

East Longmeadow Planning Board

60 Center Square

East Longmeadow, Massachusetts 01028

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since 1894

Ralph Page, chair

George Kingston, vice chair

Tyde Richards, clerk

Michael Carabetta

Deborah Bushnell

robyn d. macdonald, director

rmacdonald@eastlongmeadowma.gov

Minutes of February 7, 2017

Present were: Chair, Ralph Page; Clerk, Tyde Richards, Michael Carabetta and Deborah Bushnell. George Kingston was not present.

Public Hearing – Zoning Change Parcel 15-32-E, Grove Avenue

Michael Carabetta recused himself for possible conflict of interest.

Clerk, Tyde Richards read the legal notice into the record.

Chair, Ralph Page said that they are only opening the public hearing only to continue it because they have a member who is not present and a member who recused himself. He said that a zone change requires a four member vote. Upon motion duly made by Deborah Bushnell and seconded by Tyde Richards, the Board voted unanimously (3-0) to hold a meeting on February 15, 2017 and continue the public hearing to that date at 6:00 p.m.

Phil Abair, 5 Fifth Street recommended if new notifications are being sent out that it isn't so vague and unrealistic.

Mr. Page said that the notices are simply to notify the abutter that there is going to be a legal notice and the legal notice in the paper described it as the way the town has described it.

Mr. Abair recommended that they should be a little more specific and without the vagueness.

Michael Carabetta rejoined the meeting.

Request for Signage – Kenny Nitching, Eagle Scout Project at the Center Field

Clerk, Tyde Richards read into the record a request for signage from Kenny Nitching for an Eagle Scout project to be placed at Center Field.

Mr. Page said the request is to place the sign in center field and asked Mr. Nitching if he already spoke with DPW and other relevant Boards. Ms. Macdonald said that DPW is the only relevant Board and they have been working with Colin Druery, Director of Recreation. She said DPW is in charge of the field and Mr. Peirent, Superintendent of DPW didn't have a problem with it but had a problem with the placement. Ms. Macdonald said that if the Board is going to approve it he would like to meet with you to decide the placement. She said that they have to deal with lawn mowing, maintenance of the field and things like that and what type of sign is allowed. Ms. Macdonald said that Mr. Peirent was going to give her a report but he has been out of the office. Mr. Page asked if those fields are known as Center Green Park. Ms. Macdonald said no it's a new name-historically its Leahy Field. Mr. Page asked Mr. Nitching where the name The Center Green Park came from.

Mr. Nitching said over some conversations with the Recreation Department they weren't really sure if it was Center Green or Center Green Park.

Mr. Page asked Ms. Macdonald if they have an official name. Ms. Macdonald said that she didn't know because there is more than just one field at the center. She said that she would be happy to check with the DPW Board to find out what the official name is. Mr. Page said the only reason he is asking is because he doesn't want the Board approving a sign naming a field when there is already an existing name.

The Sponsor said Mr. Druery and the Recreation Committee were researching the historical name of all the actual fields. She said that it just says Leahy Field on it currently and he was doing research to find out the gentleman's full name was so that it could be put on the sign in its entirety as well.

Ms. Macdonald said that she didn't get anything from Mr. Druery and unfortunately she knows that Mr. Druery is interested in all of the fields but they have to make sure they have the authority. She said according to Mr. Peirent he had no problem with a sign he just needs to make sure it's in the right place.

Mr. Page thinks that could be something they could approve based on a letter from Mr. Peirent stating where it could be placed. Ms. Macdonald asked what about the name that's the issue? She said that Bruce Moore knows all the history and she would be happy to contact him. Mr. Page said that he thinks that would be the thing to do because he is very knowledgeable. He asked if the back side of the sign is changeable text.

The Sponsor said that the letters will be permanent.

Mr. Page asked the Board for their thoughts. After further discussion and upon motion duly made by Michael Carabetta and seconded by Deborah Bushnell, the Board voted unanimously (4-0) to continue to February 15, 2017 pending the submittal of a letter

from DPW of the actual placement of the sign also Bruce Moore submitting a letter to the town with regard to the history of the field and names of the fields.

Waivers of Site Plan Review Approved

Stop & Shop, 470 North Main Street

ANR – 117 Patterson Avenue

Mr. Page said that the ANR came in front of the Board at their last meeting and the Board decided to have them write on the lot that is “not a building lot until further action from the Planning Board”. Ms. Macdonald said and once they put up a bond to DPW guaranteeing the road will be brought up to town standards and then they would have to come before the Planning Board to accept the bond.

Mr. Carabetta said that isn't how it's been done in the past and Ms. Bushnell added that wasn't her understanding either.

Mr. Page said that it's up to the Board whether they require them to do new mylars and change the language on it.

Mr. Carabetta said looking at the plan if that is what they are asking for then he would approve it and doesn't necessarily agree with it. He said in the past bonds have put up, plans have been submitted, building permits were granted and now they are saying they have to come back yet again to the Planning Board which has never been done in the past on a paper street.

Ms. Bushnell said that they are the wishes of the applicant not the Board's.

Mr. Page said that he thinks the wishes they brought forward by adding that on the plan meets the criteria the Board has asked for.

Upon motion duly made by Deborah Bushnell and seconded by the Board voted (3-1) to endorse the plan as submitted.

ANR – 81 Parker Street

Michael Carabetta recused himself.

The Board reviewed an ANR for 81 Parker Street owned by Arthur & Grace Valonen for the combination of two lots and the creation of one parcel. New parcel C will contain 33.584 acres and new parcel D will contain 29,240 square feet.

Upon motion duly made by Deborah Bushnell and seconded by Tyde Richards, the Board voted unanimously (3-0) to approve the ANR for 81 Parker Street.

Marijuana discussion

Mr. Page asked Ms. Macdonald what the issue is with marijuana the regulations.

Ms. Macdonald said that the issue is whether or not the Board wants to ask for a moratorium because currently there are no regulations for recreational use. She said one of the issues is the retail aspect of it because retail is allowed in most of the town. Ms. Macdonald said that there are regulations and restrictions which the town can do for medical marijuana but there are none for recreational as of yet and the state hasn't recommended any. She said a moratorium like they did for the medical marijuana would give them an opportunity to review where they think they should be allowed and how they should be allowed. Mr. Page said it's his understanding that the state voted to put it off until 2018. Ms. Bushnell & Mr. Page said the way they understood it was for retail establishment only for 2018. Ms. Macdonald said that she wasn't sure it was for that but the Board of Health in town as they saw in the information she forwarded to them are looking to say absolutely no because of the edibles. She said that the Town of East Longmeadow turned it down and from what she has read in legal research and advice she has gathered from different law firms the Town of East Longmeadow can say no. Ms. Macdonald said however she does not believe they can do it through zoning because she thinks the AG's Office is going to come back fighting, but they can through the Board of Health.

Mr. Page said under the law it does allow the town to tax on the sale up to a 2% tax. Ms. Macdonald said that Massachusetts passed it but it East Longmeadow did not and it was not passed federally. Mr. Page said that Pioneer Valley Planning Commission is holding a seminar on Thursday which he will be going to and they are bringing in two guest speakers from the state with regard to the resale and the current law that just went in to try and give some advice to different Boards and Selectmen. Ms. Macdonald said because of the change of government in town the Planning Board and the zoning changes do not have to be approved by the AG anymore. She said that she talked with the AG's Office and what they are doing is watching and are probably going to come in as a big brother to try and control the areas in the cities that have Town Council if they make a demand to ban it totally other than the health departments. Ms. Macdonald said it's a hot topic and because of the change of government everything is different because before they had to have approval from the AG's and now they do not they just have to give them a copy of what Town Council decided. She said that she has met with Denise, the Town Manager and she is in favor of a moratorium so everybody can get a better grip on it. Ms. Macdonald said that it's not saying no it just trying to make a little educated guess especially because the town voted against it.

Mr. Richards said the thinks they need a moratorium to get themselves up to speed.

Ms. Bushnell said the she thinks there is a lot to learn and lets look at other towns that have done it and ones that haven't done it and the repercussions or the benefits from them. They need to look at the how the town's people voted and asked if they can do it for one year.

Mr. Page said as a suggestion to the Board possibly put a moratorium on for a 6 month period contingent upon at that time if they still don't have enough information they can continue it. He said at 6 months they can make a decision whether to do it or not. Ms. Bushnell asked if they can lift a moratorium at any time. Ms. Macdonald said yes they can. Ms. Bushnell suggested that they go the year and lift it at 6 months. Mr. Carabetta added lift it when needed. Ms. Macdonald said that other towns are going with moratoriums Springfield included because it has caught everybody off guard. Ms. Bushnell said that she would personally prefer one year because there are a lot of other towns doing it and the longer they have to read up on their research on things that worked for them or didn't work for them would be helpful.

Mr. Carabetta said that his assumption is that every town is going through the very same process right now and it's still not main stream everyday way of life. Ms. Macdonald said that there have been decisions that said that the towns can say no and ban it totally but you basically need a ballot question and you have to have a certain percentage of the town residents to vote. She said then they are dealing with the police department who says it is still illegal federally and how do they not go against the federal law.

After further discussion and upon motion duly made by Deborah Bushnell and seconded by Michael Carabetta, the Board voted unanimously (4-0) to approve a one year moratorium on their marijuana's standards laws procedures for the Town of East Longmeadow.

Mr. Page said that he would say for the retail sale of recreational marijuana so that way there they are not allowing facilities to open for the retail sale of recreational marijuana. He said that it's amended as stated the Board voted (4-0) in favor.

Discussion on Annual Town Report

Mr. Page said that Ms. Macdonald prepared the draft and he looked at and has made suggestions and changes in it and Mr. Kingston has also sent in couple changes. Mr. Page said that they have done an exorbitant amount of work over the last year and appreciates all the work Ms. Macdonald put into it and addressed the Board for any thoughts or changes they would like to add.

Mr. Carabetta said that there a couple of references made to the economy in the first paragraph and said quite honestly he doesn't think the economy is doing all that bad. He is looking to remove one sentence and on page 2 there is another reference to the economy that he would like to strike out the second to the last paragraph in the middle of the paragraph. After further suggestions he said that he didn't have a problem with either with Mr. Page's or Ms. Macdonald's changes.

Mr. Richards gave his suggestions and said that he would like to read them again because he didn't read it incorporating Ms. Macdonald's draft or Mr. Page's draft.

After further discussion the Board agreed to have Ms. Macdonald make changes as discussed.

Miscellaneous

The Board asked Ms. Macdonald to add to their February 15th agenda discussion regarding proposed by-law changes for pre-existing, non-conforming lots

With no further business and upon motion duly made by George Kingston and seconded by Michael Carabetta, the Board voted 4-0 to adjourn at 7:15 p.m.

For the Board,

Tyde Richards, Clerk