

EAST LONGMEADOW PLANNING BOARD

Date: April 4, 2023

Time: 6:00 PM EST

Place: Pleasant View Senior Center

328 North Main Street, East Longmeadow, MA 01028

And via zoom webinar



MINUTES

Chair Jonathan Torcia opened the meeting at 6:02 PM.

CALL THE ROLL

Present Jonathan Torcia, Chair
Cassandra Cerasuolo, Vice Chair
Russell Denver, Clerk
George Kingston
Absent Pete Punderson
Staff Present Bailey Mitchell, Planning & Community Development Director

APPROVAL OF MINUTES

- March 21, 2023

Motion to approve made by Board member George Kingston; second by Vice Chair Cassandra Cerasuolo and approved by unanimous vote four (4)-zero (0).

SITE PLAN REVIEW WAIVERS

1. **Case SPRW-2023-11:** Request for Site Plan Review Waiver for Jake's Gun Room, Inc., an online retail store headquarters at 58 Bond Avenue, Suite 3 (Assessor's Parcel ID 28A-53-B-1) located in an existing structure in the Business zoning district. Applicant: Armand Boucher, PO Box 801, East Longmeadow, MA 01028

Applicant Armand Boucher was present for discussion. Mr. Boucher presented the plans to open an office for online sales of military collectibles and memorabilia. Mr. Boucher stated all sales will be conducted online and there will be no product sold at the subject property. Mr. Boucher stated he will be the only employee of the business.

Motion to approve made by Board member George Kingston; second by Vice Chair Cassandra Cerasuolo and approved by unanimous vote four (4)-zero (0).

2. **Case SPRW-2023-12:** Request for Site Plan Review Waiver for the installation of two (2) electric vehicle charging stations at 60 Shaker Road (Assessor's Parcel ID 27-170-0) located in the Business zoning district. Applicant: Marthe LLC, PO Box 91199, Springfield, MA 01139

Matthew Tortoriello was present for discussion on behalf of the applicant (remote), but was unable to present due to technical difficulties. Planning Director Bailey Mitchell presented the applicant's plans to install two (2) EV charging stations along the south parking lot of 60 Shaker Road. The Board discussed their appreciation for electric vehicle charging stations being installed in Town.

Motion to approve made by Clerk Russell Denver; second by Board member George Kingston and approved by unanimous vote four (4)-zero (0).

PUBLIC HEARINGS

1. **Case ZN-2023-02:** For the purpose of amending and clarifying the Town of East Longmeadow Zoning Bylaws §450-3.0, §450-3.3, §450-5.6, Article IX and Table 3-1 Schedule of Use Regulations. Petitioner: Town of East Longmeadow Planning Board, 60 Center Square, East Longmeadow, MA 01028 (cont. 03/07/2023)

Planning Director Bailey Mitchell reviewed the proposed amendments and provided an overview of memorandum to the Board (Attachment A). Board member George Kingston questioned the enforcement mechanisms for businesses who do not obtain a Business Certificate prior to operation. Clerk Russell Denver stated his concern for lack of public notice on Minor Site Plan Reviews and Waiver of Site Plan Reviews, and the proposed disassembly of the Design Review Committee. The Board spoke in favor of an independent consultant review of the Town's parking requirements.

Motion to close the public hearing made by Clerk Russell Denver; second by Board member George Kingston and approved by unanimous vote four (4)-zero (0).

Motion to recommend the bylaw amendments to the Town Council for their review and approval made by Clerk Russell Denver; second by Board member George Kingston. The motion did not carry with a vote of one (1)-three (3).

Chair Jonathan Torcia- Yes

Vice Chair Cassandra Cerasuolo- No

Clerk Russell Denver- No

Board member George Kingston- No

Board member Pete Punderson- Absent

2. **Case ZN-2023-03:** For the purpose of amending the Town of East Longmeadow Zoning Bylaws §450-11.2 Terms defined and Table 3-1 Schedule of Use Regulations to include self-service storage and indoor self-storage facilities. Petitioner: Town of East Longmeadow Planning Board, 60 Center Square, East Longmeadow, MA 01028

Planning Director Bailey Mitchell reviewed the proposed amendments. The Board opened the hearing to the public for comments.

Attorney Tom Reidy, Bacon Wilson P.C., provided proposed revisions to the definition of "indoor self-storage" (Attachment B). Atty Reidy requested that storage facilities be permitted through the Site Plan Review application process rather than the Special Permit application process.

The Board discussed their agreement with the revisions made in Attachment B. Planning Director Bailey Mitchell stated a definition for "indoor self-storage" was previously approved by the Planning Board and Town Council; however, it was accidentally omitted in the recent recodification.

Marilyn Richards, 342 Pinehurst Drive and member of the Town Council, stated the existing definition of “indoor self-storage” that was accidentally omitted is in the process of being added into E-code now, and, once added, the proposed definition could contradict the existing definition and its purpose. Ms. Richards reminded the Board that the existing definition and design requirements of self-storage facilities were created with the Mixed Use Village zoning district in mind. Board member George Kingston suggested separate definitions be created for self-storage facilities based on which zoning district the facility is located in.

Motion to close the public hearing made by Clerk Russell Denver; second by Board member George Kingston and approved by unanimous vote four (4)-zero (0).

Clerk Russell Denver spoke in opposition of Atty Reidy’s request to permit self-storage facilities through Site Plan Review rather than Special Permit. The Board recommended that the bylaw include two definitions for “Indoor self-storage,” the proposed definition, that applies only to the Industrial and Industrial Garden Park districts, and the second, previously adopted definition, that applies only to the Mixed-use Village district.

Motion to recommend the bylaw amendments, with corrections noted in Attachment B, to the Town Council for their review and approval made by Clerk Russell Denver; second by Board member George Kingston and approved by roll call vote four (4)-zero (0).

OTHER BUSINESS

1. Director’s Report
 - a. Regular Meeting Schedule for May, June, and July

Planning Director Bailey Mitchell reminded the Board that there is no Preliminary Town Election on the first Tuesday of May, so the Board will hold a meeting that day. There will be no meeting on the first Tuesday of June and July due to the Town General Election and the federal holiday. The Board will reevaluate if a special meeting is required due to any upcoming caseloads. Chair Jonathan Torcia stated reorganization of the Board will be held in June or July. Planning Director Bailey Mitchell reminded the Board of the state required Conflict of Interest Training that is due June 30, 2023.

ADJOURN

Motion to adjourn made by Clerk Russell Denver; second by Vice Chair Cassandra Cerasuolo and approved by unanimous vote four (4)-zero (0) at 6:52 PM.



Town of East Longmeadow
Department of Planning and Community Development
Memorandum

To: Planning Board
From: Bailey Mitchell, Planning & Community Development Director
Date: March 30, 2023
Re: Suggested Changes to Site Plan Review Bylaw Amendment Proposal

RECOMMENDATION

In a memorandum to the Town Council and Planning Board dated February 9, 2023, I proposed amendments to the following sections of the Zoning Bylaws:

- 1) §450 Article III – Use Regulations and Table 3-1: Schedule of Use Regulations
- 2) §450 Article V – Special Use Regulations (*450-5.6 Off-Street Parking*)
- 3) §450 Article IX – Site Plan Review

I further recommend the Planning Board submit a favorable recommendation to the Town Council for the aforementioned bylaw amendments including the suggested changes and additions, herein. The changes are listed within this memorandum and will be incorporated in the original proposed language if the Planning Board votes to recommend the amendments to Town Council.

BACKGROUND

Below is a list of Planning Board concerns and suggestions that were discussed during the public hearing on March 7, 2023. I have provided responses to all of the concerns and have added the suggested changes and additions to the proposed bylaw language where necessary.

Concern 1 – Public Participation

Multiple members of the Board and the public expressed concern over the lack of public participation and/or public notice in the approval process when a full site plan review, and public hearing, is *not* required. Under the current Site Plan Review Waiver (SPRW) process, the Board has the discretion to approve such a waiver without public input or notice. With that being said, Town Staff could utilize the Town website to post a list of businesses that have received a business certificate.

Concern 2 – Board “Power”

There was concern surrounding “the Planning Board losing approval powers.” The proposed amendments do not shift “power” from the Planning Board to the Planning Director, rather, they shift non-discretionary decisions that require significant technical knowledge. The Planning Director must

have education and/or experience that allows them to administer and interpret the zoning bylaws from a technical standpoint. This fact, better positions the Director to make certain determinations rather than a Planning Board, without such education and/or experience. Furthermore, Site Plan Approval is a non-discretionary decision to the extent that a use is allowed by-right and meets the standards and conditions outlined within the Site Plan Review bylaw. This means the Planning Board cannot arbitrarily deny an application for a site plan review/approval, and there is no discretionary “power” to be lost.

Concern 3 – Business Regulation (Business Certificates)

During the March 7 meeting, a Planning Board member stated that business operators, including those operating out of home offices, are not required to obtain a business certificate. This statement is not true; in fact, all businesses operating within the State of Massachusetts must file a business certificate with the municipal clerk in which it is operating (see MGL Chapter 110, Section 5). Site Plan Review, again, is non-discretionary and does not legally allow the Board to approve or disapprove specific businesses that are classified as permitted uses within the zoning bylaws. In other words, the Business Certificate process ensures businesses have the necessary review and approval for operation, and the SPRWs should be utilized when specific criteria are met regarding changes to the site – the exact reasoning behind these proposed amendments.

Other General Concerns

The Board and public mentioned two other general concerns: (1) the restructuring of the Design Review Committee, and (2) the lack of criteria for waiving parking requirements. In response to the first concern, municipalities across the country, including East Longmeadow, continue to struggle with keeping Board and Commission seats filled due to a general lack of community engagement. Attempting to appoint members to subcommittees of an existing Board when the Town does not have enough candidates to appoint members to the Board itself is illogical. Design Review is typically included in the Site Plan Review process for certain zoning districts, as opposed to all zoning districts; the Town should consider which districts/types of projects that should necessitate Design Review. To the second concern, Town staff intend to review and amend the entirety of the Town parking regulations, including criteria for waivers, with assistance from a consultant in the near future.

SUGGESTED CHANGES AND ADDITIONS TO PROPOSED BYLAW AMENDMENTS

I recommend the Planning Board submit a favorable recommendation to the Town Council for the bylaw amendments including the suggested changes and additions, below:

Addition to §450-3.0 (A) below SP – Special Permit

“NA - Not an applicable use for the corresponding district”

Amend § 450-9.9(E)(3)(b)

“The Planning Board shall, by majority vote of members present, affirm or not, the Planning Director’s decision. The Planning Board shall make their decision within 21 days of receipt of such appeal.”

Respectfully submitted.

ARTICLE IX
Definitions

§ 450-11.2 Terms defined.

Indoor self-storage – A facility that provides indoor units leased to individuals and business owners for the ~~storage of household goods, excess supplies and archived records, as examples~~purpose of storing and removing personal property. Such facilities may be climate controlled, individually secured, and may have multiple stories with elevator access. The majority of the storage units must be accessed from within the building. Any storage units to be accessed from the exterior of the building ~~are not to be visible from the streets~~shall be ground floor units and shall be appropriately screened to minimize their visibility from public ways. No storage unit shall be used as a residence.

Self-service storage facility – Any real property designed or used for the purpose of renting or leasing individual storage space to tenants who are to have access to that space for the purpose of storing and removing personal property. A self-storage facility is not a warehouse. All storage units must be individually secured and no storage unit shall be used as a residence. All buildings within a self-service storage facility shall be limited to one story.