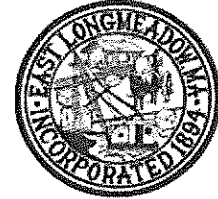


**EAST LONGMEADOW PLANNING BOARD  
MEETING NOTICE**

Date: February 19, 2019

Time: 6:00 PM

Place: School Committee Conference Room  
East Longmeadow High School, 180 Maple St., East Longmeadow, MA



**MINUTES**

Chairman Kingston opened the meeting at 6:00 p.m. and called the roll.

**CALL THE ROLL**

**Present:** George Kingston, Chair; Tyde Richards, Clerk; Jonathan Torcia; Louis Morabito;  
Russell Denver

**Staff Present:** Constance Brawders, Planning and Community Development Director  
Bethany Yeo, Planning and Community Development  
Administrative Assistant

**Absent:** Louis Morabito

**APPROVAL OF MINUTES**

February 5, 2019

Continued to March 5, 2019 meeting.

**CONTINUED PUBLIC HEARINGS:**

No continued hearings

**NEW PUBLIC HEARINGS:**

1. **Case SP 2019-02: Pride Convenience Store** – Request by applicant for Special Permit Amendment for a change in hours of operation at 13 North Main Street (Assessor's Parcel ID 27-37-0 and 27-38-0), a combined 16,682+/- SF site, located in the Business zoning district. Applicant: Pride Convenience, Inc., Atty. James. Channing, 246 Cottage St. Springfield, MA 01104.

Clerk Tyde Richards read the legal notice into the record for the Special Permit.

Representing Pride Convenience, Inc. was in-house counsel, James R.C. Channing. Atty. Channing outlined the proposal to amend the Special Permit decision and acknowledged earlier concerns expressed by the abutters from the April 2018 were duly noted and confirmed the applicant was amendable to resolving the problems of waste disposal and lighting spillage onto adjacent residential parcels.

The Chair opened the public hearing for the Special Permit amendment.

Speaking in opposition of the Special Permit request to modify the hours of operation *from* 5:00 a.m. to 10:00 p.m. *to* 5:00 a.m. to 11:30 were the following members of the constituency:

Dawn Starks (28 Elm Street, East Longmeadow) presented a letter to the Planning Board that was read and received into the record. Ms. Starks provided evidence of receipts obtained showing the applicant is currently violating the Special Permit by operating the business outside the parameters of the Special Permit. Ms. Starks remarked that by extending the hours for operation beyond 10:00 would be detrimental to the pattern of development characteristic of the traditional and historical New England Village Town Center model. In concluding her remarks, Ms. Starks pointed to the applicant's Pride

Convenience store operating at the East Longmeadow Town line near the neighboring community of Springfield, which currently accommodates the needs of patrons after 10:00 p.m. and could continue to do so for the benefit and profit by the applicant. Starks asked the Board to consider a denial of the application for the above stated reasons.

Marilyn Richards (342 Pinehurst Drive, East Longmeadow) seconded the comments by the previous speaker and reminded the Board that terms and conditions of all special permits should be observed in fairness to all who comply with the zoning by laws. Richards asked that the Board deny the request for violating the existing Special Permit.

Ralph Paige (306 Prospect Street) noted for the record that he has been at the Pride Convenience store at the Rotary location and witnessed the applicant open after Special Permit hours of operation. He asked that the Board deny the request, as Pride has violated the terms and conditions of the existing Special Permit for the Rotary site.

Andrew Wilson (22-24 Elm Street, East Longmeadow) offered comment in opposition of the petition. Specifically, as a taxpayer he urged the Planning Board to support a balance for the quality of life in the community and support the constituency in its desire to enjoy and use their premises in peace without interruption from outside noise and disturbances.

Speaking in support of the Special Permit request to modify the hours of operation *from* 5:00 a.m. to 10:00 p.m. *to* 5:00 a.m. to 11:30 was the following member of the constituency:

John Barrows (149 Elm Street, East Longmeadow) suggested that as a restaurant employee who works later in the evening, he asked the Board to support the petition by the applicant as a service to the community. Hearing no further comment, motion to close the public hearing was made by Board Member R. Denver; second by Board Member J. Torcia (4-0).

Comment was taken back to the board.

Board member Jonathan Torcia noted his disappointment that Pride was violating the current Special Permit. Board member Russel Denver questioned the phrasing of the Prides proposed conditions regarding screened or angled lighting. Denver stated his frustration that the wording gave no direction as to who determined whether the lights would be screened or angled. Denver also noted the publics concerns of Pride's poor fit with the standing character of neighborhood, noise and light spill-over complaints from the neighbors as well as incongruence with business community. Furthermore, he noted that Pride appeared to be competing for business with itself, noting that a 24 hour Pride station was already in existence in town. Board member Tyde Richards mentioned his disappointment with Pride's violation of business hours per their current Special Permit considering how long the case has been discussed and the weight of the public opinion.

Chair Kingston requested a motion to approve the application for Case SP 2019-02: Pride Convenience Store, Inc., for a request for Special Permit Amendment to SP 2009-01 and SP 2012-04 for a change in hours of operation *from* 5:00 a.m. to 10:00 p.m. *to* 5:00 a.m. to 11:30 at 13 North Main Street (Assessor's Parcel ID 27-37-0 and 27-38-0), a combined 16,682+/- SF site, located in the Business zoning district as submitted by Atty. James. Channing for Pride Convenience, Inc., of 246 Cottage St. Springfield, MA 01104. Motion was moved by Board Member R. Denver and seconded by Board Member J. Torcia; denied four (4) – zero (0).

2. **Case SD-D 2019-01 Definitive Subdivision Plan for Jeffrey Lane South** – Request by applicant for approval of a two (2) lot subdivision on a 3.44+/- acre parcel at 216 Somers Road (Assessor's ID 40-25-

31) located in the Residence A zoning district. Applicant: Val Shvets, Oak Ridge Custom Home Builders Inc., 80 River Road, South Hadley, MA 01075.

Clerk Tyde Richards read the legal notice into the record for the approval of a two (2) lot subdivision on a 3.44+/- acre parcel at 216 Somers Road (Assessor's ID 40-25-31) located in the Residence A zoning district. Clerk Tyde Richards read comments on the Subdivision Plan from the Deputy Superintendent of the Department of the Public Works (DPW), Thomas Christensen into the record.

As the applicant had not received a copy of the comments prior to the meeting the Chair suggested to the applicant that they continue the hearing at the next meeting March 19 to give the applicant time to review the comments with DPW. The applicant agreed to a continuation of the hearing to March 19.

The Chair opened the public hearing. No comment was made in favor or opposition of the Subdivision Plan.

Hearing no further comment, the public hearing was closed with motion to continue the hearing to March 19 made by Board member R. Denver; second by Board member T. Richards five (5)-zero (0).

3. **Case Site 2019-01: Secure Energy Inc.** – Request by applicant for site plan approval for the installation of fence at 515 Shaker Road (Assessor's Parcel 21-9-0) on a 2.68+/- acre site, located in the Industrial Garden Park District. Applicant: Kevin Mattson, Secure Energy Realty, Inc., 515 Shaker Rd. East Longmeadow, MA 01028.

Clerk Tyde Richards read the legal notice into the record for the site plan approval for the installation of a fence at 515 Shaker Rd.

Representing Secure Energy Realty was Project Engineer Filipe Cravo, of R Levesque Associates, Inc. Cravo outline the proposal for the Site Plan of the installation of an eight (8) FT vinyl fence at 515 Shaker Road. Cravo explained that the proposed fence would serve as a screen to conceal an existing condenser unit.

The Chair opened the public hearing. No comment was made in favor or opposition of the Subdivision Plan.

Hearing no further comment, the public hearing was closed motion made by Board member R. Denver; second Board member J. Torcia five(5)-zero(0).

The Chair asked for a motion to approve the waiver to install fence closer to the front plot line to screen the existing condenser unit. Motion to approve waiver made by Board member R. Denver; second Board member J. Torcia five(5)-zero(0).

The Chair asked for a motion to approve the waiver of the traffic study. Motion to approve waiver made by Board member R. Denver; second Board member J. Torcia five(5)-zero(0).

The Chair asked for a motion to approve the waiver of alteration to existing facilities. Motion to approve waiver made by Board member R. Denver; second Board member J. Torcia five(5)-zero(0).

The Chair asked for a motion to approve the alteration to the site plan. Motion to approve waiver made by Board member R. Denver; second Board member J. Torcia five(5)-zero(0).

4. **Case SD-D Definitive Subdivision Plan for Fairway Lane Estates** – Request by applicant for approval of a ten (10) lot subdivision on a 6.82+/- acre parcel, at 295 and 299 Maple Street (Assessor's Parcel ID 6-11-0 and 6-10-0), located in the Residence B zoning district. Applicant: Michael Carabetta, 202 Allen Street, East Longmeadow, MA 01028.

Clerk Tyde Richards read the legal notice into the record for Subdivision Plan for Fairway Lane Estates. Clerk Tyde Richards read comments on the Subdivision Plan from the Deputy Superintendent of the Department of the Public Works (DPW), Thomas Christensen into the record. Representing applicant Michael Carabetta was Project Engineer Filipe Cravo, of R Levesque Associates, Inc. Cravo explained that the site plan has been amended to include the adjacent parcel which is in discussion to be acquired. Acquiring the adjacent parcel allows for the road to be moved over and extended the depth of the lots running along the eastern property line. Cravo requested waivers of Subdivision Rules and Regulations 6.2.5 Street Width which requires a 60-foot right-of-way with a width of 30 feet and proposed a 50-foot right-of-way with a width of 24 feet instead. The second waiver was for Zoning bylaw 7.43 traffic study. Cravo cited that considering April Street is a heavily trafficked road the addition of the ten proposed lots on Maple Street would not significantly impact the level of service on Maple St. The Chair opened the public hearing.

David Delvecchio, 26 Lessard Circle stated that the proposed retention pond will be sharing storm water with the existing retention pond located on his property and questioned how the additional retention pond will affect the water levels in his retention pond. The Chair responded that a Stormwater Management report would be completed that the Department of Public Works will review to ensure that the proposed retention pond can handle the stormwater that's coming from the site. Delvecchio also inquired on what type of housing the subdivision would be constructing such as subsidized housing, Section 8 housing or group housing. The applicant, Michael Carabetta addressed the question explaining there will be 10 houses at 2,000-2,500 square feet and priced at \$425,000-\$500,000.

Board member Russell Denver inquired if there were plans to extend a wooded buffer on the property line between the proposed lots and the existing houses on Maple St. to provide privacy. Carabetta confirmed that he spoke with several residents and is working towards establishing a buffer on the property line. Denver expressed concerned over the aforementioned traffic study and requested more information be submitted before waiving the traffic study.

Board member Jonathan Torcia inquired on if the architectural design of the exterior of the houses would be similar to the existing houses in the surrounding area. Carabetta confirmed this to be true. The Chair asked for a motion to approve the first waiver of the right of way from 60 ft. to 50 ft. Motion made by Board member R. Denver; Board member second J. Torcia five(5)-zero(0). The Chair asked for a motion to approve the second waiver of reducing the street pavement from 30 feet to 24 feet. Motion made by Board member R. Denver; Board member second J. Torcia five (5)-zero (0).

The Chair asked for a motion to continue the hearing to March 19. Motion made by Board member R. Denver; Board member second J. Torcia five (5)-zero (0).

**SITE PLAN WAIVER REQUESTS:**

1. **Case SPRW 2019-03: Mercy Medical Group, Inc.:** Request by applicant for Site Plan Waiver for a Medical Office tenant at 98 Shaker Road (a/k/a 94 Shaker Road – Assessor's Parcel ID 28-7-B) within a 16,000 SF office structure on a 2.67 acre site located in the Business zoning district. Applicant: Mercy Medical Group, Inc. d/b/a Trinity Health of New England Medical Group, 98 shaker Road, East Longmeadow, MA 01028.  
No action taken. Rescheduled to March 19, 2019.

2. **CASE SPRW 2019-04: Automated Tax Services, Inc.:** Request by applicant for Site Plan Waiver for an accounting and tax preparation business at 264 North Main Street, Unit #8 (Assessor's Parcel 14-11-7) located in the Commercial zoning district. Applicant: Armand Arce, 264 North Main St. East Longmeadow, MA 01028.

Clerk Tyde Richards read the legal notice into the record. The Chair asked for a motion to approve. Motion made by Board member R. Denver; second J. Torcia five (5)-zero (0).

3. **CASE SPRW 2019-05: Mass Gun Shop, Inc. d/b/a Pioneer Valley Arms:** Request by applicant for Site Plan Waiver for a retail sales business for the sale of firearms, ammunition, and accessories at 50 Shaker Road (Assessor's Parcel 27-169-0) on a 0.61 acre site located in the Business zoning district. Applicant: Kendall Knapik, 26 Tioga St. Springfield, MA 01128.

Clerk Tyde Richards read the legal notice and the comments from the Police Chief into the record. Applicant Kendall Knapik was present for discussion. Knapik submitted letters of support from East Longmeadow police officers. The Chair commented that since the Police Chief is requesting a security site plan for the exterior of the building, the applicant will need to file for a Site Plan Review to meet the Police Chief's security requirements. The Chair asked for a motion to deny the waiver for site plan review.

Motion made by Board member R. Denver; second J. Torcia five (5)-zero (0).

5. **CASE SPRW 2019-06: New Path Counseling, LLC:** Request by applicant for Site Plan Waiver for a professional office offering counseling services at 264 North Main Street, Unit #10 (Assessor's Parcel ID 14-11-10), located in the Commercial zoning district. Applicants: Bao Chau Van and Phuong Do, 52 Senecal Place, East Longmeadow, MA 01028.

Clerk Tyde Richards read the legal notice into the record. The Chair asked for a motion to approve. Motion made by Board member R. Denver; second J. Torcia five (5)-zero (0).

#### **ANR**

1. **Case ANR 2019-03: 15 Glendale Road** - Request for endorsement of a plan for which Approval is Not Required on a 0.55+/- acre site located at 15 Glendale Road (Assessor's Parcel ID 16-98-47) in the Res C zoning district. Applicants: 88 Casino Terrace, LLC, 296 N. Main Street, East Longmeadow, MA 01028.

Clerk Tyde Richards read the legal notice into the record. Representing the applicant was Surveyor Dan O'Brien of Smith Associates. The Chair commented that the primary issue with the plan is that 5<sup>th</sup> Street is not an accepted road by the town therefore there is no frontage on a public way. He explained that as an unaccepted street does not meet current standards to support construction required of the proposed plan. The Chair suggested a subdivision plan which would bring the road up to DPW standards.

R. Denver agreed that the road did not look like public way and commented that the residents on the road also do not recognize the road as a public way.

That Chair asked for a motion to not endorse the plan. Motion to not endorse made by Board member R. Denver; second J. Torcia five (5)-zero (0).

#### **OTHER BUSINESS:**

- Correspondence received from Atty. Bradford F. Martin of Fitzgerald Attorneys at Law, PC regarding right of first refusal for New Parcel F as shown on Plan of Land recorded at HCRD Plan Book 385, Page 36.
- Comments from Conservation Commission for plan submittals: No Comments
- Form - New and Revised

- Update to Master Plan

**ADJOURN:** Board member R. Denver made a motion to adjourn at 7:23 PM; second J. Torcia five (5)-zero (0).

**DATE OF NEXT MEETING:**

The next scheduled meeting of the Planning Board is March 5, 2019.

Tyde Richards

**Tyde Richards, Clerk**

4-2-19

**Date**