

**EAST LONGMEADOW PLANNING BOARD
MEETING NOTICE**

Date: July 16, 2019

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 at 6:00 pm and called the roll.

CALL THE ROLL

Present: Russell Denver, Chair
George Kingston, Vice Chair
Tyde Richards, Clerk
Louis Morabito
Jon Torcia

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

APPROVAL OF MINUTES:

June 18, 2019

Motion to approve the minutes of June 18, 2019 made by vice chair George Kingston; second by Board member Louis Morabito and approved by a vote of five (5)- zero (0).

SITE PLAN WAIVER REQUESTS:

1. **SPRW 2019-21: Berkshire Facial Surgery**—Request by applicant for Site Plan Waiver for an outpatient medical clinic business at 265B Benton Drive (Assessor's Parcel ID 10-3-101) located on a 13.17 +/- acre site in the Industrial Garden Park zoning district. Applicant: Berkshire Facial Surgery, Inc., 53 Southampton Road, Westfield, MA 01085.

Applicant's agent Ryan Crandall [Associated Builders Inc, 4 Industrial Dr, South Hadley, MA 01075] and other representative were present for discussion. Mr. Crandall summarized the project. Being satisfied with the presentation of materials, motion to approve the Site Plan Waiver made by vice chair George Kingston; second by Board member Jon Torcia and approved by a vote of five (5)- zero (0).

2. **SPRW 2019-22: Hair Salon**—Request by applicant for Site Plan Waiver for a salon at 225 Shaker Road (Assessor's Parcel ID 18-5-0) located on a 0.30+/- acre site in the Industrial zoning district. Applicant: Jennifer Guinipero, 17 Ruffino Rd, East Longmeadow, MA 01028.

Applicant not present for discussion. The Board members reviewed the application. There being no questions or issues of concern, a motion to approve the site plan waiver was made by Vice chair George Kingston; second by Board member Jon Torcia and approved by a vote of five (5) - zero (0).

In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact Constance Brawders at 413-525-5400 x 1701 or (constance.brawders@eastlongmeadowma.gov) or MassRelay 711. Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting.

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- 3. SPRW 2019-23: Home Office for Car Hauler Business** –Request by applicant for Site Plan Waiver for a home office at 34 Anne Street (Assessor’s Parcel ID 24-28-73) located in a Residence C zoning district. Applicant: Yosi Ifraimov, 34 Anne Street, East Longmeadow, MA 01028.

After inviting the applicant or designated agent to the table for discussion, it was noted that neither the Applicant, nor designated agent, was in attendance at the time the case was called for consideration by the Planning Board. Chair Denver was of the understanding that the business license necessitates the use of a commercial car hauling vehicle. The Chair suggested a case continuance so the applicant may be present to answer questions regarding the rules and regulations for storage of commercial vehicles. Clerk Tyde Richards opined continuing the request so the applicant may be present for discussion.

An abutter requested permission to approach the Board. After being invited to come forward, the abutter showed Board members an image on his tablet of the car hauling vehicle parked in the road at 34 Anne Street. He complained that the applicant was parking the hauler on the front lawn, as an effort to park the vehicle off the road. The neighbor confirmed for Vice chair Kingston that the vehicle is parked overnight on the street. Mr. Kingston directed the abutter to contact Code Enforcement.

Chair Denver elaborated that a home business is allowed with approval by the Planning Board; however, any commercial vehicle use associated with the home business must be garaged or screened from view [if located in Res AA, A, B, C and ER].

Motion to continue the site plan waiver request to the August 20,2019 meeting moved by Vice chair George Kingston, with second by Board member Louis Morabito; approved by a vote of five (5)-zero (0).

CONTINUED PUBLIC HEARINGS:

- 4. SITE 2019-05: Proposed Commercial Development for Shaker Rd**– Request by applicant for the construction of a proposed 2500+/- SF bank and 5500+/- SF commercial building at 244 Shaker Rd.(Assessor’s Parcel ID 18-35-0) on a 133,217 +/- SF site located in a Residence A and Business zoning district. Applicant: SIVAD Development Partners LP, 1 Monarch Place, Suite 1300, Springfield, MA 01144 (Cont. April 16, 2019;June 18, 2019)

Clerk Tyde Richards read the legal notice into the record. Rob Levesque [R Levesque Associates, Inc.,40 School Street,Westfield, MA 01085] and Atty. Jim Martin [Robinson Donovan, P.C., 1500 Main Street, Suite 1600, Springfield, MA 01115] summarized the progress since the last Planning Board hearing April 16, 2019. The Conservation Commission conducted a site visit on July 10, 2019. A letter in support of the project was submitted to the Planning Board by the Conservation Commission. As a result of two site meetings with the Department of Public Works, plan revisions have been made specific to the stormwater mitigation plan. Revised plans are currently under review by the Department of Public Works.

Mr. Levesque stated installation of a sidewalk along Shaker Road from Great Woods to the traffic light at the intersection of Chestnut Street and Shaker Road had been discussed with the Department of Public Works. Mr. Levesque stated the DPW was not in favor of the sidewalk extension from Great Woods.

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The Chair inquired if the placement of the building impacted wetlands under Conservation jurisdiction, suggesting that the building could be sited closer to Shaker Road with parking to the rear. Mr. Levesque replied siting the structure toward the front of the parcel would not significantly impact wetlands; however, Atty. Martin stated the topography of the site was indicative to better support a building that was setback relative to the street.

Board member Jon Torcia asked for clarification and assurance that the vegetative buffer between the commercial development and residential neighborhood known as Great Woods would be preserved.

Mr. Levesque described the landscaping plan which includes evergreen plantings used to screen the back of the building from view. In addition, excavation will occur to accommodate the building at grade change.

Jon Torcia inquired the reasoning behind why installation of a sidewalk on Shaker Road is not being pursued. Mr. Levesque opined, considering the slope of the land and design layout, the sidewalk would have been constructed at the edge of property line, with no buffer stripe between the road and the sidewalk.

Atty. Martin stated for the record that the Department of Public Works did not endorse the installation of sidewalks due to safety concerns; however, Planning and Community Development Director Brawders recalled discussion in support of the sidewalk to facilitate safe access to the Bike path for residents of Great Woods. The Planning Board requested written comments on the matter from the DPW.

Discussion ensued regarding traffic; in particular, sight distance clearance for left hand egress onto Chestnut Street. It was determined that Mr. Levesque would ask for clarification by the traffic engineer [McMahon Associates, Inc., 94 N Elm St #308, Westfield, MA 01085, April 2019]. The Planning Board asked for written comments from the Department of Public Works and Chief of Police regarding traffic impact and safety at Shaker and Chestnut.

Public Comments:

Marilyn Richards [342 Pinehurst Drive, East Longmeadow] expressed her support of sidewalk installation and conceptual drawings for the proposed structures.

Through the Chair, Atty. Martin offered the applicant would be willing to come back before the Board to further discuss elevation drawings as a final condition for approval.

Atty. Martin stated there were no sidewalks along the Great Woods hill leading to the Shaker Road gateway entrance of the subdivision. He was of the opinion that sidewalks along Shaker Road would not promote connectivity.

Ralph Page, Town Councilor [306 Prospect Street, East Longmeadow] urged the Planning Board to have the foresight to consider the design of the building and potential tenants who might occupy the structure, should tenants change at any time.

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After hearing no further comment, the Board voted to continue the Public Hearing to August 20, 2019, on a motion by vice Chair George Kingston; second by Board member Jon Torcia; approved by a vote of five (5)- zero (0).

5. **SP 2019-04 Take-out Restaurant for North Main St**– Request by applicant for a Special Permit for a take-out [carry out] restaurant at 192 North Main St. (Assessor’s Parcel ID 25-3-4) located on a 4,832 +/- SF site in the Business zoning district. Applicant/Owner: Vincenzo Amore, 20 Rollins Drive, East Longmeadow, MA 01028. (Cont. April 16, 2019, May 21, 2019, June 18, 2019)

Cases **SP 2019-04** and **SITE 2019-06** were heard concurrently. Clerk Richards read the legal notice into the record. Applicant/owner Vincenzo Amore and Atty. Larry Levine were present for discussion. Atty. Levine summarized the project proposal; addressed previous concerns expressed by the board, and **petitioned** a waiver for traffic study.

Board member Jon Torcia noted for the record that he had recused himself at a previous meeting, due to a conflict of interest, as the attorney previously representing the applicant engaged in a business relationship with his family; however, as the applicant has retained new legal representation, Mr. Torcia believed there was no longer any conflict of interest.

Public Comment:

Ralph Page [306 Prospect Street, East Longmeadow] inquired about the determination for parking requirements calculated by the Town’s Building Inspector.

Atty. Levine responded through the chair, that as it is a carry-out restaurant with no consumption on the premises, parking calculations were based on the retail use for the premises.

Hearing no further comment, a motion to close the public hearing was made by Vice chair George Kingston; second by Board member Louis Morabito and approved five (5) - zero (0).

Summary discussion among the Board members found Clerk Tyde Richards expressing concern about traffic and parking congestion. The Chair countered by describing earlier reservations with site redevelopment, as parking availability along the front of the building could have a negative impact on North Main Street. Further field investigation by the Chair alleviated his concern, as several businesses presently use street front parking without disrupting the flow of traffic and line of site along North Main Street.

Chair Denver then requested a motion to approve the application for **SP 2019-04: Special Permit for a Carry-out Restaurant** at 192 North Main Street (Assessor’s Parcel ID 25-3-4) located on a 4,832 +/- SF site in the Business zoning district presented by Applicant/Owner Vincenzo Amore, 20 Rollins Drive, East Longmeadow, MA 01028.

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Motion to approve the Special Permit with specific hours of operations to be 11:00 AM and not to exceed 9:00 PM made by Vice chair George Kingston; second by Board member Louis Morabito; approved by a vote of five (5)- zero (0).

- 6. **SITE 2019-06: Take-out Restaurant for North Main St** – Request by applicant for a Site Plan for a take-out [carry out] restaurant at 192 North Main St. (Assessor’s Parcel ID 25-3-4)located on a 4,832 +/- SF site in the Business zoning district. Applicant/Owner: Vincenzo Amore, 20 Rollins Drive, East Longmeadow, MA 01028. (Cont. April 16, 2019, May 21, 2019, June 18, 2019)

Chair Denver requested a motion to waive the Traffic Impact Study for SITE 2019-06: Carry-out Restaurant. Motion was made by Board member Kingston, with second by Board member Morabito. The petition was granted by a vote of four (4) - zero (0).

Board member T. Richards – Yay
Board member L. Morabito – Yay
Board member J. Torcia – Nay

Board member G. Kingston – Yay
Chair R. Denver – Yay

Chair Denver next requested a motion to approve the application for **SITE 2019-06: Site Plan approval for a Carry-out Restaurant**, at 192 North Main Street (Assessor’s Parcel ID 25-3-4) located on a 4,832 +/- SF site in the Business zoning district as presented by Applicant/Owner Vincenzo Amore, 20 Rollins Drive, East Longmeadow, MA 01028.

Motion made by Vice Chair George Kingston; second by Board member Jon Torcia; approved by a vote of five (5)- zero (0).

NEW PUBLIC HEARINGS:

- 7. **SP 2019-09 Massage Therapist Facility**—Request by applicant for Special Permit for a massage therapist facility at 200 North Main Street, Suite 17 [a/k/a Ste. 7 (Assessor’s Parcel ID 25-4-7) in a 1419 +/- SF area of an existing structure located in the Business zoning district. Applicant: Stacey Duquette, 8 Ripley Street, Wilbraham, MA 01095.

Clerk Tyde Richards read the legal notice into the record. Applicant Stacey Duquette addressed the proposal for a massage therapy practice. Ms. Duquette had been self-employed as a massage therapist specializing in orthopedic manual therapy, who now sought to sublease an 11’ x 12’ space from Wellness Within, LLC, located in the south building of the campus-like setting of condominium units, to expand her practice.

The Chair opened the public hearing for the Special Permit for Massage Therapist Facility. Speaking to express the applicant good luck was Town Council member Ralph Page.

Hearing no further comment, motion to close the public hearing was made by Board Member George Kingston; second by Board Member Louis Morabito; approved five (5) - zero (0).

Chair Denver requested a motion to approve the application for **Case SP 2019-09 Special Permit for a Massage Therapist Facility** at 200 North Main Street, Suite 17 [a/k/a Ste. 7 (Assessor’s Parcel ID 25-4-7)]

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within a 1419 +/- SF area of an existing structure located in the Business zoning district, as submitted by applicant Stacey Duquette of 8 Ripley Street in Wilbraham, MA 01095.

Motion was moved by Board Member George Kingston and seconded by Board Member Jon Torcia; approved five (5) – zero (0).

ANR

8. ANR 2019-06 65 Pease Road—Request by applicant for endorsement of a plan believed not to require subdivision approval under the Subdivision Control Law to merge Assessor's Parcel ID (67-5-0 and 67-6-4)into a combined parcel totaling 2.472 +/- acres located in the Residence A zoning district. Applicants: Nicholas M. and Amanda K. Ahmed, 65 Pease Road, East Longmeadow, MA 01028.

Applicant representative Dan O'Brian of Smith Associates was present for discussion. No comments made by the Board members. Clerk Tyde Richards inquired of the opinion of the Director of Community Development and Planning, Constance Brawders. Ms. Brawders stated it was a straightforward, parcel combination.

Motion to endorse made by Vice chair George Kingston; second by Board member Jon Torcia; approved by a vote of five (5)- zero (0).

OTHER BUSINESS:

Motion to take agenda item 13 out of order made by Board member Jon Torcia; second by vice chair George Kingston and approved by a vote of five (5)-zero (0).

13. Request by Fairview Extended Care Services to discuss an amendment to the East Longmeadow Stormwater Management Permit.

Applicant's agent Rob Levesque [R Levesque Associates, Inc.,40 School Street,Westfield, MA 01085] summarized Fairview Extended Care Services proposed revision for the site plan which involves relocation of a storm water basin. Vice Chair George Kingston stated the applicant should receive approval from the Conservation Commission before filing for modification for special permit with the Planning Board.

9. Discussion with the Health Department of "in lieu account" for sidewalk requirements for new developments in the town's subdivision regulations.

10. Preliminary discussion for amending the RULES AND REGULATIONS FOR THE SUBMISSION OF PETITIONS AND PLANS OF SUBDIVISION FOR THE TOWN OF EAST LONGMEADOW, MASSACHUSETTS to include the establishment of an IN LIEU of Sidewalk Construction fund.

Planning and Community Development Director Connie Brawders explained the purpose of amending the Subdivision regulations was to provide the means for contributing to an in-lieu account for the sidewalk construction masterplan, as an alternative to the construction/installation of sidewalks that did not promote connectivity.

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The Chair noted for the record the memo received from the Department of Public Works in support of the in-lieu account for sidewalk construction.

The Chair requested the opinion of School Superintendent Gordon Smith in regard to the sidewalk master plan and in lieu account.

The Planning Board asked Ms. Brawders to have a draft of the subdivision regulations text amendment by August 20, 2019.

11. Preliminary discussion for amending the RULES AND REGULATIONS FOR THE SUBMISSION OF PETITIONS AND PLANS OF SUBDIVISION FOR THE TOWN OF EAST LONGMEADOW, MASSACHUSETTS to include the installation of conduit for infrastructure as requested by the Director of IT Department.

ELCAT Department Director Don Maki expressed fiber optic conduit should be installed underground for municipal fiber optic systems whenever new construction occurs. East Longmeadow has a fiber optic network which serves several areas in town. The provision would mitigate future road and sidewalk disturbance, and reduce the cost of installation of fiber optic conduit design systems for the Town. Vice Chair George Kingston stated his support.

The Chair requested that IT Director, Ryan Quimby be present for further explanation and discussion at the meeting of August 20, 2019.

12. Update on progress of Mixed Use Zone bylaw petition.

Director of Community Development and Planning, Connie Brawders, updated the Board noting the subsequent meeting would take place once the Planning Sub-Committee reorganization occurred, post Town elections.

14. Discussion of Open Meeting Law Complaint Submitted by Ralph Page.

The Board reviewed the letter in response to the Open Meeting Law Complaint submitted by Ralph Page. The letter was signed by the Chair. The letter would be forwarded to the Town's Attorney for submission to the State Attorney General's Office. Mr. Page would be mailed a copy of the letter the day after this evening's meeting.

15. Endorsement of Subdivision Plans, Review of Performance Guarantee & other documents

Case SD-D 2019-01: Jeffrey Lane South. Request by applicant for endorsement of **Definitive Subdivisions** plans and acceptance of other documents for 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 Shvetz, Oak Ridge Custom Home Builders Inc., 80 River Road, South Hadley, MA 01075.

The applicant/developer had several recording documents to correct; however, the Director would follow up to assure the applicant would have his documents in order for Hampden County Registry of Deeds, prior to releasing the endorsed plans to the applicant developer.

Motion to endorse the Subdivision Plans made by vice Chair George Kingston; second by Board member Jon Torcia; approved by a vote of five (5)- zero (0).

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The Chair noted that the next Planning Board meeting will be at National Night Out where the Planning Board will have a table and be available for Meet & Greet to answer any questions the public may have in regards to planning matters.

ADJOURN:

Motion to adjourn made by vice Chair George Kingston; second by Board member Jon Torcia by a vote of five (5)- zero (0) at 7:30 PM.

DATE OF NEXT MEETING:

The next scheduled meeting of the Planning Board is August 6, 2019 which is to be held at National Night Out located on the grounds of East Longmeadow High School.

<https://www.eastlongmeadowma.gov/656/National-Night-Out>

Tyde Richards

Tyde Richards, Clerk

8-20-19

Date

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