

# *East Longmeadow Planning Board*

*60 Center Square*

*East Longmeadow, Massachusetts 01028*

*since 1894*

*Telephone: (413) 525-5400 - extension 1700 - Facsimile (413) 525-1656*

*Ralph Page, chair*

*George Kingston, vice chair*

*Tyde Richards, clerk*

*Michael Carabetta*

*Deborah Bushnell*

*robyn d. macdonald, director*

*rmacdonald@eastlongmeadowma.gov*

## Minutes of January 17, 2017

Present were: Chair, Ralph Page; Vice Chair, George Kingston; Clerk, Tyde Richards, Michael Carabetta and Deborah Bushnell.

### Continuation of Public Hearing – Zoning By-law changes

Chair, Ralph Page continued the public hearing for zoning by-law changes. He said in Section 2.1 District Locations and Boundaries in the top paragraph Town Meeting will be changed to Town Council; Under 5.7 Selectmen will be changed to Town Manager; Under 7.0 Board of Appeals, Selectmen will be changed to Town Manager; Under 7.1 A Board of Selectmen will be changed to Town Manager; Under C Selectmen changed to Town Manager, next paragraph Selectmen changed to town Manager; Under 7.4.2 Design Review Committee appointed by the Planning Board is being changed to Town Manager and the bottom paragraph being changed from Planning Board to Town Manager. Mr. Page said the reason for that is because the Charter specifically states that the Town Manager will be the appointed authority for all Boards Committees and Commissions. He suggested that the document be submitted back to Town Council for their approval of the Zoning By-law change. He also suggested on the next page they submit another petition to the Town Council for Section 5.1 which expressly states that they are switching the authority from the Board of Selectmen to the Planning Board for Site Plan Review. Mr. Page said his thought is by switching authority it would be a completely separate zoning by-law change from the previous which was just wording change.

Mr. Kingston said his only problem with that is it would require an additional hearing and start the process all over again. Mr. Page said that the Charter explicitly states that only one subject will be approached at a time. He feels when they are changing the authority of who does it is completely different than a wording change. Mr. Kingston said that they are changing because the authority no longer exists. Mr. Page said that the authority goes from the Board of Selectmen now to the Planning Board which is not the head executive branch it would be the Town Manager. He said that he is concerned if they submit it all at once the Town Council will literally say that it is only one subject they could work on. The Board agreed to submit everything at once as three pages and

if Town Council chooses not to accept the last page and only the first two then they can do another one.

Ms. Macdonald asked the Board if they want to change the language in the warrant in the petition. Mr. Page said that they can't change the language in the petition. Ms. Macdonald said that the petition says to bring it into compliance. Mr. Page said exactly and then let them decide whether or not that brings it into compliance. He reopened the hearing to the audience for any questions.

Marilyn Richards, 342 Pinehurst Drive said as a former member of the Zoning Review Committee they did approach 5.1 in terms of the very language they are considering that evening. She said the feeling at that time was when the by-law was created there wasn't even Site Plan Review. It was adopted and it was also covering a facility that is governed by Mass Housing in terms of elderly residential guidelines. Ms. Richards said that she thinks the Planning Board should deal with that type of application just like any other application for the town. She said for instance if Brownstone Gardens which is the only facility that is covered by the by-law were to change and add future development they would need to come before the Board anyway. Ms. Richards said that she supports those changes.

Mr. Page addressed the Board for any further questions, there being none and upon motion duly made by George Kingston and seconded by Michael Carabetta, the Board voted unanimously (5-0) to close the public hearing. Upon motion duly made by George Kingston and seconded by Michael Carabetta, the Board voted unanimously (5-0) to adopt the changes to the original petition as shown in the document and make it one document, one petition and return it to the Town Council for their hearing.

#### Waivers of Site Plan Review Approved

Harbourside Wealth Management, 96 Shaker Road

#### A Discussion with Vinnie Santaniello, Bentley's Bistro, 53 North Main Street

Mr. Page asked Mr. Santaniello to explain to the Board what it is they would like to do.

Vinnie Santaniello said that they would like to open up earlier on Sundays to serve breakfast. He said that they were unaware that their hour of operation was for 11:00 a.m. Mr. Santaniello said he was serving breakfast and that it has gone well the first 2 weeks and that he would like to stay open until they have all their paperwork. He said that there is no liquor served until 11:00 a.m. and that it's strictly food served from 9:00 a.m. to 11:00 a.m.

Mr. Page said that the Special Permit currently is for 11:00 a.m. Ms. Macdonald said what they are really looking for is a temporary reprieve while the paperwork is being filed.

Ms. Bushnell said that they will have to do an amendment to Special Permit. Ms. Macdonald said correct and it will be just Sunday's for now until the paperwork is filed.

She said that there will be a couple of issues coming before the Board such as outside seating for the amendment. Ms. Macdonald said given the time an amendment takes and the cost for him to submit individual permits at a fee of \$250.00 each he could do it all at once. She all they are looking for right now is for Sundays to give the reprieve for their Special Permit.

Mr. Page said that the Board just needs to vote on extending the opening hours at 9:00 a.m. on Sundays. Upon motion duly made by George Kingston and seconded by Deborah Bushnell, the Board voted unanimously (5-0) to approve the facility to be open at 9:00 a.m. on Sundays for 60 days.

Request for Temporary Signage - Bentley's Bistro, 53 North Main Street

Clerk, Tyde Richards read a request for temporary signage from Bentley's Bistro, 53 North Main Street advertising their new hours and offering Sunday breakfast.

Upon motion duly made by Michael Carabetta and seconded by George Kingston, the Board voted unanimously (5-0) to approve the temporary signage as presented for 60 days conditioned upon the applicant obtaining a sign permit from the Building Inspector.

ANR – Patterson Avenue

The Board reviewed the ANR for Patterson Avenue owned by Michael Torcia and determined that the plan needs to be stamped not a building lot to reflect what the application says.

Upon motion duly made by Michael Carabetta and seconded by George Kingston, the Board voted unanimously (5-0) to deny endorsement on the ANR request for Patterson Avenue because the lot shown on the plan does not have frontage on a public way and is not marked "not a building lot".

Request for Temporary Signage – Medical and Dental Offices, 250 North Main Street

Clerk, Tyde Richards read a request for temporary signage from Wellness Center, 250 North Main Street for 212 days.

Mr. Kingston said that it is a real estate sign and doesn't need approval.

Mr. Page said yes it does. Under the by-law commercial district it requires approval. He said that it meets the criteria of 20 square feet maximum in size and it being the only ground sign there until the building is built he would be more apt to approve it as a permanent ground sign at the building and not require the 212 days and when he is ready to install the actual ground sign at the building it's basically going to be swapping it out.

Ms. Bushnell said rather than having them do a temporary sign have them do a permanent sign and go through a change of signage for when it becomes a standard ground sign.

Ms. Macdonald said that Dr. Coughlin was present and the Board might want to explain it to him.

Mr. Page asked Dr. Coughlin to come up before the Board and explained to him that he asked for a specific time frame on the application of 212 days. He said the Board's concern is that it may go over, it may not and instead of them limiting him to 212 days they are going to approve it as a ground sign at his building which is a permanent ground sign so for example 300 days it still meets the criteria.

Dr. Coughlin asked if the actual construction of the building is started in 212 days can that sign be moved and put on the contractor's trailer. Mr. Page said you would like to take that sign out of the ground and mount it to a trailer on the location. Dr. Coughlin said if they say it's no problem and if it is hen he will leave it there.

Upon motion duly made by George Kingston and seconded by Michael Carabetta, the Board voted unanimously (5-0) to approve the real estate ground sign measuring 48" x 60" for a total of 20 square feet that will advertise office space available at the newly constructed building on site conditioned upon the applicant obtaining a sign permit from the Building Inspector.

#### Request for Waiver of Site Plan Review – Secure Energy, 515 Shaker Road

Deborah Bushnell recused herself for possible conflict of interest.

Clerk, Tyde Richards read a Request for Waiver of Site Plan Review from Secure Energy, 515 Shaker Road to operate a sales office at an energy broker's office. The proposed hours of operation are Monday – Friday, 8:00 a.m. – 5:00 p.m. and will employ 44 people.

Mr. Page said they are looking to build it out for themselves and at some point they will need a parking plan. Ms. Macdonald said if it's different then what exists there now and said that is why they needed a waiver in order to get a building permit to do the build out inside.

Mr. Kingston asked what building it is on Shaker Road.

Chris Duby, Applicant said that it was the Biolitec building right before the industrial park.

Mr. Page said he doesn't see a problem with the waiver at this time and if they need any additional parking a parking plan will have to be submitted once they are all set.

Mr. Richards asked Mr. Duby if they have enough parking for 44 people.

Mr. Duby said at this time they have two offices, one in New Jersey that's including the 44 people which house 10 of their employees. He said that at the present time there is enough parking to suit their needs however they do anticipate growth and hiring more people. Mr. Duby said that they are working currently with a couple of different engineers to try and figure out what exactly they will need. He said currently they don't have the setbacks for the street and there are a lot of steps involved. Mr. Duby said that they had a fire at their location on Somers Road in July and they are temporarily working out of the Cartamundi building on Shaker Road.

Upon motion duly made by George Kingston and seconded by, the Board voted unanimously (4-0 to approve the request for Waiver of Site Plan Review for Secure Energy, 515 Shaker Road.

Discussion with Carmine Capua regarding 154 & 156 Hampden Road

Carmine Capua explained to the Board that he wanted to meet with the Board regarding 154 & 156 Hampden Road in that the lots lines were incorrect. He said that the properties are pre-existing, non-conforming lots that are run down and neither one of them have garages like the surrounding homes. Mr. Capua said that he has two options for the site that he would like the Boards input on, one being to change the lot lines. Ms. Macdonald said also access to both lots is a shared driveway which is not shown on the plan.

Mr. Page said basically what the Board would be doing no matter what plan he submits is endorsing a plan for an ANR which for a lot that is non-conforming based on the frontage.

Mr. Carabetta said they have had similar situations and one thing that is not in the by-law is if a pre-existing, non-conforming lot gets changed and it becomes non-conforming and not pre-existing. He feels as a Board they need to work on some of that language.

Ms. Macdonald said that he is not looking for approval he is just looking for advice.

Mr. Capua said his other option would be to request a variance from a 20 foot setback to an 11 foot setback for a garage. He said that he would prefer option one simply because it would benefit both properties by giving them both a better site distance without encroaching into the neighbor.

Mr. Page said with all due respect it is not up to the Board to tell him what to do. He said that he understands why he wanted to meet with the Board but doesn't know if the Board should give direction because at the meeting they may decide to vote it down.

Mr. Kingston feels that is it entirely up to the applicant to decide on the plan he wants to present to the Board. He does agree that they can do it either way under an ANR and sees no problem doing that and if he can get the jog in so he can put his extension on

without needing a variance that's fine. Mr. Kingston said the procedure to him would be an ANR.

Mr. Carabetta said he feels that an ANR would suit everyone's best interest. The Board agreed.

#### KENO at Mario's Café Ambiance

Mr. Richards read an e-mail from Margaret Larocca with regard to a letter dated January 17, 2017. The e-mail stated that Rex Cunningham of Mario's Café Ambiance went in that day to let it be known that he was approved by the Mass Lottery Commission to have KENO. Gary Delise from the Lottery Commission called and said that they had placed a legal notice in the paper and a public hearing was held and no opposition was presented. Mr. Delise stated that the KENO license is a state issued license and there is nothing the town needs to do.

#### Waiver of site Plan Approval

Textile Collection Bin, 150 Somers Road

#### Miscellaneous

Mr. Richards read a letter from Clerk of the Town Council, Thomas Florence Informing the Board that on January 10, 2017 Town Council voted unanimously to forward the petition of Michael Carabetta requesting a zone change to the Planning Board for a public hearing.

Mr. Page said that he asked Ms. Macdonald to schedule a public hearing and place it their agenda. Ms. Macdonald said it is scheduled for February 7, 2017.

#### Minutes

The Board reviewed the minutes of December 6, 2016 and upon motion duly made by George Kinston and seconded by Deborah Bushnell, the Board voted (5-0) to approve the minutes.

The Board reviewed the minutes of December 20, 2016 and upon motion duly made by George Kingston and seconded by Deborah Bushnell, the Board voted (5-0) to approve the minutes.

The Board reviewed the minutes of January 3, 2017 and upon motion duly made by George Kingston and seconded by Deborah Bushnell, the Board voted (5-0) to approve the minutes.

With no further business and upon motion duly made by George Kingston and seconded by Michael Carabetta, the Board voted 5-0 to adjourn at 7:15 p.m.

For the Board,

Tyde Richards, Clerk