Board to address the potential to move parallel in the process. JEFFREY BURKOTT added that the License Board waits upon the City Council to approve (or not) the use before they can move forward.

COUNCILOR LISI noted that since there were no changes to the Zoning Ordinance there was no opportunity for public comment. She asked if there was a need to amend any part of the Ordinance. JEFFREY BURKOTT responded that the hurdles will always be acquiring a "scalable" plan and a "complete" application.

JEFFREY BURKOTT asked if the City Clerk needed to approve the revisions to the City Clerk's application that she would distribute to the public. COUNCILOR LISI responded that the City Clerk has indicated this was not within her purview.

MIMI PANITCH at 8:27 p.m. called for motion to close the Public Hearing. 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