

Town of Longmeadow
PLANNING BOARD
MINUTES
Of Public Hearing
April 18, 2006

PRESENT: Chairman Walter Gunn, Bruce Colton, Louis Kornet,
Roy Johansen, and Richard Curran

A public hearing was held at the Longmeadow Community House, 735 Longmeadow Street, Longmeadow, MA. Walter Gunn opened the meeting at 7:03 p.m.

The purpose of the meeting was to discuss changes in the Longmeadow by-laws, in particular to amend Article IV, Section E, -- NON CONFORMING USES AND STRUCTURES. Walter Gunn explained the format of the public hearing. He also stated that at the recent land use forum, the merits and faults of this by-law were discussed. Ellen Freyman, ZBA member, explained to Planning Board members and the audience that the Longmeadow Town By-law, Article IV, Section E is not the same language as the state statute for 40A regarding non-conforming use. Residents would have to go to the ZBA for a special permit to extend the non-conformity. It is not to encroach on any set back; you could build as of right. If you stay with all required set-backs, the new by-law would eliminate coming to the ZBA; you cannot extend the non-conformity. The Building Department would make the determination to issue a permit. Ms. Freyman stated that more than ½ of the ZBA's cases would and could fall under this new by-law.

Planning Board members asked several questions about the proposal. Ms. Freyman stated that the by-law is to accommodate the community. Ms. Freyman stated that a decision would be called a "finding", not a special permit, which requires a "super majority". Ms. Freyman did indicate that she would, however, like to present some amendments to the printed warrant article at the town meeting. Ms. Freyman stated that there are a few inconsistencies in the zoning by-law. Bruce Colton questioned which version is in front of the Town and Planning Board. Ms. Freyman gave Bruce Colton a copy of her comments for revision. Bruce Colton indicated that the ZBA would have to print out copies of the revisions for each attendee at the town meeting.

Public Hearing Comments:

Planning Board members expressed their opinions in regard to the proposal. It was felt that it is hard to understand. If new copies are printed with revisions, it will confuse many of the meeting attendees. Mr. Kornet felt that many revisions of the by-laws need to be changed. He indicated that they should be prioritized and a land-use meeting should be held to try to change the by-laws. Ms. Freyman stated that she would like this by-law to be worded correctly and clearly.

Jerome Noonan, 116 Benedict Terrace, thought that this by-law revision was too hasty, has errors; and he would like to see more revisions, review and more specific language added to the by-law.

After discussion, Ellen Freyman suggested tabling the by-law amendment and to have it placed on the Fall Town meeting agenda. Richard Curran felt that the essence of this change should be looked at., i.e., the size of the lot, and size of the footprint of the house should be addressed.

After a lengthy discussion and on behalf of the ZBA, Ellen Freyman requested that the amendment be withdrawn and brought back with revisions at the Fall Town meeting. Walter Gunn indicated that the public hearing was closed at 8:10 p.m.

The public was invited to make comments on the other two articles that the Planning Board was reviewing before the town meeting. Ellen Freyman indicated that ZBA member Phil Clark expressed his opinion that the issue of pools on corner lots should be brought to Town Meeting for vote. Planning Board members stated that the petitioner of this by-law change would have to read the article at the town meeting for a decision to be made.

There being no further comments, the public comment section was closed at 8:25 p.m. Walter Gunn then made a motion recommending for approval the corner lot swimming pool by-law change. Walter Gunn made a motion to recommend Article 40, Bruce Colton seconded the motion. Planning Board members opposed this motion 5-0. Walter Gunn made a motion to recommend Article 42 to abolish Section I of Article VI. Richard Curran seconded the motion; it was approved 5-0.

Louis Kornet stated that he would like to present to the Board, Article 41, Community Preservation Act, before the town meeting. He explained that this provides a small surcharge on property taxes. The state would match these monies. It is geared for recreational use, historical areas, and preservation issues. Louis Kornet stated that he would like to make a motion at the town meeting to endorse the Community Preservation Act when it is brought forward at the town meeting. Walter Gunn seconded the motion; it was approved 5-0.

Walter Gunn stated that he has a letter from the Historical Commission asking for Planning Board's endorsement of the demolition delay. It only pertains to houses built before 1901. It would be a nine-month delay period. This would only pertain to homes of historical significance.

Walter Gunn made a motion to endorse the demolition delay (Article 39). Bruce Colton seconded the motion; it was approved 5-0, approving the endorsement.

OTHER

1. The next Planning Board meeting will be held on May 3, 2006 with a location to be determined.
2. Planning Board members discussed several items that will be on the agenda at future meetings.
3. On June 6, 2006 there will be a joint Planning Board/ZBA public hearing to consider the application for Omni Point Holdings, Inc., T-Mobile Wireless, for the installation of telecommunications equipment and cell tower at 260 Meadow Road, Longmeadow, MA. The location of the public hearing will be determined. This date was rescheduled from a public hearing date originally scheduled for April 18, 2006.
4. Approval of Meeting Minutes

January 4, 2006 – After review, Walter Gunn made a motion to accept the meeting minutes as presented. Louis Kornet seconded the motion; it was approved 5-0.

March 9, 2006 – After review, Walter Gunn made a motion to accept the meeting minutes as amended. Bruce Colton seconded the motion; it was approved 5-0.

March 22, 2006 – After review, Walter Gunn made a motion to accept the meeting minutes as amended. Louis Kornet seconded the motion; it was approved 4-0.

Walter Gunn made a motion to move into Executive Session. Bruce Colton seconded the motion; it was approved 5-0 with the intent to adjourn at the close of the Executive Session. The meeting adjourned at 9:55 p.m.

Respectfully submitted,

Judy Downie, Secretary
Longmeadow Planning Board