

## Planning Board – Public Hearing

Zoom Virtual Platform – [www.zoom.us](http://www.zoom.us), P: 646-558-8656, Meeting ID: 973 7430 6426, Password: 183733  
Wednesday April 7<sup>th</sup>, 2021 7:00 p.m.

**Members Present:** Donald Holland, Chair; Walter Gunn, Clerk; Ken Taylor, Bruce Colton, Josh Levine.

**Others Present:** Alison McDonough, Curt Freedman, Tracy Janik, Dan O'Brien, Mark Gold, Peter LaPointe, Jeffrey Roberts, Frank Colaccino, Matthew Wittmer, John Brodacki, Dave Marinelli, Dino & Anna Facente, Steve Walker, Steven Zicolella.

The *Planning Board Virtual Public Hearing* was called to order at 7:05 p.m. by Chair Donald Holland.

The public hearing, which was originally advertised in the local paper on March 18<sup>th</sup> and March 25<sup>th</sup> as well as on the town's website, had the purpose to review three items, which were heard in the order shown below. Chair Don Holland reminded all participants of the protocols to follow during the virtual proceedings for any attendees that wished to voice their opinions.

### **Public Hearing #1: Proposed Deletion of Article IV, Section B, Subsection 1.1a in its entirety from the Town's Zoning Bylaws:**

The article is sponsored by Building Commissioner Paul Healy and currently reads as follows: "*The renting of bedroom space by the week, or the furnishing of table board by the week, to not more than four persons other than members of the family.*" Per Town Manager Lyn Simmons, the proposed deletion is a direct response to various complaints received by the Town related to the frequent turnover of tenants at one house offering daily rentals and its adverse impact in that neighborhood.

#### **Comments from the public in favor or against the matter:**

- Dr. David Marinelli (9 Overbrook Lane): opposes the proposed deletion as he feels it unnecessarily restricts housing alternative in town while also financially impacting individuals, especially seniors, that benefit from the additional income.

Members Josh Levine and Walter Gunn indicated that the board would have benefited from input provided by the complainants who are adversely impacted by these practices that have led to the proposed amendment; Mr. Gunn added that an alternate resolution would be to replace the by-law in question with language that is more restrictive and addresses the concerns raised by residents while also continuing to allow the flexibility these rental practices can offer to both prospective tenants and landlords.

### **Public Hearing #2: Presentation, discussion and public comment for the proposed zoning change on the property known as 916 Williams Street from "Residence Zone A-1" district to "Business" district:**

Attorney Jeffrey Roberts and his team recently submitted a package to the Select Board, on behalf of Colvest Longmeadow LLC, requesting a zoning change for their property located at 916 Williams Street and formerly known as First Church of Christ Scientists, Longmeadow.

Mr. Roberts provided a historical overview of the matter, which began in 2019 with communications between Colvest Principal Frank Colaccino and the Select Board; at the time, said board had formed a committee tasked with identifying properties in Longmeadow that offered the opportunity of increasing the tax base. Simultaneously, the Longmeadow Shops was undergoing an expansion and this process was observed to assess its true impact over time and determine whether the property at 916 Williams and its surroundings would benefit from a similar change. In Colvest's view, the Longmeadow Shops expansion has caused minimal impact, hence the desire to move forward with the zoning change request for the property in question. At present time, the concept development drawings provided herein allow the public to visualize the site's potential while reflecting current zoning by-law restrictions, such as structure height, but Mr. Roberts cautioned the board that these plans are subject to change: only after a zoning change has been approved at a Town Meeting, would property owner Colvest Longmeadow LLC be in a position to solicit interest from

prospective tenants and provide a more definitive site design. On a final note, Mr. Roberts raised concerns over the timeline of the zoning change procedures in this case, considering that in recent weeks the Select Board voted to withdraw the request from the 2021 Annual Town Meeting's warrant and, per state law, a Planning Board public hearing on the matter must be fulfilled within six months of a subsequent town meeting; at present time, a Special Fall Town Meeting date has not been selected.

Architect Matthew Wittmer proceeded to describe two similar conceptual site layouts with 3D renderings to illustrate the design intent. Both building layouts offered spatial flexibility (design schemes provide between 27,000 sq. ft and 31,000 sq. ft. of retail space) while displaying building elevations that reflect the town's architectural scale and typology; other proposals include up to 150 parking spaces, additional landscape, a retaining wall and curb cuts on both Williams Street and Redfern Drive.

Comments from the public in favor or against the matter:

- Dino and Anna Facente (234 Redfern Drive): the couple is a direct abutter and is very concerned over the proximity of the site's multiple vehicular entrances to the intersection and its traffic light. They also consider excessive the building structures' setbacks from the Williams Street property line, deeming as invasive the close proximity of said structures and their maintenance facilities to their abutting property line, which will gravely impact their privacy.
- John Brodacki (550 Pinewood Drive): is a direct abutter that experienced firsthand the safety issues generated by individuals, at times young adults, that utilize the Longmeadow Shops expansion's secluded retaining wall to socialize and incur in disruptive behavior; the exposure and lack of privacy was a factor in a burglary experienced by an abutting neighbor in recent years and adding another retaining wall would exasperate the problem. Additionally, he pointed to the facilities' maintenance corridor of both the Longmeadow Shops and the proposed project as being in too close proximity to the abutting residences, which causes foul odor and attracts pests to the dumpsters in these corridors.
- Curt Freedman (24 Ridge Road): inquired about a stormwater management design due pointed to the current flooding issues that arise along the Bliss Road corridor during incidents of heavy rainfall but was notified by Colvest Principal Frank Colaccino that, while such scope would be addressed at a subsequent design phase, he anticipated the likely installation of underground water retainage devices.

*Documents presented:*

1. *Boundary and Existing Conditions plan dated 10-07-2014 and Site Survey S-1 dated 2021-02-15.*
2. *Conceptual Site Plans C-16 and C-17 dated 2021-02-25.*
3. *3D Renderings for Options A & B dated 04-07-2021.*

**Public Hearing #3: Presentation, discussion and public comment for a citizen petition to amend the Zoning By-laws to allow the installation of ground-mounted thermal and/or photovoltaic solar panels within the front and/or side lot lines of a residential property:**

Mr. Freedman presented the following items:

1. Based on discussions at the July 1<sup>st</sup>, 2020 Planning Board meeting, Mr. Freedman has modified his petition to reflect a proposal for side yard panel location exclusively, thus eliminating the front yard option; all other aspects of his citizen petition, including distance between the panels and the dwelling unit as well as panel screening remain as presented in the past. He has removed any language that references a front yard option from his citizen's petition and has already provided the Town Moderator with this latest modification as he intends to present it on the floor of the upcoming Annual Town Meeting in May.
2. The petition calls for a maximum energy generation allowance of 9 kilowatts per property but there is no language to indicate a maximum allowable area of ground coverage in square feet or lot percentage by these panels; an example was given of a typical 39" x 65" (approximately 17.6 sq. ft.) solar panel generating approximately 300 watts to estimate the number of panels that could be installed within the energy generating cap of the petition.

3. Currently, Massachusetts General Law (MGL) Chapter 40a, Section 3 provides an acceptance of solar panels without limitations, however Mr. Freedman is in favor of setting limits in order for this by-law to work for the community.

Due to the impacts of the Covid19 pandemic on all municipal proceedings in the past year, Mr. Freedman reviewed the feedback provided by the Planning Board at the hearings and meetings held in 2020 and opted to make the modifications presented tonight for further presentation at the Town Meeting's floor. That said, board member Walter Gunn made the clarification that the board is bound to vote on the original citizen petition for front and side yard installation of solar panels, and is unable to vote on these latest modifications.

Comments from the public in favor or against the matter:

- None.

*Documents presented:*

1. *Ground-mounted Solar Panels presentation by Curt M. Freedman, PE, CEM, CEA, LEED AP.*

Walter Gunn made a motion, and was seconded by Mr. Taylor, to conclude the public hearing for topic #1 (proposed deletion of Article IV, Section B, Subsection 1.1a) and topic #3 (citizen petition to amend the Zoning By-law to allow installation of ground-mounted thermal and/or photovoltaic solar panels within the front and/or side lot lines of a residential property). Roll call vote - Mr. Gunn: yes; Mr. Levine: yes, Mr. Taylor: yes; Mr. Colton: yes; Mr. Holland: yes. All in favor 5-0, motion passed, public hearing closed for topics #1 and #3 at 8:16pm.

Walter Gunn made a motion, and was seconded by Mr. Taylor, to continue the public hearing for topic #2, request for zoning change for the property known as 916 Williams Street, to a subsequent Planning Board meeting in May. Roll call vote - Mr. Gunn: yes; Mr. Levine: yes, Mr. Taylor: yes; Mr. Colton: yes; Mr. Holland: yes. All in favor 5-0, motion passed at 8:17pm.