

Planning Board –Regular Meeting

Longmeadow Adult Center’s Multipurpose Room – 211 Maple Road, Longmeadow MA 01106

Tuesday April 4th, 2023 7:00 p.m.

Members Present: Cheryl Thibodeau, Chair; Walter Gunn, Clerk; Bruce Colton, Don Holland.

Members Absent: Chris Legiadre

Others Present: Director of Planning Corrin Meise-Munns, Norman Spencer, Paul Drost, David Harris, Diana Pun and Bik Wan Pun .

The *Planning Board In-person Regular Meeting* was called to order at 7:04pm by Chair Cheryl Thibodeau.

Meeting Minutes Review:

1. **Regular Meeting March 1st, 2023:** Don Holland made a motion, and was seconded by Bruce Colton, to accept the minutes as presented. All in favor 4-0, motion passed.
2. **Special Joint Meeting with Select Board February 6th, 2023:** Walter Gunn made a motion, and was seconded by Don Holland, to postpone the review of these minutes to the next available meeting. All in favor 4-0, motion passed.

Public Hearing #1: Zoning Bylaw Change Petition for Section 315-8 “Enforcement”:

Cheryl Thibodeau made a motion, and was seconded by Don Holland, to modify the agenda’s order and allow the public hearing related to the Zoning Bylaw Change Petition for Section 315-8 “Enforcement” first. All in favor 4-0, motion passed. Additionally, Cheryl Thibodeau made a motion, and was seconded by Walter Gunn, to open the public hearing related to the Zoning Bylaw change petition for Section 315-8 “Enforcement”. All in favor, 4-0, motion passed.

The public hearing, which was originally advertised in the local paper on March 16th and March 23rd as well as on the town’s website, had the purpose of reviewing a petition to change a section of the Zoning Bylaws that intends to eliminate discrepancies with other sections of the Zoning Bylaws related to enforcement, update the titles of relevant roles and also to allow the newly created positions of code enforcement officers within Building Department to act as enforcement agents under the powers of the Building Commissioner. It was noted that the section referenced in the evening’s agenda reflects the new numbering system that will be introduced to the Zoning Bylaws via the eCode reformatting project that is set to roll out in the coming weeks but before the May 2023 Annual Town Meeting; for those interested in looking at the current version of the Zoning Bylaw, the language in question is found in article 1, Section D “Execution”.

Comments from the public in favor or against the matter:

- Norman Spencer (144 Sheffield Av.): is against further government oversight on home improvements.

With no further comments provided by attendees, Walter Gunn made a motion, and was seconded by Bruce Colton to close the public hearing #1 related to the Zoning Bylaw change petition for Section 315-8 “Enforcement”. All in favor, 4-0, motion passed.

Walter Gunn made a motion, and was seconded by Bruce Colton, to recommend the amendment for the Zoning Bylaw change for Section 315-8 “Enforcement” (currently known as Article 1, Section D “Execution”) be recommended for the 2023 Annual Town Meeting as presented. All in favor, 4-0, motion passed.

Vote – To Recommend Proposed Revisions to Longmeadow Subdivision Rules & Regulations related to MS4 Permit Compliance and Stormwater Management Standards:

Cheryl Thibodeau made a motion, and was seconded by Bruce Colton, to modify the agenda’s order and continue with the topic related to MS4 Permit Compliance and Stormwater Management Standards proposed language to be included in the Subdivision Rules and Regulations. All in favor 4-0, motion passed.

At the last Planning Board meeting, a discussion was held regarding the proposed amendments, first presented earlier this year at a Joint Planning Board and Select Board meeting. Don Holland made a motion, and was seconded by Walter Gunn, to recommend the proposed amendments to the Subdivision Rules and Regulations pertaining to MS4 permit compliance and stormwater management standards. All in favor, 4-0, motion passed.

Vote – To Recommend Proposed Revisions to Longmeadow Zoning Bylaws related to MS4 Permit Compliance and Stormwater Management Standards:

Cheryl Thibodeau made a motion, and was seconded by Bruce Colton, to modify the agenda’s order and continue with the topic related to MS4 Permit Compliance and Stormwater Management Standards proposed language to be included in the Zoning Bylaws. All in favor 4-0, motion passed.

Similarly to the aforementioned proposed amendments to the Subdivision Rules and Regulations, the proposed amendments to the Zoning Bylaw on the topic of MS4 permit compliance were discussed at the last Planning Board meeting, after being presented with the items earlier this year at a Joint Planning Board and Select Board meeting. Chair Cheryl Thibodeau made a motion, and was seconded by Bruce Colton, to recommend the proposed amendments to the Zoning Bylaws pertaining to MS4 permit compliance and stormwater management standards. All in favor, 4-0, motion passed.

Other Business:

Cheryl Thibodeau made a motion, and was seconded by Don Holland, to modify the agenda’s order and discuss miscellaneous topics under the “Other Business” category. All in favor 4-0, motion passed.

1. Chair Cheryl Thibodeau and Bruce Colton were elected as chair and vice chair of the Long Range Plan steering committee, with a LHS student being elected as the committee’s clerk.
2. The Town Clerk’s Office received on March 30th, 2023 the final approval from the Attorney General’s Office for the eCode bylaw reformatting project vote that was initially approved at the 2022 Special Town Meeting. Final publication, printing and uploading of the town’s bylaws into the new format is scheduled to take place by end of April.
3. Public notices were received from East Longmeadow’s Planning Board for public hearing notices related to two special permits.

Public Hearing #1: Request for Zone Change – Lot 38 at 899-925 Shaker Road, Case #20230206-1:

Cheryl Thibodeau made a motion, and was seconded by Walter Gunn, to modify the agenda’s order to allow the public hearing pertaining to the request for zoning change for lot 38 at 899-925 Shaker Road. All in favor 4-0, motion passed. Additionally, Cheryl Thibodeau made a motion, and was seconded by Bruce Colton, to open the public hearing related to the request for zoning change for lot 38 at 899-925 Shaker Road. All in favor, 4-0, motion passed.

The public hearing, which was originally advertised in the local paper on March 16th and March 23rd as well as on the town’s website, had the purpose of obtaining community feedback on the Pun Longmeadow Realty’s request for zone change on the aforementioned parcel.

On behalf of lot owner Pun Longmeadow Realty, Ms. Diana Pun formally presented the board with a request for zone change for Parcel 1, Lot 38, at 899-925 Shaker Road from Residence A-1 Zone to Business Zone at the February 6th, 2023 Planning Board meeting. As the company continues to work on the rebuilding efforts of the business complex lost to a fire over a year ago, design and construction activities have discovered a non-conformity on the foundation sitting on the northwest property line that does not meet the required setback of 15 feet per Article VI Section C 3. While the building foundation is still currently in compliance with the Town Zoning Bylaw Article IV Section E 1.b-c, which allows for the rebuilding and continued use of a nonconforming structure if it was destroyed by fire, the Pun family wishes to engage in a proactive effort, despite the lack of legal obligation to do so, to address the nonconformity. Should this request be approved at the upcoming town meeting, the lot owner will consider looking at options that can address abutters’ complaints regarding parking spillage that occurs onto this parcel during the height of the holiday season and causes noise pollution, though they did not commit to the possibility of creating a deed restriction that would impeded future development within the lot citing additional time needed to discuss with their design team any potential implications of such a restriction.

Comments from the public in favor or against the matter:

- Paul Drost (874 Shaker Rd.): is against the zone change due to its sense of permanency and recall what he believed was a verbal agreement between the original property developers and the abutters and/or town officials to maintain Lot 38 as undeveloped to serve as buffer between the business complex and the residents. Even if the current owners commit to maintaining the lot as an undeveloped business lot, there is no guarantee that any future property owners would maintain said promise.
- David Harris (877 Shaker Rd.): is against the zone change due to the likelihood of increased noise levels as a result of the zone change and further lot development.
- Norman Spencer (144 Sheffield Av.): is against the zone change and recalls an 1970 agreement between the Planning Board and the developers in which the lot 38 would remain undeveloped “in perpetuity”. While he

appreciates Pun Longmeadow Realty's current design to keep the lot as undeveloped, he is concerned of any future property owners and whether they would continue the agreement.

The following items were noted by board members:

- a) Similar zone change requests have been made in the past for this property but they failed to gather support at two past annual town meetings. Past resident's comments throughout time point at a desire to ensure the boundaries of the northeast and northwest business lots found at the intersection of Shaker and Maple Roads remain in alignment, thus maintaining a clear boundary of the area's entire business zone.
- b) Both the Planning Board and the Town Manager's Office researched allegations about past agreements between the former business complex owners and direct abutters to maintain Lot 38 zoned as "residential" but no records were found to sustain such claim.
- c) The site renovations as approved during last year's Site & Design review comply with Zoning bylaws and as such, therefore a zone change isn't technically required to ensure the building and site meet compliance, though nowadays there are concerns about designs not having the appropriate setbacks based on today's standards.
- d) Maintaining the lot's zone as an undeveloped "residential" piece of land does not guarantee the permanence of the trees currently found within.

Walter Gunn made a motion, and was seconded by Bruce Colton, to close the public hearing related to the zone change request for lot 38 at 899-925 Shaker Road. All in favor, 4-0, motion passed.

Director of Planning Corrin Meise-Munns encouraged the board to review the information provided this evening and to defer any decisions to the next available meeting; this would also allow the Town to review the case and provide any statements, if needed. With that said, Bruce Colton made a motion, and was seconded by Don Holland to continue the discussion on the zone change petition to the next available meeting, which is scheduled for May 3rd.

Walter Gunn made a motion, and was seconded by Don Holland, to adjourn the meeting. All in favor 4-0, motion passed, meeting adjourned at 8:05pm.

Respectfully submitted,

Bianca Damiano

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