

Planning Board

NOTICE OF PUBLIC MEETING AND AGENDA

*** Wednesday January 3, 2024 at 7:00pm***

Attend in Person: Longmeadow Public Schools' Central Office Room A15 – 535 Bliss Road,
Longmeadow MA 01106

Attend via Zoom: <https://us02web.zoom.us/j/87639148516?pwd=cW5SNy9oOU9NdWNwSGq5ejRGRDd2UT09>

1. Chair's Call To Order & Roll Call
2. Acceptance Of Minutes
 - 2.1. Draft Meeting Minutes: November 1, 2023

Documents:

PB REGULAR MEETING - DRAFT MINUTES 2023-12-06.PDF
3. Approval Not Required Applications:
 - 3.1. None At The Time Of Posting
4. Sign Applications:
 - 4.1. None At The Time Of Posting
5. Site And Design Review Applications:
 - 5.1. None At The Time Of Posting
6. Discussion: Revisions To Sign Regulations (Article IX Of The Zoning Bylaw)
7. Visitor Comments/Correspondence
This agenda item is limited to 10 minutes in total, unless an extension is allowed by the Chair.
8. Other Business
 - a. Long Range Plan Update
 - b. Director of Planning and Community Development Comments
 - c. Updates from Liaisons to Other Committees
 1. Community Preservation Committee
 2. Energy & Sustainability Committee
 3. Middle School Building Committee
 4. Pioneer Valley Planning Commission
 5. Other
 - d. Announcements/Correspondence
 - e. Planning Board Member Comments
9. Adjourn - Regular Meeting

Relevant documents associated with this agenda are available digitally by visiting the [Active Case](#)

[Files](#) on the Town's website and clicking on the Planning Board folder from the list found on the left of your screen. Agenda subject to change with notice.

PLANNING BOARD – REGULAR MEETING & PUBLIC HEARING

Longmeadow Public Schools' Central Office, Room A15 – 535 Bliss Road, Longmeadow MA 01106
Wednesday December 6th, 2023 7:00 p.m.

Members Present: Cheryl Thibodeau, Chair; Walter Gunn, Clerk; Bryant Miller; Chris Legiadre.

Members Absent: Bruce Colton.

Others Present: Director of Planning Corrin Meise-Munns; Town Counsel Jay Talerman.

The Planning Board Regular Meeting was called to order at 7:00pm by Chair Cheryl Thibodeau.

Meeting Minutes Review:

Regular Meeting November 1st, 2023: Walter Gunn made a motion, and was seconded by Chris Legiadre, to approve the meeting minutes. All in favor 4-0: motion passed.

Vote: Revisions to Planning Board Rules and Regulations

Following confirmation that there was no further discussion regarding the draft revisions to the Planning Board Rules and Regulations, Walter Gunn made a motion to adopt the rules and regulations as revised, and was seconded by Bryant Miller. All in favor 4-0; motion passed.

Discussion: Sign Application Review Process

Cheryl Thibodeau made a motion to move agenda item #7, Discussion: Sign Application Review Process, forward on the agenda to begin immediately. Chris Legiadre seconded this motion. All in favor 4-0; motion passed.

Cheryl Thibodeau turned the discussion over to Walter Gunn, who began the conversation by referencing a recent decision (20231101-2, 819 Williams Street, Jersey Mike's Sign Application) where the Planning Board voted to allow an applicant only one primary sign when their application requested two primary signs. In question was whether the address constituted a corner property lot on the Bliss Road and Williams Street intersection, the fact of which would allow a second primary sign. The Planning Board had decided it was not a corner property lot, based on a previous decision when a previous applicant at the same site had requested the same. Following the November 1, 2023 Planning Board meeting, the Building Commissioner issued a building permit for two primary signs to the applicant based on his determination that the location did constitute an intersection. Reviewing the Sign Regulations (Article IX of the Zoning Bylaw), Walter Gunn found that the Building Commissioner is named as the bylaw authority for Article IX, and so therefore has the authority to make the final decision on sign applications. Furthermore, the Planning Board is not referenced at all in Article IX, and so technically does not have a formal role in any sign application process except signs that are included under the purview of a Site and Design Review application (Article VII of the Zoning Bylaw). Mr. Gunn acknowledged that while the Planning Board has in practice been acting as the permit granting authority for sign applications, the Board in fact does not have this power and that the Building Commissioner has been coordinating with the Board "as a courtesy."

Mr. Gunn suggested that there could be several solutions to this problem. He referenced Wellesley as having the Planning Board act a "reviewing board" as opposed to a "permitting board," where the

Board essentially acts a design review body and makes a recommendation to the Building Commissioner.

Attorney Talerman agreed that in his reading of Article IX, the Planning Board has no jurisdiction to act on a sign petition that stands alone from Site and Design Review. Mr. Talerman did indicate that if the Planning Board wanted to be involved in sign applications, that a bylaw revision would be needed. Mr. Talerman indicated that a bylaw revision could include a delineation of by-right signs, which would only need Building Commissioner approval, and special permit signs, which could go before the Planning Board if they were named as the Special Permit Granting Authority for Article IX.

As the senior member of the Board currently present, Chair Thibodeau asked Mr. Gunn for the history of how the Planning Board became involved in sign petitions. Mr. Gunn stated that the Board had traditionally considered the mounting of a new sign to trigger Site and Design Review because it constituted “a change to an exterior façade” (i.e., an “exterior reconstruction or exterior alteration of a structure” per §315-45 A. Site and Design Review Applicability). Attorney Talerman responded that while he understood the point, he “could not” interpret the language to include signs. Attorney Talerman also advises that “the narrow controls the general” in statutory construction, and explained that Site and the Design Review Bylaw, which is broad, has to yield to the standards of the Sign Bylaw (the “narrow” of the two). Because the Sign Bylaw names the Building Commissioner as the authority, the Planning Board cannot use the Site and Design Review Bylaw to supersede permit granting authority for the Sign Bylaw.

Chair Thibodeau stated that the question before the Board is whether Board wants to become the lawful permitting authority for signs. If they do, they have to change the bylaw. Attorney Talerman advised the Board consider if they wanted to review all signs, which may be a drain on their resources as a Board in terms. For more simple applications, which already meet the standards set out the Sign Bylaw, the Board may want to leave review of the application to the Building Commissioner. For sign applications which request variances to the standards allowed by-right, the Planning Board could act as a Special Permit Granting Authority.

Chris Legiadre added that in his professional role working for a housing development corporation, he does believe his team usually has to submit sign applications to local Planning Boards as opposed to local sign authorities/building commissioners.

Corrin Meise-Munns, Planning Director, stated that she did not have a concern to revising the bylaw to include the Planning Board as the standard or special permit granting authority. However, she does have a concern that if the Board wanted to pursue a hybrid option where the Building Commissioner retains authority and the Planning Boards acts as a “review board” and makes a non-binding recommendation to the Building Commissioner, it would set up a potential source of conflict between the Building Commissioner and the Planning Board should they ultimately disagree on an application. Additionally, requiring an applicant to attend a Planning Board meeting and pay a permit filing fee to both the Planning Board (sign application) and Building Commissioner (building permit for sign) creates a financial burden on the applicant and also extends the timeline between their filing of the application and the granting of the permit. These burdens seem superfluous if the Board is only holding the application to the same standards that the Building Commissioner would.

Walter Gunn suggested that the Planning Board consider revising the Sign Bylaw to replace the Zoning Board of Appeals as the Special Permit Granting Authority for signs with the Planning Board. Mr. Gunn

asked Attorney Talerma if having the Planning Board be the Special Permit Granting Authority was more common than the Zoning Board of Appeals. Attorney Talerma indicated that while it is certainly more common for the Planning Board to act in that capacity, it is ultimately up to Town Meeting as to who they prefer to see as the Special Permit Granting Authority.

Chair Thibodeau asked for Attorney Talerma's recommendation. Mr. Talerma stated in his opinion, it is most efficient to have the Sign Bylaw state the standards acceptable to the Board and have by-right signs permitted by the Building Commissioner. Sign petitions requesting deviations from those standards, such as for a larger size, or signs with animation as examples, would require a special permit and would then go before the Planning Board.

Ms. Thibodeau directed Ms. Meise-Munns to explore potential revisions to the Sign Bylaw that would allow for by-right signs approved by the Building Commissioner and other signs to be approved by special permit by the Planning Board.

Vote: Sign Letter of Support for CPA Application to Preserve Historical Land Use Records

Ms. Meise-Munns reviewed the Planning Department's FY25 application before the Community Preservation Committee to fund the scanning and digitizing historical Planning Board, Zoning Board of Appeals, and Conservation Commission minutes and decisions, currently located in hard copies in the Town Hall basement, and tagging these documents with metadata. This project would not only create digital files for retention redundancy, but also make these documents easily searchable by Board members, staff, and the public generally via a portal on the website.

Chris Legiadre made a motion, seconded by Chair Thibodeau, to sign the letter of support. 3-0 with Walter Gunn abstaining; motion passed.

Review Draft Updates to Permit Applications

Ms. Meise-Munns presented revised drafts of forms for Site and Design Review, Waiver of Site and Design Review, Approval Not Required, and Sign Applications. These forms will be made live over the coming week.

Other Business

- A. Long Range Plan Update** – Cheryl Thibodeau reported that there was a Long Range Plan Steering Committee (LRPSC) meeting in November, and that the Committee was coming up on a year of working on the Long Range Plan. The LRPSC is transitioning from the fact-finding stage into the vision-setting phase, where the Committee will work to create action plans and strategies to implement the goals identified in public outreach.
- B. Director of Planning and Community Development Comments** – Ms. Meise-Munns reached out to the Citizen Planner Trainer Collaborative to schedule a January training on Site Plan Review for the Board. She had also invited the Planning Boards from East Longmeadow and Hampden to join in order to split training cost. She is waiting to hear back from all three. Ms. Meise-Munns also reported that it was discovered that the \$250,000 traffic mitigation fee required as part of the Board's 2015 Site and Design Review decision regarding the expansion of the Longmeadow Shops had never been paid. With help from Town Counsel, the Town Manager secured payment of the required payment plus 2.5% interest (for a total of \$290,530.82) before Grove Properties closed on their sale to Regency Centers Corp. Ms. Meise-Munns stated that she was

engaged in interviews for the new Community Development Coordinator position, and was hopeful that the new staff person could join for the January 3, 2024 Planning Board meeting. Finally, she reported that the Building Department was in receipt of the building permit fee for the Maple Road Plaza work, and that the building permit for the site had been awarded this week. The property owners have two years from the time of the Site and Design Review decision to reach “substantial completion.”

C. Updates from Liaisons to Other Committees

- a. Community Preservation Committee:** Walter Gunn stated that next CPC meeting is scheduled for January 19, 2024.
- b. Energy & Sustainability Committee:** Bryant Miller reported that at Special Fall Town Meeting, voters passed Warrant Article 30 to initiate the process of seeking to aggregate electrical load through a Community Choice Aggregation Program (CCA) and contract for Longmeadow residents, with a load of renewable energy that is greater than that required by the Massachusetts Renewable Portfolio Standard.
- c. Middle School Building Committee:** Chris Legiadre reported that the Committee has not met since he last gave a report, and that they were awaiting final responses for the architectural request for services.
- d. Pioneer Valley Planning Commission:** Walter Gunn reported that the PVPC’s Historical Preservation Planner, Shannon Walsh, was working on a model bylaw for a demolition delay of historical buildings.

D. Announcements/Correspondence – None.

E. Planning Board Member Comments – None.

Visitor Comment/Questions

Terry Weiner asked if the Red Fern / Williams Street intersection reconstruction would be funded by the Town of Longmeadow (referring to the 2015 Site and Design Review Decision requiring Grove Properties to pay \$250,000 in traffic mitigation funds for their then-proposed expansion). Planning Board members responded that the Town would fund any remainder of the redesign not covered by the aforementioned traffic mitigation fee from Grove Properties and any required traffic mitigation that may be required as part of the anticipated decision for the forthcoming 916 Williams Street Site and Design Review application (Colvest Group / “Town Shoppes”).

Ms. Weiner also asked what the next steps were for reviewing design for the proposed “Town Shoppes” (916 Williams Street) project, now that the zone change from RA-1 to Business had passed at Special Fall Town Meeting (Article 5). Ms. Thibodeau informed Ms. Weiner that Planning Board was not yet in receipt of a Site and Design Review application, and then walked through the steps that would occur once the Town was in receipt of said application. This includes forwarding the application to relevant boards and committees and town departments with jurisdiction over land use and site design, and making the application materials available to the public by posting on the Town website and providing hard copies for public review at the Building Department Office. Ms. Weiner then asked if there was opportunity for the public and other non-governmental groups to provide comment. Ms. Thibodeau responded that the public was welcome to participate by attending the public hearing for any site and design review application and voicing their questions and comments at that time. Additionally, members of the public could submit their comments in writing to the Board in addition to or instead of attending

the hearing in real time, as long as those comments were received while the Board was actively reviewing the project. Ms. Thibodeau stated that the comments should be relevant to the Site and Design Review application and the Planning Board's purview as specified by Article VII of the Zoning Code.

Ms. Weiner submitted a comment regarding archives—she stated that is important to preserve document archives in their original format for anyone to use in their research project.

Adjourn

Cheryl Thibodeau made a motion, and was seconded by Bryant Miller, to adjourn. All in favor 4-0, motion passed.

DRAFT