

Planning Board Public Meeting

January 17, 2018

Accepted with corrections, April 4, 2018

Planning Board – Public Meeting
Longmeadow High School – Meeting Room A15
535 Bliss Road, Longmeadow, MA
Wednesday, January 17, 2018
7:00 PM

Present: Don Holland, Chair; Walter Gunn, Clerk; Heather Laporte and Ken Taylor

Absent: Bruce Colton

Also Present: Stephen Crane, Town Manager and Jesse W. Belcher-Timme, Attorney

The meeting was called to order at 9:24 p.m. by Chair, Don Holland.

Don Holland confirmed the regular meeting is regarding the citizens' petition for rezoning.

Attorney Jesse W. Belcher-Timme at Doherty, Wallace and Town's Counsel on land use matters had been asked at a previous meeting to speak on the matter of spot zoning as it relates to 734 Longmeadow St. Asked to speak to the matter, Attorney Belcher-Timme stated that based on the information, there is nothing to contradict the interest in preserving the historic property. In his opinion he believes it meets the requirements as a legitimate zoning change.

Don Holland commented that on the 'Pro' side we have save the mansion, which most residents in town would like to do, if possible. The question is the property and not the building. He questioned the Board as to whether there is a way the Planning Board can seek to get some restrictions that would prevent future owners of the land from demolishing the building such as restrictive deeds

Mr. Gunn does not believe you can. He also stated that there is a demolition delay by-law in case there is the need to halt the process to give the Board time to make a decision on next steps. It was also stated that if the zone change was approved, Dr. Lam still would have to go through the site and design process, to meet the required needs.

Don Holland asked if there were any properties in town that have deed restrictions. Mr. Gunn responded as unsure. But then added that Dr. Lam could do or consider a Massachusetts Historic Trust designation. Massachusetts has a program, grant money and also tax incentives for income producing properties that are of historic nature. They would put a deed restriction on Dr. Lam in return for a low interest. Mr. Gunn is not familiar with the mechanics of this program.

Mr. Taylor was very impressed with the level of knowledge everyone has presented and had nothing further to add.

Mr. Holland believes that if rezoning is done for one property then certainly next door or two doors down could, even if the town said 'no' on rezoning as it could be overturned in court on the premise that a precedent has been previously set. Walter Gunn stated that the process an investor goes through is extremely expensive and time consuming which discourages those considering zone changes. Mr. Crane commented that 200 certified signatures are needed to start the required process followed by a public hearing. There are clear steps to follow.

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Heather Laporte referred to the Long Range Plan and since 2004 every future problem that was predicted had actually magnified such as the middle schools, and the senior center. The Long Range Plan houses such as the Brewer Young Mansion would be too big for people to maintain them. She clarified that the zone change is about the land and the change would be 'professional' not 'commercial' as some have stated. She believes the zone change would be a nice addition to the Green, bring additional tax money, and is the best way to save the mansion. Don then stated that no matter how the Board votes this must still go before the Attorney General for approval.

Mr. Gunn then mentioned that the town's Professional zone is specifically defined by boundaries and markers and that a new section would need to be added regarding the newly created zone. Don Holland stated that Mr. Gunn is referring to Section C, page 9 and 10 of the zoning by-laws; the definition of professional zones. It was then stated that rezoning the property, by virtue, would automatically create a new section of the by-law.

Don Holland stated that the Board has a single issue of recommending the citizen's petition of rezoning 734 Longmeadow St. from residential to professional for this one parcel and not the overlay. Walter Gunn motioned to recommend the petitioner's proposal to change from Residential A1 to professional zone at 734 Longmeadow Street. The motion was seconded by Heather Laporte. All in favor (Walter Gunn, Heather Laporte and Ken Taylor) opposed (Don Holland). The Board with a 3 to 1 voted to recommend the zone change to the Special Town Meeting.

Mr. Gunn made a motion to adjourn the regular Planning Board meeting at 9:52. Heather Laporte seconded the motion and a vote carried 4-0.

Respectfully submitted,

Sharon Smith

SS:wg