

**EAST LONGMEADOW PLANNING BOARD
MINUTES**

Date: January 21, 2020

Time: 6:00 PM

Place: School Committee Conference Room

East Longmeadow High School, 180 Maple St., East Longmeadow, MA

MINUTES

The Chair opened the meeting and called the roll at 6:01 pm.

Present: Russell Denver, Chair
George Kingston, Vice chair
Tyde Richards, Clerk
Jon Torcia
Peter Punderson

Staff Present: Constance Brawders, Planning & Community Development Director; Bethany Yeo,
Planning & Community Development Administrative Assistant

The Chair Russell Denver introduced the new Planning Board member, Peter Punderson.

APPROVAL OF MINUTES:

January 7, 2020

Motion made by Vice Chair George Kingston; second by Planning Board member Jon Torcia and approved by a vote of four(4)-zero (0). Planning Board member Peter Punderson abstained from the vote.

SITE PLAN WAIVER REQUESTS:

1. **SPRW 2019-44: Home Office**—Request by applicant for Site Plan Review Waiver for a home office at 241 Pease Road (Assessor's Parcel ID 43-21-0) on a 1.60 +/- acre site in the Residence AA zoning district. Applicant: Pallyanna Borrello, 241 Pease Road, East Longmeadow, MA 01028. (Cont. December 17, 2019)

The applicant was not present for discussion. **Agenda item was continued to February 18, 2020.**

2. **SPRW 2020-01: Enso Martial Arts**—Request by applicant for Site Plan Review Waiver for a martial arts school at 80 Denslow Road (Assessor's Parcel ID 10-8-0) in an existing 40,000 +/- SF fitness studio shared with CrossFit Blue Diamond in the Industrial Garden Park zoning district. Applicant: Dustin Humphrey, 100 Hampden Road, East Longmeadow, MA 01028.

Applicant, Dustin Humphrey was present for discussion. Mr. Humphrey explained he will be subleasing space from the existing Blue Diamond CrossFit Facility for his martial arts school. The Chair inquired what the hours of operation will be. Mr. Humphrey stated they will range from 4 PM-7 PM.

No further discussion.

Motion made by Vice Chair George Kingston; second by Planning Board member Peter Punderson and approved by a vote of five (5)-zero(0).

3. **SPRW 2020-02: Esthetics Salon**—Request by applicant for Site Plan Review Waiver for an esthetics salon at 38 Harkness Avenue (Assessor's Parcel ID 12-1-3) on a 0.29 +/- acre site in the Business zoning district. Applicant: Natalya Czapienski, 57 Rencelau Street, Springfield, MA 01118.

Applicant Natalya Czapienski was present for discussion. The applicant explained she is moving locations from her original location at 280 North Main St, East Longmeadow, MA 01028 where she has been in business since 2018 and would be sharing the new space with another business run by Caitlin Lavin. Ms. Czapienski confirmed she would not be offering Permanent Make Up services at her salon. The Chair inquired what the hours of operation would be. Ms. Czapienski stated hours would be by appointment and ranging from Sunday thru Thursday 11 AM-8PM.

Motion to approve made by Vice chair George Kingston; second by Planning Board member Peter Punderson and approved by a vote of five(5)-zero (0).

4. **SPRW 2020-03: Home Office**—Request by applicant for Site Plan Review Waiver for a home office for Dave Your Window Butler, a window cleaning business at 64 Meadowbrook Road (Assessor's Parcel ID 79-11-19) on a 1.32 +/- acre site in the Residential A zoning district.

Applicant: David Morgan, 64 Meadowbrook Road, East Longmeadow, MA 01028.

Applicant David Morgan was present for discussion. Mr. Morgan explained the home office will be for billing purposes and stated supplies and a commercial vehicle will not be stored at the address. He is awaiting the Letter of Authorization from the property owner in the mail. The Chair Russell Denver stated they would approve the Site Plan Review Waiver with approval being contingent upon Mr. Morgan submitting the Letter of Authorization to the Planning & Community Development department when it arrives via mail.

Motion made by Vice chair George Kingston; second by Planning Board member Peter Punderson and approved contingent upon submission of the letter of authorization by a vote of five (5)-zero (0).

5. **SPRW 2020-04: Fascial Stretch Therapy**—Request by applicant for Site Plan Review Waiver for an assisted stretching/relaxation business at 38 Harkness Avenue (Assessor's Parcel ID 12-1-3) on a 0.29 +/- acre site in the Business zoning district. Applicant: Caitlin Lavin, 103 Swan Ave, Ludlow, MA 01056.

Applicant Caitlin Lavin was present for discussion. The Chair asked Ms. Lavin to explain what fascial stretch therapy consists of. Ms. Lavin explained fascial stretch therapy is table-based, fully-clothed soft, gentle movements with passive range of motion for the body to increase flexibility and mobility in the joints. Ms. Lavin stated her proposed hours of operation would be by appointment only Monday, Thursday, and Friday and occasionally weekends

Motion made by Planning Board member Peter Punderson; second by Vice chair George Kingston and approved by a vote of five (5)- zero (0).

6. **SPRW 2020-05: Home Office**—Request by applicant for Site Plan Review Waiver for a home office for JJK Productions, an event and concert promotions business at 118 Lee Street (Assessor's Parcel ID 54-27-6) on a 0.64 +/- acre site in the Residence A zoning district. Applicant: Joshua Kelleher, 118 Lee Street, East Longmeadow, MA 01028.

Applicant Joshua Kelleher was present for discussion. Ms. Kelleher stated the home office would be for computer and billing purposes and no supplies would be stored on site. No further discussion.

Motion made by Vice chair George Kingston; second by Planning Board member Peter Punderson and approved by a vote of five (5)- zero (0).

CONTINUED PUBLIC HEARINGS:

7. **Case SITE 2019-11: Ground Mounted Solar Facility** – Request by applicant for the installation of a 4 Megawatt ground mounted solar facility at Rear Pease Road (Assessor's Parcel ID 33-1-0) located on a 21.26 +/- acre site in the Residence AA zoning district. Applicant: Steve Broyer, PLH,

LLC, 222 South 9th Street, Ste. 1600, Minneapolis, MN 55402. (Cont. November 19, 2019; December 3, 2019; December 17, 2019)

Applicant Steve Broyer [PLH, LLC 22 South 9th Street, Ste. 1600, Minneapolis, MN 55402] and attorney James Martin [Robinson Donovan, P.C., 1500 Main Street, Suite 1600, Springfield, MA 01115] were present for discussion. Planning & Community Development Director Constance Brawders reported due to a late submission of revised plans by the applicant and the holiday weekend, the Department of Public Works had not yet provided a response regarding the revised plans. Ms. Brawders also stated the ESCROW draft document had been sent to Finance and the Treasurer as well as the Town Manager for review. In turn, the Decommissioning proposal had been sent to Legal Council and the Finance department for review. Both documents await comments from these parties.

Planning Board member Peter Punderson recused himself from the case as he was not present for the prior hearings.

Discussion ensued regarding the waiver requests made by the applicant which include: 7.5.12 Buffer Strips; 7.5.14.3 Utility Connections; 7.5.15.3 Fencing; 7.5.16.2 Annual Reporting.

7.5.12 Buffer Strips

Vice Chair George Kingston argued that one cannot presume the abutting land will never be developed. Atty. Martin stated if it was developed, the applicant would provide documentation stating the land will not be developed to maintain the buffer strip.

7.5.16.2 Annual Reporting

Chair Russell Denver reasoned based on evidence providing by the Planning Director of neighboring municipalities, annual reporting for solar facility projects is not out of the ordinary. The Chair stated he was not inclined to waive the requirement. Vice Chair George Kingston also stated his support in not waiving the annual report. Discussion ensued regarding the purpose of the annual reporting and what information should be included within the report. Vice Chair George Kingston stated the annual report would demonstrated that the project is being maintained properly and will ensure it is operating as it was intended.

7.5.14.3 Utility Connections

The Planning Director, Constance Brawders read the relevant section of the bylaw in the record. Applicant, Steve Broyer explained all utility connections are underground with the exception of the wire racking between panels. The wire racking is above ground as that is the only feasible/practiced method in the solar industry. The Planning board concluded that the applicant is making all reasonable efforts to place utility connections underground.

7.5.15.3 Fencing

Atty. Martin suggested placing a condition in the Site Plan Review decision stating if the adjacent properties are developed, the fence will be moved back into the buffer strip. The Planning Board agreed to this compromise.

The applicant explained the revision to the civil plans was to incorporate ponding the DPW requested to be shown on the plans. The applicant reported the Conservation Commission had determined the farm pond in question is non jurisdictional on 1/8/2020 based on the WPA Form 1: Request for Determination of Applicability application submitted by the applicant.

Chair Russell Denver inquired if the typo in the Narrative report, which states the Town of Spencer rather than the town of East Longmeadow, had been corrected. Atty. Martin stated he would look into the matter to ensure it had been corrected.

Applicant Steve Broyer inquired if the Planning Board will require third party review of the hydrology report.

Clerk Tyde Richards stated he did not see a need for it as there are very little impervious surfaces in the proposed plans.

Planning & Community Development Director Constance Brawders requested a correction to the plan Notes, as the Conservation Commission did not review a "Notice of Intent"; rather the Commission received a "Request for Determination of Applicability".

At the evening's proceedings, there were no comments offered by the public.

Atty. Martin asked if there may be additional information or documents required by the town or Planning Board in processing the application under review. Chair Russell Denver stated to the best of his knowledge there was no additional information needed.

Waiver Petitions:

7.5 Ground-Mounted Photovoltaic Installations, Section 7.5.12 Buffer Strips. The Planning Board granted the waiver petition from Section 7.5.12 Buffer Strips, contingent upon the condition that, should adjacent Residence zoning district properties be developed, the 25 foot landscape buffer strip shall be replanted to keep arrays from view year round.

Motion made by Vice chair George Kingston; second made by Planning Board member Jon Torcia and approved with a vote of four (4)- zero (0) and Punderson Abstain.

7.5 Ground-Mounted Photovoltaic Installations, 7.5.14.3 Utility Connections. The Planning Board granted the waiver petition from Section 7.5.14.3 Utility Connections, for relief from the requirement that all utility connections from the photovoltaic installations be placed underground; as the requirements set by National Grid stipulate that certain connections between the solar panels necessitate an above ground connection as part of National Grid's existing standard procedures.

Motion made by Vice chair George Kingston; second by Planning Board member Jon Torcia and approved by a vote of three (3) - 1(one). Vice Chair George Kingston voted nay and Punderson Abstain.

7.5 Ground-Mounted Photovoltaic Installations, 7.5.15.3 Fencing. The Planning Board waived the requirement for installation of fencing at the setback line, contingent upon the condition that if adjacent Residence zoning district properties should be developed, the fence shall be relocated to the setback line.

Motion made by Vice Chair George Kingston; second by Jon Torcia and approved by a vote of four (4)- zero (0) and Punderson Abstain.

7.5 Ground-Mounted Photovoltaic Installations, 7.5.16.2 Annual Reporting.

The Planning Board did not waive the petition from the requirements to submit annual reporting submitted by the applicant. The Annual Report certifies compliance with the requirements of the bylaw and the applicant's approved site plan [including control of vegetation, noise standards, and adequacy of road access]. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Planning Board, Fire Chief, Emergency Management Director, Building Commissioner

no later than 45 days after the end of the calendar year. Failure to provide such an annual report will result in a fine of \$100 per day until said report is received.

Motion to waive Annual Reporting made by Vice Chair George Kingston; second by Jon Torcia. On a vote of zero (0)-four (4), the waiver was denied and not granted.

Given the outstanding matters: DPW Comments, Escrow and Decommissioning review and recommendation for approval by Town Attorney and Finance Director, **a motion to continue the public hearing to February 4, 2020 was made by Clerk Tyde Richards; second by Vice Chair George Kingston and approved by a vote of four (4)-zero (0) [new Planning Board Member Peter Punderson abstain].**

8. **Case SD-P 2019-01: Shelby and Silver Fox Lanes**—Request by applicant for Preliminary Subdivision approval for a two (2) lot subdivision on a 3.81 +/- acre site located at Shelby Lane and 14 Silver Fox Lane (Assessor's Parcel ID 65-16-5) in the Residence A zoning district.
Applicant: Giuseppe Capua and Vanessa Capua, 14 Silver Fox, East Longmeadow, MA 01028.
(Cont. December 17, 2019)

Representing the application was father of the landowners, Carmine Capua. Planning Director Constance Brawders informed the Chair the application was incomplete. Mr. Carmine Capua clarified he was before the Board to seek advice and direction on two options he had arrived at for subdivision plan. Mr. Capua proposed the submittal of an ANR (Approval Not Required) plan or continuing with the Preliminary Subdivision application. If an ANR was favorable to the Planning Board, Mr. Capua explained he would need to petition for a variance as he did not meet the frontage requirement for the zoning district. If not, and according to his conversations with the DPW, he would need to create a second cul-de-sac. Mr. Capua expressed his opinion that a second cul-de-sac would take away from the character and aesthetics of the neighborhood.

Clerk Tyde Richards inquired how much frontage Mr. Capua would need to waive to be in compliance with the zoning for an ANR. Mr. Capua stated there is currently 32 feet of frontage. Vice Chair George Kingston stated that in the zoning district, Residence A, the minimum frontage required is 140 feet. Clerk Tyde Richards stated his objection to waiving almost 100 feet of frontage as it sets a bad precedent. Planning Board member Jon Torcia concurred, stating he was not in favor of an additional cul-de-sac but also could not justify 32 feet of frontage.

Vice Chair George Kingston suggested the issue could be remedied by extending the road and moving the cul-de-sac down the road thus creating the required frontage without needing two cul-de-sacs.

Comment opened to the public.

Ralph Page, member of the Town Council, (306 Prospect Street) questioned if there would be enough frontages for the surrounding properties if the cul-de-sac is moved "downstream". Mr. Page also stated he did not believe there was an option to waiver frontage in an ANR.

Vice Chair George Kingston stated he was not in favor of waiving the frontage and suggested the applicant work with DPW to come up with a plan that is acceptable to the town.

Planning Board member Peter Punderson spoke to the major drainage issues on Shelby Lane.

The Board suggested the applicant either request for the case to be withdrawn without prejudice or present a petition for zoning change to the Town Council to allow for the creation of “pork chop” lots (a residential lot that requires a long driveway to reach the house). Mr. Capua requested the case be continued for thirty days so he could further consider the options.

Planning Board member Peter Punderson recused himself from the vote as he had not been present at the first hearing.

Motion made to continue to February 18, 2020 by Vice chair George Kingston; second by Planning Board member Jon Torcia and approved by a vote of four (4)-zero (0) and Peter Punderson Abstained.

NEW PUBLIC HEARINGS:

9. **Case MT SP 2019-12: Massage Therapist Facility**—Request by applicant for Special Permit for a massage therapist facility at 45 Crane Ave (Assessor’s Parcel ID 27-24-A-1) in an existing structure known as Healthtrax Fitness and Wellness and consisting of 19,004 +/- SF located on a 1.84 +/- acre site in the Business zoning district. Applicant: Arianne Boyajian, 45 Crane Ave, East Longmeadow, MA 01028.

Clerk Tyde Richards read the Legal Notice into the record. Applicant Arianne Boyajian represented the request and stated she would be offering massage therapy, body work and energy work services. Vice chair George Kingston inquired of the specific location of the massage therapy facility. Ms. Boyajian stated it would be in the yoga studio in Healthtrax Fitness and Wellness building. Vice Chair George Kingston asked for confirmation that the required proof of massage therapist licensure had been received. Planning & Community Development Director Constance Brawdors confirmed. Comment was opened to the public. No comment was heard in favor or against the Special Permit.

Motion to close the public hearing made by Vice chair George Kingston; second by Planning Board member Jon Torcia and approved by a vote of five (5)-zero (0).

Motion to approve Case MT SP 2019-12: Massage Therapist Facility, a request by applicant for Special Permit for a massage therapist facility at 45 Crane Ave (Assessor’s Parcel ID 27-24-A-1) in an existing structure known as Healthtrax Fitness and Wellness and consisting of 19,004 +/- SF located on a 1.84 +/- acre site in the Business zoning district, as represented by Applicant Arianne Boyajian, with business address of 45 Crane Ave, East Longmeadow, MA 01028 made by Planning Board member Peter Punderson; second by Vice chair George Kingston. Application approved unanimously by a vote of five (5)-zero (0).

10. **Case SP 2019-14: 64 Maple Street**—Request by applicant for Special Permit for a carry out restaurant at 64 Maple Street (Assessor’s Parcel ID 27-9-0) in an existing structure, known as the historical Train Depot, consisting of 800 +/- SF located on a 3.08 +/- acre site in the Business zoning district. Applicant: Steven Graham, 35 Industrial Drive, East Longmeadow, MA 01028.

Clerk Tyde Richards read the Legal Notice into the record. Applicant Steven Graham described his proposal to restore the historical train depot and adapt its use to a carry out ice-cream spot. Should there be demand, the applicant may expand carry out service to include coffee and pastries.

Chair Russell Denver inquired about the hours and season of operation for the business. Mr. Graham stated the anticipated hours of operation would be from 7:00 a.m. to 9:00 p.m. with seasonal operations from April until the end of September. If approved, Mr. Graham intends to open the business by June 2020.

Mr. Graham shared his plans to cultivate an attractive location using landscaping as well as outdoor picnic tables and a children's area. The plan currently contains paved parking from a prior business at the location. The existing paved parking will remain in place. If more parking is required 2.4 acres in the back of the parcel could be converted to more parking spaces if needed.

Planning Board member Peter Punderson inquired if a storm water management report would need to be completed by the applicant.

Vice Chair George Kingston stated that if the applicant modifies the impervious surface he will need to submit a storm water management report.

Vice Chair George Kingston stated he is in favor of the proposal; however, would like to see a site plan illustrating Mr. Graham's plans for the rest of the parcel including landscape design and parking.

Planning board member Peter Punderson inquired if the applicant also owned the adjacent parcel where Community Feed was located. Mr. Graham replied he recently acquired the parcel.

Peter Punderson inquired if the applicant would submit plans illustrating possible expansion in the future.

Comment opened to the public.

Marilyn Richards [342 Pinehurst Circle] spoke in support of the proposed project.

Jean Graham [124 Stonehill Road] inquired if the applicant is permitted to begin renovations on the train depot and clean-up of the grounds prior to site plan review. Vice Chair George Kingston stated the applicant could go ahead with renovation work and cleaning up the grounds as long as he has the necessary building permits for the renovations.

Vice Chair George Kingston and Planning Board member Peter Punderson explained the reasoning for the Site Plan Review is to have accurate, detailed plans on record in the event of an emergency, to verify parking requirements have been met and to track future expansions.

Ralph Page [306 Prospect Street] spoke in support of the proposed project.

Mark Sullivan [51 East Village Road] spoke in support of the proposed project and urged the Planning Board to move the project forward as quickly as they are able.

Motion to close the public hearing made by Vice chair George Kingston; second by Planning Board member Peter Punderson. Approved five (5) - zero (0).

Motion to approve the request by applicant for Special Permit for a carry out restaurant at 64 Maple Street (Assessor's Parcel ID 27-9-0) in an existing structure, known as the historical Train Depot, consisting of 800 +/- SF located on a 3.08 +/- acre site in the Business zoning district, as represented by Applicant Steven Graham [35 Industrial Drive, East Longmeadow, MA 01028] made by Vice Chair George Kingston; second by Planning Board member Peter Punderson and approved by a vote of five (5)-zero (0).

11. Case SD-D2019-04: Modification of Definitive Subdivision Plan for Hidden Ponds Estates -

Request by applicant for release of lots from covenant and substitution of surety by Irrevocable Letter of Credit. Applicant: Al Joyce, Rose-Bud Builders, LLC, P.O. Box 79, East Longmeadow, MA 01028. (Cont. December 17, 2019)

Chair Denver provided the applicant’s request for continuance. The Planning Board agreed to continue the matter to the February 18, 2020 Planning Board meeting.

12. Update to Mixed Use Zoning:

- a. **Case: ZN 2019-01 - Mixed Use District:** Petition by Applicant, M & A Longmeadow, LLC, to amend the Zoning By-law by adding a new zoning district for Mixed Use and to change the Zoning District Map for the Town of East Longmeadow. Applicant’s agent: Atty. Jane L. Mantolesky, Fitzgerald Attorneys at Law, PC, 46 Center Square, East Longmeadow, MA 01028.
- b. **Case: ZN 2019-02 - 330 Chestnut Street:** Petition by Applicant, M & A Longmeadow, LLC, consider a zoning change at 330 Chestnut Street (Assessor’s Parcel 18-38-0), a 40.35+/- acre site, from the Industrial Garden Park zoning district to a Mixed Use zoning district. Applicant’s agent: Atty. Jane L. Mantolesky, Fitzgerald Attorneys at Law, PC, 46 Center Square, East Longmeadow, MA 01028.

Subcommittee member Marilyn Richards provided an update of the progress on the Mixed Use Village Zoning bylaw. The subcommittee is waiting for legal input after which the matter will go before Town Council. Two public hearings will be held by Town Council. Vice Chair George Kingston asked that Town Council, also, obtain a legal opinion on whether the Planning Board should be required to conduct another public hearing, given the substantial changes to the zoning bylaw petition submittal made by the subcommittee and lapse of time that has occurred since the Planning Board presented the petition to Town Clerk on May 24, 2019.

13. Planning and Community Development Director’s Report

The Planning & Community Development Director Constance Brawdgers welcomed recently appointed Planning Board member Peter Punderson.

ADJOURN: Motion to adjourn made by Vice chair George Kingston; second by Planning Board member Peter Punderson and approved by a vote of five (5)- zero(0) at 7:39 PM.

DATE OF NEXT MEETING:

The next scheduled meeting of the Planning Board is February 4, 2020.

Tyde Richards

Tyde Richards, Clerk

2 - 4 - 20

Date