

EAST LONGMEADOW PLANNING BOARD

Date: May 17, 2022
Time: 6:00 PM EST
Place: Zoom Webinar



MINUTES

Chair Russell Denver opened the meeting at 6:00 PM.

CALL THE ROLL

Present Russell Denver, Chair
 George Kingston, Vice Chair
 Jonathan Torcia, Clerk
 Cassandra Cerasuolo

Absent Pete Punderson

Staff Present Bailey Mitchell, Director of Planning & Community Development
 Nina Fazio, Planning & Community Development Administrative Assistant

APPROVAL OF MINUTES

- April 19, 2022

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

SITE PLAN REVIEW WAIVERS

1. **Case SPRW 2022-9:** Request for a Site Plan Review Waiver for East Car Sales, a home office at 389 Elm Street (Assessor’s Parcel ID 34-28-0) located in the Residence A zoning district.
Applicant: Wilfredo Gonzalez, 389 Elm Street, East Longmeadow, MA 01028 (Cont. 4/5/2022; 4/19/2022)

The applicant was not present for discussion. Vice Chair George Kingston asked Director Bailey Mitchell to contact the applicant and inform him that failure to attend another meeting may result in his application being denied.

Motion to table discussion to the next meeting of the Planning Board made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by roll call by four (4)-zero (0).

2. **Case SPRW 2022-10:** Request for a Site Plan Review Waiver for Play Tyme, an online clothing store at 6 Birchland Avenue (Assessor’s Parcel ID 38A-12-8) in the Residence C zoning district.
Applicant: Canda Thomas, 6 Birchland Avenue, East Longmeadow, MA 01028 (Cont. 4/19/2022)

The applicant was not present for discussion. Vice Chair George Kingston asked Director Bailey Mitchell to contact the applicant and inform her that failure to attend another meeting may result in her application being denied.

Motion to table discussion to the next meeting of the Planning Board made by Vice Chair George

Kingston; second by Board member Cassandra Cerasuolo and approved by roll call vote four (4)-zero (0).

3. **Case SPRW 2022-14:** Request for a Site Plan Review Waiver for King, Newton & Stevens, a home office at 329 Pease Road (Assessor's Parcel ID 32-16-0) in the Residence A zoning district. Applicant Donald M Stevens, 329 Pease Road, East Longmeadow, MA 01028

The applicant was not present for discussion. Vice Chair George Kingston asked Director Bailey Mitchell to contact the applicant and inform him that failure to attend another meeting may result in his application being denied.

Motion to table discussion to the next meeting of the Planning Board made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by roll call vote four (4)-zero (0).

4. **Case SPRW 2022-15:** Request for a Site Plan Review Waiver for Beaven's Blooms, a home office, at 95 East Circle Drive (Assessor's Parcel ID 47-15-27) in the Residence A zoning district. Applicant Krysten Beaven, 95 East Circle Drive, East Longmeadow, MA 01028

Krysten Beaven was present for discussion. Ms. Beaven presented her plans to sell flowers grown in her garden out of a small temporary structure located in her driveway. Ms. Beaven anticipates hours of operation from 9am-4pm, will make deliveries using her personal vehicle, and will utilize online scheduled pick up times. Vice Chair George Kingston asked about the size of Ms. Beaven's property and expressed concern that farm stands are not allowed in this zoning district. Zoning Enforcement Officer Kevin Duquette joined the meeting to confirm that farm stands are allowed in this zoning district on lots less than 5 acres in size. There were no further comments or questions from the Board at this time.

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

ANR

1. **Case ANR 2022-02:** Request by applicant for endorsement of a plan believed not to require subdivision approval under Subdivision Control Law for the creation of two parcels and remaining land: Parcel A, a +/- 49,406.91 sq. ft. (1.13 acre) lot containing a portion of 71 Hampden Road (Assessor's Parcel ID 65-27-0); Parcel B, a +/- 32,134.01 sq. ft. (0.74 Acre) lot containing a portion of 71 Hampden Road (Assessor's Parcel ID 65-27-0); all located in the Residence A zoning district. Applicant: Diane Markham, 71 Hampden Road, East Longmeadow, MA 01028. (Cont. 4/19/2022)

Mike Smith of Smith Associates Surveyors was present for discussion on behalf of the applicant. Mr. Smith explained the existing parcel would be divided into two lots; both lots meet frontage and square footage requirements of their zoning district. There were no comments or questions from the Board at this time.

Motion to endorse the plan believed Not to Require Approval under Subdivision Control Law made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by roll call vote four (4)-zero (0).

Motion to take the agenda out of order and move to “Continued Business” made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by roll call vote four (4)-zero (0).

CONTINUED BUSINESS

1. **Review and discussion of revocation of Special Permit (HBT SP 2009-0019)** for Paul Bunyan Wood Co., a Home Based Trade at 160 Mapleshade Avenue, East Longmeadow, MA 01028 c/o Thomas O’Brien due to violation of Special Permit Conditions. (Cont. 4/19/2022)

Chair Russell Denver recapped the previous meeting. Chair Russell Denver stated the Board has obtained dispatch records from the East Longmeadow Police Department which show there were two calls regarding excess noise and nuisance in February 2022. Chair Russell Denver stated the petitioner has requested a continuance until the Board is available to meet in person.

Chair Russell Denver opened the meeting to Mr. O’Brien’s representative and to an abutter who has filed formal complaints with the Zoning Enforcement Officer.

Attorney Larry Levine was present for discussion on behalf of Mr. O’Brien. Atty Levine stated the petitioner has requested a continuance in order to allow for more time to resolve a few issues with the abutters outside of the Planning Board meetings.

Dawn Currier, 195 Mapleshade Ave, stated Special Permit violations should be handled by the Planning Board rather than individually between abutters. Ms. Currier stated she submitted a letter to Director Bailey Mitchell for the Board’s review prior to the meeting.

Vice Chair George Kingston expressed that the Board does not have plans to return to in person meetings until MA legislature allowing remote meetings expires on July 15, 2022. Vice Chair George Kingston stated a continuation to the next meeting is more feasible.

Clerk Jon Torcia stated he has not had a chance to review Ms. Currier’s letter and believes a continuation to the next meeting is needed.

Chair Russell Denver asked the Board if a board member or staff from the Planning Department should attend any meetings between Mr. O’Brien and abutters. Vice Chair George Kingston stated the presence of a board member would be inappropriate, however, the presence of Director Bailey Mitchell would be more appropriate, if he chooses to do so.

Chair Russell Denver informed the public that the Board has revoked Special Permits in the past and is willing to take action as deemed necessary.

Motion to continue to the next meeting of the Planning Board at 6:00 PM made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by roll call vote four (4)-zero (0).

PUBLIC HEARINGS

1. **Case SITE 2022-1: 126 Industrial Drive** - Request for Site Plan Review for the installation of a 58,800 SF artificial turf playing field and six pole-mounted field lights at 126 Industrial Drive

(Assessor's Parcel ID 9-3-18) on a 4.96 acre lot in the Industrial Garden Park zoning district.
Applicant: Roots Learning Center, Inc., 126 Industrial Drive, East Longmeadow, MA 01028

Applicants Ryan Lavner and Jason Blunt of Roots Learning Center, Inc. were present for discussion. Mr. Lavner presented the plans to install an artificial turf field in order to improve existing grass play space. Mr. Lavner estimated that the hours of use for the field and lighting would be week nights, no later than 9-9:30pm and did not believe the use would change the capacity of the facility or amount of guests. Mr. Lavner stated the field is not large in size and would limit the use to very small children's events.

Vice Chair George Kingston asked about the nature of business conducted at Roots Learning Center, Inc. Mr. Lavner stated they are a youth development center that is primarily a daycare for children three to twelve-years-old. The Center is also subdivided into small children's gymnastics and sporting groups. Vice Chair George Kingston expressed concern that athletic facilities are not allowed in this zoning district and any leasing of the artificial turf field would change the use of the property. Mr. Lavner stated existing members of Roots Learning Center would be the individuals using the artificial turf field and the primary use would remain as an educational facility.

Chair Russell Denver opened the hearing to the public. There were no comments or questions from the public at this time.

Motion to close the public hearing made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by roll call vote four (4)-zero (0).

Chair Russell Denver reminded the applicant that since only four Board members were present then a unanimous vote of approval is needed. Mr. Lavner stated he is ok with moving forward with only four Board members voting.

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

(The Board took a 5 minute break and reconvened for discussion at 6:47 PM)

2. **Case SP 2022-5:** Request for Special Permit for the installation of a wireless communications monopole and related equipment at 16 Meadowbrook Road (Assessor's Parcel ID 78-1-0) on a 12 +/- acre site located in the Residence A zoning district. Applicant: Cellco Partnerships dba Verizon Wireless, 20 Alexander Drive, Wallingford, CT 06492 (Cont. 4/5/2022)

Chair Russell Denver provided a history of the case thus far. Chair Russell Denver stated an independent RF review of the application has been conducted.

Attorney Ellen Freyman of Shatz, Schwartz, and Fentin P.C. was present for discussion on behalf of the petitioners. David Maxson of Isotrope Wireless was present for discussion as the independent RF consultant.

Atty Freyman stated the petitioners would be requesting a continuance until a full Board is present. Mr. Maxson confirmed that he is available for the June 21, 2022 meeting.

Motion to continue the public hearing to June 21, 2022 at 6:00 PM made by Vice Chair George Kingston; second by Clerk Jon Torcia and approved by roll call vote four (4)-zero (0).

3. **Case SD-D 2022-1: Definitive Subdivision Plan for Happy Acres Subdivision:** Request by applicant for definitive subdivision approval for a twenty-three (23) lot subdivision on a 31.8 +/- acre lot at 43 South Bend Lane (Assessor's Parcel ID 54-6-0) located in the Residence A zoning district. Applicant: Marlene Goldstein, 43 South Bend Lane, East Longmeadow, MA 01028 (Cont. 3/15/2022; 4/19/2022)

Chair Russell Denver recapped that the DPW Town Engineer has reviewed and approved of the definitive site plans and the ELPD Safety Enforcement Officer has approved of the traffic study.

Rob Levesque of R. Levesque Associates and Attorney Larry Levine were present for discussion on behalf of the applicant. Mr. Levesque recapped the meeting with SEO Calcasola and Chief Williams who found the traffic study to be satisfactory. Mr. Levesque addressed comments and concerns raised during the April 19, 2022 public hearing.

In regards to Vice Chair George Kingston's concern regarding the lack of frontage of the stormwater parcel, Mr. Levesque stated the stormwater parcel is considered a "parcel" rather than a "lot" and therefore does not require frontage under the bylaws. Vice Chair George Kingston disagreed and stated it would be considered a lot. Vice Chair George Kingston reiterated that the Town has had bad experiences with separate stormwater parcels in the past.

In regards to Vice Chair George Kingston's concern regarding lack of access to drainage easements, Mr. Levesque revised the definitive site plans to depict drainage and access easements.

In regards to Vice Chair George Kingston's concern regarding lack of ownership of stormwater parcels, Mr. Levesque clarified that property owner Marlene Goldstein would be responsible for maintenance of stormwater parcels until there is a majority ownership of the subdivision lots.

In regards to Board member Pete Punderson's concern regarding traffic, Mr. Levesque stated the ELPD has approved of the traffic study indicating the subdivision will not adversely impact the traffic pattern of Somers Road-South Bend Lane.

Atty Levine explained the structure of the proposed Homeowner's Association and how the stormwater parcels will be maintained. The petitioners will submit documentation of the HOA for the Board's review.

Chair Russell Denver suggested retaining a bond that would cover the cost of stormwater parcel maintenance; Clerk Jon Torcia concurred. Vice Chair George Kingston requested more information regarding enforcement of the HOA and deed restrictions.

Motion to continue the public hearing to the next meeting on the Planning Board made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by roll call vote four (4)-zero (0).

Director Bailey Mitchell stated the applicant of Case SPRW 2022-10 is now present and asked the Board if they would like to reconsider their vote.

Motion to reconsider Case SPRW 2022-10 made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by roll call vote four (4)-zero (0).

1. **Case SPRW 2022-10:** Request for a Site Plan Review Waiver for Play Tyme, an online clothing store at 6 Birchland Avenue (Assessor's Parcel ID 38A-12-8) in the Residence C zoning district. Applicant: Canda Thomas, 6 Birchland Avenue, East Longmeadow, MA 01028 (Cont. 4/19/2022)

Canda Thomas was present for discussion. Ms. Thomas presented her plans for a home office to operate an online children's clothing store. Ms. Thomas stated she would make occasional deliveries with her personal car and there would be no customers coming to her residence.

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

OTHER BUSINESS:

1. Director's Report

Director Bailey Mitchell gave an overview of upcoming cases and provided information on general housekeeping issues. Director Bailey Mitchell informed the Board that the Town Collector/Treasurer may start requiring cash bonds for subdivisions.

The Board scheduled an additional meeting on Monday, June 6, 2022 at 6:00 PM via Zoom Webinar.

Motion to continue the public hearing for Case SD-D 2022-1 to Monday June 6, 2022 at 6:00 PM made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by roll call vote four (4)-zero (0).

ADJOURN

Motion to adjourn made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by unanimous vote four (4)-zero (0) at 7:41 PM.