

Joint Public Hearing Minutes
City Council Ordinance Committee / Planning Board
Zone Change –Parking as a Principal Use by Special Permit in the Downtown Zones
(meeting is being recorded)

On Tuesday, June 9, 2015, the Holyoke Planning Board continued the Joint Public Hearing (4/14/2015; 5/12/15; 5/26/15) with the Ordinance Committee of the City Council regarding parking as a principal use in the downtown zones. 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
Eileen Regan	Member
John Kelley.....	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
David Bartley	At Large Councilor
Jennifer Chateaufneuf	At Large Councilor

City Council

Joseph McGiverin.....	At Large Councilor
Jossie Valentin	Ward 4 Councilor

Others Present

Kara Cunha.....	2 nd Assistant City Solicitor
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MIMI PANITCH, at 6:35 p.m., called for a motion to open the Public Hearing for the above mentioned zone change amendment. A motion was made by JOHN KELLEY and seconded by CHRIS LACHAPELLE. The motion carried 4-0.

COUNCILOR LISI stated that there has recently been a shortage of downtown parking spaces as redevelopment continues. Since the last Hearing, the Planning Department has put together a draft for discussion.

MARCOS MARRERO stated that although a working group had been formed to create the Ordinance, they were not able to meet due to scheduling issues. Planning Staff has submitted a draft which was a collection of comments expressed, language drafted by the Law Department, parking recommendations by the Pioneer Valley Planning Commission and language from the current Site Plan Review and Special Permits. The Planning Board reviewed the draft at the May 26, 2015 Planning Board meeting.

MARCOS MARRERO provided the timeline of events from when the Order was filed to the present meeting. In reference to the draft Ordinance dated "J. Burkott 6/1/15", he stated that the draft Ordinance included details with the intent to protect the public (Access, buffering, stormwater, and traffic), and to set design criteria, outline required documents, and review and approval procedures.

JOHN KELLEY asked if trash and snow removal had been taken into consideration. In addition, he did not see the need for Section 6.1.7.4 Contents #8 as a review of the Special Permit is required by the Historic Commission (6.1.7.9). MIMI PANITCH concurred.

MARCOS MARRERO stated that the intent of #8 was to try to protect the public relieve to historic resources; the 12 month period would not affect any pending potential applicants, including the YMCA project (see ZC 2014-4). He added that the Ordinance would create an avenue for institutions, businesses, or residential developers to provide a parking plan as an amenity. Recognizing that there may be a need for a building to be torn down, #8 would protect the idea of purchasing of a property for the sole purpose of tearing down a building for a parking lot by requiring a review by the Historic Commission.

JEFFREY BURKOTT stated that snow removal criteria would be added and he would review if there was a need for a trash receptacle.

COUNCILOR VACON stated that it appeared like a catch 22 for the building owner in the event conflicting reports are submitted as to the historic significance of a building. She understood that if property owner demolished his building before the Historic Commission identifies its value, then a 12 month waiting period had to occur. MARCOS MARRERO replied that the goal would be for the Historic Commission to give consideration to the past 12 months when assessing the building as part of their departmental review.

COUNCILOR VACON questioned if a potential developer would be provided a listing of historic buildings. MARCOS MARRERO replied that the City Council just approved a grant to determine which buildings are of historic significance as the current list is outdated. COUNCILOR VACON added that until a list became available she was in agreement to remove #8.

COUNCILOR LISI stated that #8 appeared to be a policy that the Historic Commission should implement. Perhaps it should include that a Letter of Determination by the Historic Commission be submitted to the Planning Board and then build the Historic Commission criteria as to what that letter should include.

COUNCILOR MCGIVERIN asked for the logic on reapplying yearly. MARCOS MARRERO replied that the intent was to assure that the standards, i.e. approved tree plantings, buffering, and lighting, have been met.

COUNCILOR MCGIVERIN stated that the two reasons for this type of Special Permit would be to create a stand alone parking lot or to allow a business parking on a lot not adjacent to the property. The City has many statutes within the building codes and zoning that address issues of landscaping, stormwater, snow removal, and trash and therefore does not need to be listed in a document to request parking.

COUNCILOR MCGIVERIN stated that he was not in favor of the applicant having to reapply yearly. The investment of a parking lot was a substantial investment for only one year if the Special Permit were not reissued.

MARCOS MARRERO replied that the 1 year was the City's safeguard to hold the applicant accountable to the criteria set forth. COUNCILOR MCGIVERIN noted that the City is not held to the standards set forth (snow removal, trash, sweeping parking lots) that we are asking of the private sector. MIMI PANITCH responded that even though the City-owned lots have their issues and are not up to standard, it was not the reason to avoid problems with new lots created. The 1 year review was the enforcement mechanism in the City that has been dealing with issues as a result of the lack of enforcement.

COUNCILOR VACON stated that the fact that the Special Permit did not transfer upon a sale of the property was a control mechanism. Creating new Ordinances has not increased our enforcement. The 1-year renewal was not a business-friendly approach.

COUNCILOR LISI asked which zones were included in the downtown area. JEFFREY BURKOTT replied that the DR (Downtown Residential), IG (General Industry), and BC (Commercial Business) were the zones which encompassed $\frac{3}{4}$ of the downtown area.

The differences between a home occupation special permit and a parking in the downtown special permit were discussed.

JENNIFER CHATEAUNEUFF noted that the City has safeguards in place to file abutter complaints. If a Special Permit applicant was a reputable business owner, their record would speak for itself. She was not in favor of a yearly renewal. COUNCILOR LISI noted that the Special Permit was not only for businesses, but also residential developers.

MIMI PANITCH stated that she agreed that the process should look at the track record of the applicant. Although an applicant in the beginning may invest into the look of the property, history shows that it was no guarantee years down the road that the property will look as it did in the beginning.

JOHN KELLEY agreed with Councilor McGiverin relative to requiring an annual review. He stated that he was more concerned with ensuring there was a snow removal plan in place to eliminate the potential for on street parking.

COUNCILOR BARTLEY asked if the Planning Board had voted. MIMI PANITCH replied no.

COUNCILOR BARTLEY stated that the document was more positive than negative. He provided his edits to the draft Ordinance (see marked copy ZC 2015-5). He asked what the role would be of the City Council during the Special Permit process. JEFFREY BURKOTT answered that in the draft Ordinance, the granting authority was the Planning Board since they also oversee a Special Permit for a reduction in the parking requirements.

COUNCILOR VACON agreed that the Special Permit granting authority should remain with the City Council to address complaints and because they are accountable to the people in the neighborhood.

COUNCILOR LISI asked for the process to handle neighborhood complaints; was there a Public Hearing process to rescind the Special Permit. MARCOS MARRERO replied that he would consult with the Law Department relative to the assumptions of enforcement. With the intent to be business sensible and keep the enforcement in one place, how would the public be notified, how were complaints handled, and was there a way to rescind the Special Permit.

COUNCILOR MCGIVERIN stated that the enforcement should be enforced but not within the Special Permit process as it would hurt the goal.

Various parking situations in the surrounding towns were discussed.

JEFFREY BURKOTT noted that currently, the zones identified in the downtown allow for a commercial parking lot or garage; the only zone that does not is the DR.

REBECCA LISI reviewed the outstanding information.

JEFFREY BURKOTT asked that if a change to the use chart (4.3) for commercial parking, or the insertion of a new line item for parking as an accessory use was needed, would it trigger a new Order. REBECCA LISI replied that an opinion should be sought from the Law Department.

EILEEN REGAN stated that if the Special Permit fell under the City Council purview then there was no point to the Planning Board being part of the working group. MIMI PANITCH replied that the Planning Board would still have to provide a recommendation to the City Council. REBECCA LISI added that the Planning Board & Staff has more familiarity with planning issues and provided input on the zoning issues.

There being no further issues to come before the Board, MIMI PANITCH at 7:55 p.m. called for motion to continue their Public Hearing until July 28, 2015 at 6:00 p.m. A motion was made by JOHN KELLEY and seconded by CHRIS LACHAPELLE. The motion carried 4-0.

Respectfully submitted,


Mark Joy, Secretary
Holyoke Planning Board