

PLANNING BOARD – HYBRID REGULAR MEETING & PUBLIC HEARING

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

Members Present: Cheryl Thibodeau, Chair; Walter Gunn, Clerk; Bruce Colton, Bryant Miller, Chris Legiadre. Members Absent: None

Others Present: Director of Planning Corrin Meise-Munns, Town Counsel Jay Tallerman, Liz McKiernan, Esther Hayes, Jeffrey Roberts, Esq., Frank Colaccino, Peter LaPointe, Chris Milliard, William Fitzgerald, Jr., Steven Wolman, Tom Shea, Dino Facente, Annalisa Facente, Tracy Durant, Michelle Abdow, Angela DuBois, Sarah Heinenen, Tom Townsend, John Tomaszewski, Dave Marinelli, Tyler Saremi.

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

Meeting Minutes Review:

1. Regular Meeting July 12th, 2023: Walter Gunn made a motion, and was seconded by Bruce Colton, to accept the minutes as amended. All in favor 4-0, with Chris Legiadre abstaining, motion passed.
2. Regular Meeting + Public Hearing August 16th, 2023: Walter Gunn made a motion, and was seconded by Bruce Colton, to accept the minutes as amended. All in favor 5-0, motion passed.

Sign Application – Case 20230906-1: 904 Shaker Road, Longmeadow Veterinary Clinic, LLC.

Walter Gunn made a motion, and was seconded by Bryant Miller, to accept the aforementioned application as complete. Roll call vote – Ms. Thibodeau: yes; Mr. Gunn: yes, Mr. Colton: yes; Mr. Holland: yes; Mr. Legiadre: yes. All in favor 5-0, motion passed.

Angela DuBois, represented the Longmeadow Veterinary Clinic.

Walter Gunn made a motion, and was seconded by Bruce Colton, to approve the sign application as presented. Roll call vote - Ms. Thibodeau: yes; Mr. Gunn: yes, Mr. Colton: yes; Mr. Holland: yes; Mr. Legiadre: yes. All in favor 5-0, motion passed.

Site and Design Review Application (Waiver) – Case 20230906-2: 827 Williams Street, Longmeadow Mall Limited Partnership

Walter Gunn made a motion, and was seconded by Bryant Miller, to accept the aforementioned application as complete. Roll call vote – Ms. Thibodeau: yes; Mr. Gunn: yes, Mr. Colton: yes; Mr. Holland: yes; Mr. Legiadre: yes. All in favor 5-0, motion passed.

Liz McKiernan and Esther Hayes, Property Managers for Colebrook Management, provided the following information regarding the application:

- a) This application was triggered by a proposed change in use from retail to restaurant for the address. The address had been used as a restaurant prior to its current use as retail.
- b) The restaurant will be an Indian food restaurant, to be called Taj Indian Cuisine.

- c) The applicants shared a floorplan, and confirmed there would be no change to the building façade.
- d) The anticipated capacity is approximately 35-50 seats.

Walter Gunn made a motion, and was seconded by Bryant Miller, to approve the waiver of Site and Design Review with the condition that the applicants receive appropriate determination of off-street parking from the Zoning Board of Appeals. Roll call vote – Ms. Thibodeau: yes; Mr. Gunn: yes, Mr. Colton: yes; Mr. Holland: yes; Mr. Legiadre: yes. All in favor 5-0, motion passed.

Public Hearing – Zone Change Petition for 916 Williams Street from RA-1 to Business Zone

The public hearing, which was originally advertised in the local paper on August 17th and August 24th as well as on the town’s website, had the purpose of reviewing a petition to change the zoning designation of 916 Williams Street from RA-1 to Business District.

Walter Gunn made a motion, and was seconded by Bryant Miller, to enter the public hearing. Roll call vote – Ms. Thibodeau: yes; Mr. Gunn: yes, Mr. Colton: yes; Mr. Holland: yes; Mr. Legiadre: yes. All in favor 5-0, motion passed.

The Colvest Group, Limited, were the proponents of the petition and were represented by Jeffrey Roberts, counsel; Frank Colaccino, owner and principal; and Chris Milliard, architect with Phase Zero Design of Simsbury, CT. The proponents provided the following information regarding the purpose and vision of their petition:

- Colvest has owned the property since 2015.
- Colvest would like to build out the property in retail and restaurant uses in a way that is compatible with the neighboring Longmeadow Shops.
- The proponents provided renderings of two conceptual designs to demonstrate how the site could be developed if the zone is changed as requested. They estimate that under the Town’s Zoning Bylaws, the proposed development building footprint could range between 24,000 sqft and 30,000 sqft.
- The proponents suggest that this development would benefit the Town from new growth tax revenue.
- The proponents have not identified potential tenants as that conversation is premature until the zone is changed.

Comments from the public in favor or against the matter:

- Annalisa Facenti, 234 River Drive, has been a longtime neighbor to this property. She is concerned with traffic safety should this site be developed with a commercial use, and urged the Planning Board to conduct due diligence regarding traffic studies during Site and Design Review should this zone change pass.
- William Fitzgerald, 62 Fenway Drive, spoke regarding his high regard of Colvest’s previous developments. Mr. Fitzgerald pointed out that the town is in need of new tax revenue, which this development would provide.

- Tom Shea, 81 Greenmeadow Drive, also spoke in high regard of Colvest’s previous developments. Mr. Shea also spoke about previous controversial zone changes that have resulted in favorable developments for the Town, and noted the benefits of additional tax revenue for the Town.
- John Tomaszewski, 309 Frank Smith Road, is a close neighbor of the property. He speaks in favor of further walkable developments.
- Tyler Saremi, 61 Twin Hills Drive, is in support of the development because the property has been vacant for a long time. Mr. Saremi notes that Longmeadow needs more choices for restaurant and retail.

There were no further questions or comments from the Board.

Walter Gunn made a motion, and was seconded by Bryant Miller, to close the public hearing. Roll call vote – Ms. Thibodeau: yes; Mr. Gunn: yes; Mr. Colton: yes; Mr. Holland: yes; Mr. Legiadre: yes. All in favor 5-0, motion passed.

Walter Gunn made a motion, and was seconded by Bruce Colton, to recommend the zone change from RA-1 to Business District. Bruce Colton provided further comment that while the Board cannot hold Colvest Group to any of the concept designs they presented at this hearing, the designs do appear less intensive than what was originally proposed two years ago, citing single story concepts as compared to two story concepts. Mr. Colton also noted that there a lot of people in Town who are not able to regularly shop at high end retail locations. Roll call vote – Ms. Thibodeau: yes; Mr. Gunn: yes; Mr. Colton: yes; Mr. Holland: yes; Mr. Legiadre: yes. All in favor 5-0, motion passed.

Discussion: Proposed Zoning Bylaw Amendments to Zoning Bylaw Section 315-4, Definitions: “Off-Site Medical Marijuana Dispensary (OMMD)” And “Registered Marijuana Dispensary (RMD)”

Corrin Meise-Munns, Director of Planning and Community Development, explained that the Town was in receipt of a letter from the Massachusetts Attorney General’s Office alerting the Town that our Zoning Bylaw definitions for “Off-Site Medical Marijuana Dispensary (OMMD)” And “Registered Marijuana Dispensary (RMD)” did not align with the definitions for the same terms provided by the Cannabis Control Commission (CCC). Municipalities are unable to preempt the CCC’s regulations. The Town defines OMMDs and RMDs as being operated by a not-for-profit; the definitions would come into compliance if the term “not-for-profit” is removed.

Walter Gunn made a motion, and was seconded by Cheryl Thibodeau, to send these proposed changes as a petition for a Zoning Bylaw change to the Select Board, as required by MGL Chapter 40a Sec5. Roll call vote – Ms. Thibodeau: yes; Mr. Gunn: yes; Mr. Colton: yes; Mr. Holland: yes; Mr. Legiadre: yes. All in favor 5-0, motion passed.

Cheryl Thibodeau made a motion, and was seconded by Walter Gunn, to set the public hearing date for these proposed bylaw changes for October 4, 2023. Roll call vote – Ms. Thibodeau: yes; Mr. Gunn: yes; Mr. Colton: yes; Mr. Holland: yes; Mr. Legiadre: yes. All in favor 5-0, motion passed.

Discussion: Updates to Planning Board Rules and Regulations

The Board focused their discussion on §326-4 B. Filing of the Planning Board Rules and Regulations. The major question was whether the Board should accept applications for any and all permits (excepting Subdivision proposals, the filing of which is specified under the MGL Ch41 Sec810) at regular meetings of the Board, or with the Town Clerk. Attorney Talerman informed the Board that it would be much more typical practice to submit to the Town Clerk. Either way, the Zoning Bylaw and the Rules and Regulations must align with each other. Cheryl Thibodeau asked Attorney Talerman if the Board could recommend removing references in the Zoning Code to the filing of applications, and then rely solely on the content of the Rules and Regulations. Attorney Talerman agreed with this strategy.

Bruce Colton asked Attorney Talerman if there could be concerns regarding meeting the timeline requirements for special permits as specified in MGL Ch40A if applications were to be submitted to the Clerk instead of at a meeting of the Board. The Town's Zoning Bylaw §315-45 Site and Design Review process specifies that Site and Design Review shall follow the process for a special permit. Attorney Talerman's opinion is that the 65 day requirement to hold a public hearing is generous, especially since the Board meets once a month.

Attorney Talerman recommended continuing to work with Corrin on recommended language for the Rules and Regulations and for the Board to move forward with the proposed Zoning changes.

Cheryl Thibodeau made a motion, and was seconded by Walter Gunn, to recommend revising §315-45 filing instructions for Site and Design Review from the Zoning Bylaw and sending a Zoning Bylaw change petition to the Select Board. Roll call vote – Ms. Thibodeau: yes; Mr. Gunn: yes, Mr. Colton: yes; Mr. Holland: yes; Mr. Legiadre: yes. All in favor 5-0, motion passed.

Walter Gunn made a motion, and was seconded by Bryant Miller, to set the public hearing for these proposed changes to the Zoning Bylaw for October 4, 2023. Roll call vote – Ms. Thibodeau: yes; Mr. Gunn: yes, Mr. Colton: yes; Mr. Holland: yes; Mr. Legiadre: yes. All in favor 5-0, motion passed.

Walter Gunn left the meeting at 8:45 pm.

Other Business

- A. **Long Range Plan Update** – Corrin Meise-Munns reported that next meeting of the Long Range Plan Steering Committee will be September 11, 2023 at the Adult Center. Town Staff wrapped up comments on the draft Inventory and Analysis. Once those comments have been incorporated into the draft document, it will be posted for public comment. This is anticipated for end of September. Cheryl Thibodeau updated the Board regarding the AARP Age Friendly Community designation process. The Age Friendly Task Force has had two listening sessions so far, and there are two that remain. AARP has officially accepted Longmeadow into the Age Friendly program with designation in process.
- B. **Director of Planning and Community Development Comments** – The Special Fall Town Meeting has been set for November 7, 2023, with Citizen Petitions due September 22nd. The

Select Board is reviewing the draft warrant in early October and in later October will set the warrant.

C. Announcements/Correspondence – None

D. Planning Board Member Comments – Cheryl Thibodeau wished Walter Gunn a happy birthday.

Visitor Comment/Questions

None.

Adjourn

Bruce Colton made a motion, and was seconded by Bryant Miller, to adjourn. Roll call vote – Ms. Thibodeau: yes; Mr. Gunn: yes, Mr. Colton: yes; Mr. Holland: yes; Mr. Legiadre: yes. All in favor 5-0, motion passed.