

EAST LONGMEADOW PLANNING BOARD

Date: June 21, 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
 Pete Punderson
 Cassandra Cerasuolo

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

APPROVAL OF MINUTES

- June 6, 2022

Motion to approve made by Vice Chair George Kingston; second by Board member Pete Punderson and approved by roll call vote four (4)-zero (0). Clerk Jon Torcia abstained from voting due to his absence at the June 6, 2022 meeting.

Motion to take the agenda out of order and begin with “Continued Business” made by Vice Chair George Kingston; second by Board member Pete Punderson and approved by roll call vote five (5)-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; Cont. 5/17/2022)

Chair Russell Denver stated the petitioner has requested a continuance due to the death of a close personal friend. Board member Pete Punderson expressed his interest in speaking with the petitioner before voting on this matter. Chair Russell Denver invited abutters into the meeting to schedule a special meeting date to hear this matter.

Dawn Currier, 195 Mapleshade Avenue, and Terri Leone, 205 Mapleshade Avenue, stated they would be available for the proposed meeting dates next week.

The Board scheduled a special meeting for this agenda item only on Tuesday, June 28, 2022 at 6:00 PM via Zoom Webinar.

Motion to continue this item to Tuesday, June 28, 2022 at 6:00 PM via Zoom Webinar made by Vice Chair George Kingston; second by Clerk Jon Torcia and approved by roll call vote five (5)-zero (0).

SITE PLAN REVIEW WAIVERS

1. **Case SPRW 2022-17:** Request for a Site Plan Review Waiver for Pine and Birch Photography, a home office at 5 Lester Street (Assessor's Parcel ID 25-165-2) in the Residence C zoning district. Applicant Olivia Hall, 5 Lester Street, East Longmeadow, MA 01028 (Cont. 6/6/2022)

Applicant Olivia Hall was present for discussion. Ms. Hall presented her plans for a home office to edit wedding photographs that are taken off site. Ms. Hall stated there would be no customers coming to the home office. There were no 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 five (5)-zero (0).

2. **Case SPRW 2022-18:** Request for a Site Plan Review Waiver for Mimi's Consignment Boutique, a retail business at 54 Shaker Road (Assessor's Parcel ID 27-169-0) in the Business zoning district. Applicant Latina Duncanson, 69 Lucerne Road, Springfield, MA 01119

Applicant Latina Duncanson was present for discussion. Ms. Duncanson presented her plans to take over the existing business of Mimi's Consignment Boutique as the new owner. Ms. Duncanson stated all operations would remain the same. There were no comments or questions from the Board at this time.

Motion to approve made by Vice Chair George Kingston; second by Board member Pete Punderson and approved by roll call vote five (5)-zero (0).

PUBLIC HEARINGS

1. **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; 5/17/2022)

Chair Russell Denver provided a recap of the previous public hearings on this matter. Attorney Ellen Freyman and Attorney Michael Fenton were present for discussion on behalf of the applicant. David Maxson of Isotrope Wireless was present for discussion as the independent RF consultant.

Mr. Maxson provided a summary of his report and findings based on a review of the application materials. Chair Russell Denver asked if the coverage maps provided by the applicant were confirmed to be accurate. Mr. Maxson stated the analysis of the coverage maps is confirmed to be accurate. Mr. Maxson confirmed that this wireless communications monopole will be in compliance with the FCC safety standards. Mr. Maxson concluded the request for a wireless communications monopole at this location is a reasonable request based on his engineering analysis.

Vice Chair George Kingston asked if there was a "critical coverage gap" met in accordance with the federal laws ability to overturn local bylaws. Mr. Maxson stated he cannot provide a legal opinion, but can provide information from a technical, engineering stance. Mr. Maxson confirmed the location of the proposed wireless communications monopole will increase coverage and capacity. Mr. Maxson stated

the petitioners have provided enough engineering information to show that this location is an appropriate best practice location to provide increased coverage and capacity. Mr. Maxson stated he cannot provide a “yes” or “no” answer on if there is a “critical coverage gap” since he is not the court system. Mr. Maxson stated he can only provide findings and recommendations based on an engineering analysis.

Chair Russell Denver opened the public hearing. 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 five (5)-zero (0).

Chair Russell Denver asked for the Board members to state their reasoning for voting on this matter.

Chair Russell Denver stated he is in favor of granting this request for Special Permit because the requirements of the zoning bylaws have been met and a thorough report from an independent RF consultant has been produced. Chair Russell Denver stated this wireless communications monopole will be a benefit to the entire Town. Chair Russell Denver stated he has researched FCC guidelines and believes that if there was any question of health effects then that is a matter for the Board of Health to review, not the Planning Board.

Board member Pete Punderson stated he is in favor of granting this request for Special Permit because the applicants have done their due diligence in proving the necessity of this wireless communications monopole to the Board.

Clerk Jon Torcia stated he is in favor of granting this request for Special Permit since the independent RF consultant report diminished any hesitancy he had in the previous public hearings. Clerk Jon Torcia stated, in his opinion, the federal laws regulating wireless communication monopoles have not come up to date, but that is not in the purview of the Board.

Board member Cassandra Cerasuolo stated she is in favor of granting this request for Special Permit since all efforts have been exhausted in receiving answers from the applicants in response to the questions and concerns raised by the public.

Vice Chair George Kingston stated he is in opposition of granting this request for Special Permit because local bylaws can only be overturned by the federal court when there is a “critical coverage gap” which he believes has not been proven through the evidence presented.

Motion to approve the request for Special Permit made by Clerk Jon Torcia; second by Board member Pete Punderson and approved by roll call vote four (4)-one (1).

**Chair Russell Denver- Yes
Clerk Jon Torcia- Yes
Cassandra Cerasuolo- Yes**

**Vice Chair George Kingston- No
Pete Punderson- Yes**

2. **Case SP 2022-6:** Request for Special Permit for Murphy’s Nutrition, LLC, a nutrition tea and shake shop at 33 Harkness Avenue Unit B (Assessor’s Parcel ID 12-33-0) on a 2.07 +/- acre site

located in the Business zoning district. Applicant: Matelyn Douglas, 50 Duke Street Ludlow, MA 01056

Applicant Matelyn Douglas and Attorney Dan Kelly were present for discussion. Attorney Kelly provided a brief history on the applicant and her business plan. Ms. Douglas is proposing to operate with 8 employees and hours of operation being Monday-Friday 7:00am-4:00pm and Saturday-Sunday 9:00am-2:00pm. There will be no entertainment and no change to the exterior structure of the existing building.

Vice Chair George Kingston asked about the location of the unit and previous tenant. Attorney Kelly stated the proposed business is directly next to a recently approved bakery.

Chair Russell Denver opened the public hearing. 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 Pete Punderson and approved by roll call vote five (5)-zero (0).

There were no further comments or questions from the Board at this time.

Motion to approve made by Vice Chair George Kingston; second by Clerk Jon Torcia and approved by roll call vote five (5)-zero (0).

3. **Case SP 2022-7:** Request for Special Permit for a restaurant at 520 North Main Street (Assessor's Parcel ID 2B-82-1) on a 0.31 +/- acre site located in the Business zoning district. Applicant: Harshman Singh, 55 Briarwood Avenue, Springfield, MA 01118

Applicant Harshman Singh was present for discussion. Chair Russell Denver noted an inconsistency in the application that listed the location of "520 North Main Street" in some places and "520 Main Street" in others. Mr. Singh stated the location of the business is 520 North Main Street. The application will be amended to reflect the correct address.

Mr. Singh stated his family currently owns a fast, casual Indian restaurant in downtown Springfield, MA that has been open for 30-35 years and is looking to move locations due to a large number of customers being located in East Longmeadow, MA. Mr. Singh stated the parking would remain the same. Mr. Singh stated the seating capacity would be lowered from 30-33 seats to 20-25 seats since most of their business would be takeout. Mr. Singh stated their hours of operation would be seven (7) days a week 12:00pm-9:00pm and there would be no entertainment.

Vice Chair George Kingston asked if the applicant would be applying for a liquor license. Mr. Singh replied yes, he will be applying for a liquor license and alcohol will be sold for the customers that chose to dine-in, but it is not a major offering of their business.

Chair Russell Denver opened the public hearing. 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 five (5)-zero (0).

Chair Russell Denver asked for a condition of approval for the hours of operation to be limited to between 9:00am-9:00pm at this time. The applicant may request an amendment to the Special Permit for a change in hours of operation in the future. The Board concurred with this condition of approval.

Motion to approve, with a condition of approval, made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by roll call vote five (5)-zero (0).

4. **Case SP 2022-8:** Request for Special Permit amendment for The Depot, a carryout restaurant at 64 Maple Street (Assessor's Parcel ID 27-9-0) on a 3.08 acre lot in the Industrial and Business zoning districts. Applicant: Steve Graham, 124 Stonehill Road, East Longmeadow, MA 01028

Applicant Steve Graham was present for discussion. Mr. Graham stated he is requesting a Special Permit amendment to allow for the addition of a tenant within the existing business space and for extended hours of operation to remain open all year round.

Chair Russell Denver asked if Mr. Graham was the owner of the second business located within Mr. Graham's existing business. Mr. Graham stated the tenant is the owner of the second business and he is subletting the space. Chair Russell Denver asked about the current hours of operation. Mr. Graham stated they are currently open 12:00pm-9:00pm seasonally for ice cream, but are requesting to extend those hours and to remain open year round since breakfast, coffee, and lunch are now served by the tenant business, Kool Beenz.

Chair Russell Denver opened the public hearing. 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 Pete Punderson and approved by roll call vote five (5)-zero (0).

There were no further comments or questions from the Board at this time.

Motion to approve the Special Permit amendment made by Vice Chair George Kingston; second by Board member Pete Punderson and approved by roll call vote five (5)-zero (0).

5. **Case SITE 2022-2:** - Request for Site Plan Review for the installation of a mini railroad at 64 Maple Street (Assessor's Parcel ID 27-9-0) on a 3.08 acre lot in the Industrial and Business zoning districts. Applicant: Steve Graham, 124 Stonehill Road, East Longmeadow, MA 01028

Applicant Steve Graham was present for discussion. Mr. Graham presented details to construct and operate a miniature locomotive on existing grass/gravel space. Mr. Graham stated there are 3-4 cars on the locomotive in which 3-4 children and 3-4 adults can ride at once. Mr. Graham stated there will be rail spurs that lead into a "car barn" located at 14 Maple Court for overnight storage. Mr. Graham stated there is a regulatory body from the state and that all licenses and inspections from the state will be complied with.

Chair Russell Denver opened the public hearing. 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 Pete Punderson and approved by roll call vote five (5)-zero (0).

Vice Chair George Kingston stated this is an entirely new use of the property; however, it is consistent with the current operation. Chair Russell Denver asked when Mr. Graham intends to open the railroad. Mr. Graham stated he intends to be operational within this season.

Motion to approve made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by roll call vote five (5)-zero (0).

ANR

1. **Case ANR 2022-4:** 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 +/- 442,082.27 sq. ft. (10.148 acre) lot containing a portion of 265 Benton Drive (Assessor's Parcel ID 10-3-0); Parcel B, a +/- 894,717.88 sq. ft. (20.54 acre) lot containing a portion of 265 Benton Drive (Assessor's Parcel ID 10-3-0) and 90 Denslow Road (Assessor's Parcel ID: 10-15-1); all located in the Industrial Garden zoning district. Applicant: JSTW Limited Partnership, 90 Denslow Road, East Longmeadow, MA 01028

Applicant John Maybury and representative Mike Smith from Smith Associates Land Surveyors were present for discussion. Mr. Smith presented the plans to convey land from the property known as 265 Benton Drive to the property known as 90 Denslow Road, and to create two new parcels.

There were no comments or questions from the Board at this time.

Motion to endorse the plan believed not to require subdivision approval under Subdivision Control Law made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by roll call vote five (5)-zero (0).

OTHER BUSINESS:

1. Downtown Mixed Use Development Overlay Zoning Discussion

There were no updates at this time.

2. Director's Report

Planning Director Bailey Mitchell announced the Planning Department will offer a survey to stakeholders to receive feedback on a downtown mixed use overlay zoning district. The Planning Department will have a booth at National Night Out on Tuesday, August 2, 2022 to offer this survey in person.

The Board discussed the logistics of returning to in person meetings starting with the July 19, 2022 meeting. A schedule update for September was given.

ADJOURN

Motion to adjourn made by Vice Chair George Kingston; second by Board member Cassandra Cerasuolo and approved by unanimous vote five (5)-zero (0) at 7:05 PM.