

**Joint Public Hearing Minutes
City Council Ordinance Committee / Planning Board
Zone Change – Limited Business (BL) to General Business (BG) and/or General Industry(IG)
79 & 83 Lower Westfield Road / Dennis Croteau
(meeting is being recorded)**

On Tuesday, September 8, 2015, the Holyoke Planning Board held a Joint Public Hearing with the Ordinance Committee of the City Council to hear a Zone Change Petition from BL (Limited Business) to BG (General Business) and/or IG (General Industry) for the land in Holyoke, Massachusetts identified by the City’s Assessors as Map 117, Block 00, Parcel 003/004 also known as 79 and 83 Lower Westfield Road, submitted by Dennis Croteau. 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
John Kelley Member
Eileen Regan Member
Harry Montalvo Associate

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

Planning Staff

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

City Council

Joseph McGiverin..... At Large Councilor

Others Present

Kara Cunha..... 2nd Assistant City Solicitor
Dennis Croteau 32 Concord Avenue
John Radner
Harold Brunault 186 Pleasant Street
Michael Clarke 69 Lower Westfield Road
Mary Hurley 72 Lower Westfield Road
Joseph Hohol 33 Woods Avenue

MIMI PANITCH at 7:21 p.m., called for a motion to open the Public Hearing continued from July 28, 2015. A motion was made by EILEEN REGAN and seconded by JOHN KELLEY. The motion carried 4-0.

DENNIS CROTEAU stated that the property at 79 Lower Westfield Road, formerly known as the Ingleside Gift Shop, and the adjacent house (#83) has been tough to maintain due to high taxes resulting in the business closing and loss of 5-6 Holyoke employees. The proposed zone change was requested for the residential property for the purpose of a high-end hotel. He did not want the vacant property to become in ruins and a detriment to the area due to lack of maintenance. The proposed zone change would benefit the City and allow the needed revenue for survival.

JOHN RADNER stated that the property is currently being marketed via a high-end real-estate company; only small generic businesses have shown interest. He submitted photos of the property and abutting area which included the 8-9 story condominiums (Devonshire). The potential developer intended to erect a 4-story high-end boutique hotel; his starting room rate is typically \$172 a night. The facility would include a small indoor pool and conference center for businesses. If the zone change were to be accepted, Attorney Wilson would be retained to assist in the next phase of the process. He stated that the site being unique contains existing utilities, curb cut, and area for expansion. It was in close proximity to the Holyoke Mall and Interstate 91. The potential buyer estimates that the cost to build a room is approximately \$140,000 substantially increasing the tax base. At \$140 a night the clientele is not those on State assistance. There would be an increase of 25 to 40 new jobs created.

COUNCILOR LISI asked what the current zone of each parcel was. MR RADNER responded #79 was BL and #83 was R-1A. The intent was not to join the two parcels; one would be for the hotel and the other for the parking.

COUNCILOR LISI questioned the set back requirements of two separate lots and if the parcels should be joined prior to the zone change. JEFFREY BURKOTT replied that an Approval Not Required (ANR) should be filed to avoid potential setback issues. He was unsure if the common lot law prohibited them from not joining the parcels.

JOHN KELLEY noted that the petition was to change the zone at #79 and #83 from BG and/or IG. He stated that the responsibility was on the petitioner to determine which zone and not on the City. Secondly, the petition to change #83 from BG was incorrect as the parcel was zoned R-1A. He reminded those present that a zone change petition was not for a specific project but for a parcel and the allowed uses within that zone.

DENNIS CROTEAU stated that he was advised by the City Clerk's office to submit the form as presented since a Special Permit for 4 stories was near impossible to obtain. COUNCILOR LISI added that the petition was advertised as submitted due to timing requirements; it would need to be re-advertised once a zone has been determined.

MIMI PANITCH reiterated that a zone change was for the use and not a project; zone changes would allow all the uses allowed in that zone. The question is whether or not the allowed uses were appropriate for that parcel.

EILEEN REGAN asked, in the case of an ANR containing two different zones, which zone prevails. JEFFREY BURKOTT stated that in his tenure, he does not recall any situation of an ANR containing two different zones; he would assume it would be the more restrictive zone. MIMI PANITCH noted that additional research may be needed.

COUNCILOR ALEXANDER stated that it would be best to rezone both properties first then do the ANR. Going forward, any further rezoning would need republication. The applicant would be able to withdraw the request without prejudice.

The adjacent zones were identified; the zones proposed did not abut a similar parcel.

COUNCILOR VACON stated that she concurred that the listed zones to be changed were not accurately represented in the Public Hearing Notice. Abutters receiving the notification may not have interpreted accurately. In addition, past practices have shown that if a zone change for parcel did not abut the same parcel it was considered a spot zone.

COUNCILOR ALEXANDER questioned if the applicant would be better served by tabling the petition until the creation of the new Shopping Plaza zone (SC) were established and then re-file under the new adopted zone. COUNCILOR LISI responded that it was not the responsibility of the City Council to draft the petition. She concurred that the Public Hearing Notice was unclear and misleading; the outcome of the new SC zone was uncertain; and the applicant would need to obtain legal counsel to determine which specific zone best suited their needs.

DENNIS CROTEAU stated that IP was the preferred zone as, per Marcos Marrero, it allowed for a 4-story building. COUNCILOR LISI reiterated that the explanation to the IP zone needed to be a more broad argument than the potential for a boutique hotel.

ATTORNEY CUNHA stated that a petition needed to publicize the address and the alternate zone(s). The Public Hearing notice identified both addresses and potential zones; the exclusion of the existing R-1A zone is not an issue.

COUNCILOR LISI opened the floor for public comment.

HAROLD BRUNAUT, abutter directly across the street, stated that he had no issue with a zone change for two parcels owned by the same owner. He requested a signed contract be submitted by the seller noting the potential buyers' intent; when the development falls through the zone remains. He added that the petition should state the preferred zone, and the City Council should see the proposed plan.

MARY HURLEY questioned the success of a high-end hotel when most hotels want a neighborhood feel, restaurants, sidewalks (there is none), pan handling, and residents of the adjacent Western Mass Correctional Alcohol Center picking up trash as part of community service. There were no guarantees on the success of the development; the change in zone remains. She noted that abutting homes may have been notified including the Devonshire Apartment owners, but it is those tenants that will be affected.

MICHAEL CLARKE, a resident since 1965, stated that if the zone change passed he expected more traffic in addition to the recent increase on traffic from the WMASS facility. If the proposed development is not successful, other businesses that would be allowed could lower the property values.

DENNIS CROTEAU stated that he has been approached several times for the property at 79 Lower Westfield Road and has not accepted the fast food restaurant proposal. As a resident of Holyoke, he is concerned for the neighborhood. If a good proposal is in hand from a viable business that would increase the property value and tax revenue why not? He will not put a business there that would be a detriment to the neighborhood.

COUNCILOR VACON asked what was allowed in the BL zone. MIMI PANITCH read what was not allowed in the BL zone as listed in the zoning use chart (4.3).

COUNCILOR BARTLEY made a motion to give Leave to Withdraw. COUNCILOR CHATEAUNEUF seconded the motion. Under discussion, COUNCILOR LISI noted that the Public Hearing needed to be closed and a recommendation received from the Planning Board prior to a vote. COUNCILOR MCGIVERIN noted that the City Council cannot give Leave to Withdraw; the petitioner has to provide the request. COUNCILOR LISI noted that withdrawing the petition would mean that the applicant would have to re-advertise the Public Hearing. COUNCILOR CHATEAUNEUF stated that she seconded the motion because she felt that the petitioner needed to determine the zone and not leave it up to the Planning Board or City Council. COUNCILOR VACON asked if the petitioner could amend the application to reflect the current existing zones. KARA CUNHA replied yes provided that the Public Hearing remained opened. (The motion did not pass)

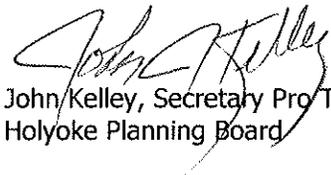
COUNCILOR BARTLEY made a motion to continue the Public Hearing to a date beyond October 13, 2015 in order to potentially have addressed the SC zoning.

JOSEPH HOHOL explained that his father was the abutter adjacent to the CVS parcel that refused to sell to developers even though they were offering \$60,000 a year increasing 10% every 5 years for 20 years. His father's house is still there, CVS is still there, and his father regretted his decision to not leave that house. If a viable business develops those parcels the whole area will become more vibrant and taxes will increase.

COUNCILOR VACON noted that the discussions relative to the amendments to the SC zone are geared towards larger parcels and MR CROTEAU'S property would not fit that zone.

At 8:28 p.m., MIMI PANITCH called for a motion to continue the Public Hearing until December 8, 2015 for the purpose of obtaining additional information. A motion was made by EILEEN REGAN and seconded by CHRIS LACHAPELLE. The motion carried 4-0.

Respectfully submitted,



John Kelley, Secretary Pro Tempore
Holyoke Planning Board