

**Town of East Longmeadow  
Planning and Community Development Department  
60 Center Square  
East Longmeadow, Massachusetts 01028  
(413) 525-5400- ext. 1700 - fax (413) 525-1656**



**East Longmeadow, MA Planning Board Meeting  
April 17, 2018, 6:00pm  
East Longmeadow High School  
School Committee Conference Room**

**Present:** Chairman George Kingston; Vice-Chair Deborah Bushnell; Clerk Tyde Richards; Russell Denver; Louis Morabito

**Also Present:** Town Manager Denise Menard; Director of Planning Constance Brawders; Interim Director of Planning Larry Smith

Chairman Kingston opened the meeting at 6:00pm.

**Public Hearing Continuation: Zoning Bylaw Amendment Section 3.092 - John Grimaldi**

Chairman Kingston reopened the public hearing at 6:00pm. Nancy Silvia, Old Pasture Drive opposes the change, as commercial vehicles do not belong in a residential area. Jack Notarangelo of 17 Greenwich Road is also opposed, stating his biggest problem with it is noise. Neil Williams of 62 Prospect Hills Drive said that commercial zones are intended for commercial vehicles, while residential zones should only be for residential vehicles. He inquired about traffic regulations regarding parking commercial vehicles on the street. Chairman Kingston stated that this bylaw does not address that. Chris White of 347 Pease Road stated that he has a business in town and spent money on fences to screen his commercial vehicles, so he is opposed to changing the bylaw. Vice-Chair Bushnell moved to close the public hearing; Mr. Denver seconded. **The motion to close the public hearing passed unanimously (5-0).** Chairman Kingston cited a number of issues 1.) What is trying to be prevented with this bylaw, is most likely rolling billboards parked overnight in residential neighborhoods. Simply having a commercial plate should not be the only distinction. He said the Board needs to come up with a definition of what constitutes a commercial vehicle for the purposes of this bylaw. However, he is opposed to dropping the bylaw altogether. Chairman Kingston suggested that at the next meeting, the Board may put together a definition of commercial vehicles in a petition to the Town Council. Vice-Chair Bushnell suggested the potential idea of putting a commercial vehicle under special permit. Her concern is that many residents don't have the resources to provide necessary screening and that carpools will begin popping up everywhere. Clerk Richards agreed with Chairman Kingston, and would not like to see this bylaw changed. Vice-Chair Bushnell moved to recommend the petitioned change in the bylaw; Mr. Morabito seconded. **The motion to recommend the petitioned change to Zoning Bylaw 3.092-C failed unanimously (5-0).**

Site Plan Review Waiver Request

New England Termite/Lucas - 121 Mountainview Rd.

No representative was available for the request to answer questions, so it was continued to the next meeting.

Public Hearing: Hidden Ponds Definitive Subdivision Plan

Chairman Kingston opened the public hearing at 6:15pm. Clerk Richards read the legal notice into the record. The board received a request from the applicant to continue. Vice-Chair Bushnell moved to continue the hearing to May 1st at 6:15pm; Mr. Denver seconded. **The motion to continue the hearing for the Hidden Ponds Definitive Subdivision Plan to May 1st at 6:30pm passed unanimously (5-0).**

Site Plan Review Waiver Request

Elmcrest Country Club/Meadow Holdings LLC – 105 Somersville Rd.

Greg Lindenmuth, an owner of Elmcrest Country Club, explained the purpose of the waiver request. Chairman Kingston asked if there is currently a trailer for catering. Mr. Lindenmuth stated that there is not. There have been trailers dropped on site for potential use as a golf pro shelter and another for golf bag storage. No food service is currently offered. Chairman Kingston expressed his concern that a waiver is too wide open and it's permanent. He recognized that the applicant has an urgent need to be up and running and is on the May 1 agenda for Site Plan Review. Interim Director Smith asked the petitioner what would happen if they needed to wait until May 1. Mr. Lindenmuth stated that the golf course would be in trouble, as they opened for golf last weekend and the members expect at least a minimal level of service. Vice-Chair Bushnell asked about the timeline to fully open after repairs to the main building. Mr. Lindenmuth stated that they are projecting to be open by October. Vice-Chair Bushnell then asked the Chair if there was any precedent for issuing a temporary waiver. Chairman Kingston replied that there is not. Chairman Kingston informed the petitioner that if a waiver is not granted and they choose to use the trailers between now and May 1, it will be at risk. Mr. Denver asked where on site the trailers are located. Mr. Lindenmuth stated that they are closer to the clubhouse than the pool and visibility to nearby residences is limited. With regard to food service, Town Planner Brawdors pointed out that bylaw 3.025 indicates that operating a restaurant on a golf course is by right use. She also stated that the both the code enforcement officer and Board of Health Director have submitted comments that they are ok with a temporary food truck at the site. Vice-Chair Bushnell moved to continue the Request for Waiver of Site Plan Review to May 1; Mr. Morabito seconded. **The motion to continue the Request for Waiver of Site Plan Review to May 1 passed, with Mr. Denver abstaining (4-0).**

Public Hearing: Special Permit, MLY Incorporated – 31 Harkness Ave (D/B/A Tao's Asian Cuisine)

Chairman Kingston opened the public hearing at 6:38pm. Clerk Richards read the legal notice into the record. Michael Chen the new owner of the business, and Attorney Lawrence Levine were present. There are no changes to the business other than the ownership. There were no

questions from the board and no public comment. Vice-Chair Bushnell moved to close the public hearing; Mr. Denver seconded. **The motion to close the public hearing passed unanimously (5-0).**

Vice-Chair Bushnell moved to approve the Special Permit Amendment for 31 Harkness Ave.; Mr. Denver seconded. **The motion to approve the Special Permit Amendment for a change in ownership of 31 Harkness Ave. passed unanimously (5-0).**

Chairman Kingston moved to recommend Mr. Morabito as an Alternate Commissioner to the Pioneer Valley Planning Commission; Mr. Denver seconded. **The motion to recommend Mr. Morabito to the Town Manager as Alternate Commissioner to the Pioneer Valley Planning Commission passed unanimously (5-0).**

Chairman Kingston moved to recommend Mr. Denver to the Town Manager as a representative on the Community Preservation Committee; Vice-Chair Bushnell seconded. **The motion to recommend Mr. Denver to the Town Manager as Representative to the Community Preservation Committee passed unanimously (5-0).**

Public Hearing Continuation: Special Permit Amendment – Pride Convenience, Inc., 13 North Main St.  
Chairman Kingston reopened the public hearing at 6:45pm. Mr. Bolduc, owner of Pride Convenience, stated he understands that this will be the final vote. Mr. Bolduc indicated on a large aerial photo where the exact site in question is, pointing out that it is several hundred feet away from the closest residential home. He said they run a quite business. He stated that they should be treated equally as other businesses in Town have been able to stay open later. Chairman Kingston read into the record the legal opinion of Town Counsel James Donohue with regard to discussing the applicant's other location during this hearing, referencing bylaw 7.21 in his comments. Chairman Kingston then opened up comments to the public: Sid Starks of 28 Elm Street pointed out that the applicant is looking for 1am, so it should be either 1am or nothing. He stated that there have been challenges with hours of operation already, and if the applicant thumbed his nose up to past requirements, why would he not do the same now. Phil Larosa of Harwich Rd. stated that surrounding businesses are not open until 1:00am, and would like to keep the current Town charm and not become like a city. Mr. Bolduc stated that there has been no issues with the location not adhering to closing hours and dumpsters do not get emptied as early as 3:00am. He offered his home phone number of (413)567-3498 and cell phone number of (413)221-4234, stating that he would be happy to answer both of those any time if there are concerns. Vice-Chair Bushnell moved to close the public hearing; Mr. Denver seconded. **The motion to close the public hearing for Pride Convenience passed unanimously (5-0).**

Chairman Kingston reminded the Board that the applied for change of hours to closing at 1:00am is what needs to be voted on. He then read the bylaw on Special Permit issuance criteria, sec. 7.3 of the Zoning Bylaws. Vice-Chair Bushnell moved to approve the Special Permit Amendment; Clerk Richards seconded. **The motion to approve the Special Permit Application Amendment by Pride Convenience at 13 North Main Street failed unanimously (5-0).**

### Complete Application Packet

Chairman Kingston presented written instructions for what constitutes a complete application packet for Special Permits, Site Plan Reviews and Subdivision Plans. Town Planner Brawdors will make a few revisions to the instructions as originally written. Chairman Kingston addressed the public stating that this is very important information to know and requires planning far in advance. Vice-Chair Bushnell clarified that these instructions do not apply to Site Plan Review Waiver applications.

### Zoning Bylaw Revisions: Sign Permits

Chairman Kingston presented and discussed eliminating Zoning Bylaw 5.8-B, requiring Planning Board approval for sign permits. He stated that it is really the Building Commissioner's purview. A petition to the Town Council to remove the bylaw was discussed. Vice-Chair Bushnell added that she had spoken to the Building Commissioner about this and agreed that it is a cut and dry matter of which signs should be allowed. Mr. Denver was in agreement as well, but pointed out that if anyone is aggrieved of a decision by the Building Commissioner, they still have the option to go before the Zoning Board of Appeals. Vice-Chair Bushnell moved to submit the petition to change the bylaw to the Town Council; Mr. Denver seconded. **The motion to submit the petition to change Zoning Bylaw 5.8-B passed unanimously (5-0).**

### Zoning Bylaw Revisions: Site Plan Review

Interim Town Planner Smith presented his recommendation of a tiered system of Site Plan Review, pointing out that it is not necessary to make people have to come before the Board for things that are unnecessary. By right projects with absolutely no changes to the exterior or business operation (such as ownership changes) should be handled by the Building Commissioner through a Zoning Determination. Projects that are still somewhat small but do include more significant changes such as additional parking, relocation of signs, change of use, etc. could be handled as an administrative review, similar to how Site Plan Waiver Requests are handled currently, and without a hearing. Finally, there would be those projects that do fall under a large-scale Site Plan Review process. The bylaw would indicate which tier they fall under. The Zoning Enforcement Officer would be the one to determine which process they need to follow.

Chairman Kingston said he thinks it's a good idea, but it is very important how the bylaw change gets crafted, and does not want to hurry. Planner Brawdors was tasked with starting work on it for the Board to review.

Town Manager Denise Menard thanked Interim Planner Larry Smith for filling the gap very capably over the past several months. She also welcomed Connie Brawdors as the new permanent Planning and Community Development Director.

The minutes of April 3, 2018 were reviewed. Mr. Denver moved to approve the minutes of April 3, 2018; Mr. Morabito seconded. **The motion to approve the minutes of April 3, 2018 passed unanimously (5-0).**

Chairman Kingston expressed the need to think about reorganization of the Board on the meeting of May 15th.

Mr. Denver moved to adjourn; Vice-Chair Bushnell seconded. **The motion to adjourn the meeting at 7:17pm passed unanimously (5-0).**

For the Board,

A handwritten signature in black ink that reads "Tyde Richards" with a stylized flourish at the end.

Tyde Richards, Clerk