

**Planning Board Meeting**  
(meeting was recorded)

On Tuesday, March 22, 2021, the Holyoke Planning Board held a virtual Public Meeting via Zoom.com #899 0039 1869 at 5:30 p.m.

Attendance:

**Planning Board**

John Kelley ..... Chairman  
Mimi Panitch ..... Vice-Chairman (remote)  
Kate Kruckemeyer ..... Secretary  
Gurninder Dhaliwal ..... Member  
Rosanna Lopez ..... Member (remote)

**Planning Staff**

Aaron Vega ..... OPED Director  
Jeffrey Burkott ..... Principal Planner  
Jack Carolan ..... Planner II  
Sharon Konstantinidis ..... Head Administrative Clerk

**Others Present**

George Hailer ..... Attorney Spartan Realty

**Others Present**

Jim Valeriani, Esq. .... The Mensing Group  
Ed Gore ..... Devon Storage

At 5:37 p.m., John Kelley called for a motion to open the Planning Board Meeting. A motion was made by Mimi Panitch and seconded by Gurninder Dhaliwal. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Vice-Chairman ...	Yes
Gurninder Dhaliwal Member ....	Yes	John Kelley, Chairman .....	Yes
Kate Kruckemeyer, Secretary...	Yes		

**ZONE CHANGE / SITE PLAN REVIEW/ SUBDIVISION/SPECIAL PERMIT**

**1. Approval Not Required - Vernon Street (082-00-99/100), JMASS Properties, LLC - Josh Abrams**

The Board viewed the location on the map. Jeffrey Burkott noting it was in a DR zone and a simple move of a boundary line to the Southeast. A motion was made by Mimi Panitch and seconded by Gurninder Dhaliwal to approve the ANR. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Vice-Chairman ...	Yes
Gurninder Dhaliwal Member ....	Yes	John Kelley, Chairman .....	Yes
Kate Kruckemeyer, Secretary...	Yes		

**2. Approval Not Required - James Street (082-00-59/60), JMASS Properties, LLC - Josh Abrams**

The Board viewed the location on the map. Jeffrey Burkott noting it was in a DR zone and the joining of the two lots was creating a more non-conforming parcel. A motion was made by Mimi Panitch and seconded by Gurninder Dhaliwal to approve the ANR. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Vice-Chairman ...	Yes
Gurninder Dhaliwal Member ....	Yes	John Kelley, Chairman .....	Yes
Kate Kruckemeyer, Secretary...	Yes		

**3. Site Plan Review (Section 10) Discussion - South Holyoke Homes Phase II Project (File # 154), Clemente Street (Parcels 028-04-005; 006; 007; 008) - Holyoke Housing Authority**

The Board reviewed the draft Notice of Decision with Conditions. A motion was made by Kate Kruckemeyer and seconded by Rosanna Lopez to approve the Notice of Decision with Conditions as presented. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Vice-Chairman ...	Yes
Gurninder Dhaliwal Member ....	Yes	John Kelley, Chairman .....	Yes
Kate Kruckemeyer, Secretary...	Yes		

**4. Special Permit To Exceed Fence Height (Sec 4.6.3.2) Discussion - South Holyoke Homes Phase II Project (SPR #154), Clemente Street (Parcels 028-04-005; 006; 007; 008) - Holyoke Housing Authority (2022-4)**

The Board reviewed the draft Notice of Decisions with Conditions. Kate Kruckemeyer requested under "Findings" to change [... that the fence height was "necessary" to "reasonable" ...] as "reasonable" provided the option to have the fence height at either 4 feet or 6 feet. A motion was made by Kate Kruckemeyer and seconded by Mimi Panitch to approve the Notice of Decision with Conditions as amended. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Vice-Chairman ...	Yes
Gurninder Dhaliwal Member ....	Yes	John Kelley, Chairman .....	Yes
Kate Kruckemeyer, Secretary...	Yes		

5. **Special Permit To Exceed Fence Height for a Temporary Fence** (Sec 4.6.3.2) **Discussion - South Holyoke Homes Phase II Project** (SPR #154) – **Clemente Street** (Parcels 028-04-005; 006; 007; 008) - **Holyoke Housing Authority** (2022-5)  
 The Board reviewed the draft Notice of Decisions with Conditions. A motion was made by Kate Kruckemeyer and seconded by Mimi Panitch to approve the Notice of Decision with Conditions as presented. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Vice-Chairman ...	Yes
Gurninder Dhaliwal Member ....	Yes	John Kelley, Chairman .....	Yes
Kate Kruckemeyer, Secretary...	Yes		

6. **Site Plan Review** (Section 7.10.6.5 b), **Marijuana Facility Discussion, 120 Middle Water Street, WTM-SB, LLC** (#153)  
 The Board reviewed the draft Notice of Decisions with Conditions. Jeffrey Burkott stated that this Notice of Decision was unique due to the phasing of the project. John Kelley questioned if the Applicant has presented before the Conservation Commission. Jeffrey Burkott replied that the applicant had not applied.

Kate Kruckemeyer suggested the following conditions be added:

- 1) Prior to a building permit, the applicant submits a copy of the Request for Determination of Applicability (RDA), or a Notice of Intent (NOI), as approved by the Conservation Commission.
- 2) The applicant provides an option on how to beautify the wall along the street as indicated during the public hearing,
- 3) The applicant resolves the sidewalk/planting issue prior to Phase 3, noting that any change from the approved plan will require an amendment to the site plan.

A motion was made by Kate Kruckemeyer and seconded by Rosanna Lopez to approve the Notice of Decision with Conditions as amended. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Vice-Chairman ...	Yes
Gurninder Dhaliwal Member ....	Yes	John Kelley, Chairman .....	Yes
Kate Kruckemeyer, Secretary...	Yes		

7. **Section 7.1.7.2 "Industrial Uses in Industrial Districts" Review, Marijuana Facility, 120 Middle Water St, WTM-SB, LLC**

The Board reviewed the draft recommendation letter dated March 22, 2022 addressed to the Building Commissioner. A motion was made by Mimi Panitch and seconded by Gurninder Dhaliwal to approve the letter as submitted. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Vice-Chairman ...	Yes
Gurninder Dhaliwal Member ....	Yes	John Kelley, Chairman .....	Yes
Kate Kruckemeyer, Secretary...	Yes		

8. **CC Special Permit** (Sec 7.10) **Marijuana Facility Review – 620 Beaulieu Street, Green Grab, Inc. Marvin Cable, Esq.**

Jack Carolan presented a draft of the Marijuana review letter dated March 22, 2022 noting that Green Grab was appropriately zoned for a marijuana delivery business operating between the hours of 8 a.m. to 8 p.m.

The following was noted:

- The applicant should clarify how many employees it anticipates having in total as well as on site at any particular time.
- Clarification should be sought as to the size of the proposed delivery fleet.
- Given the proliferation of other marijuana uses in the vicinity of GreenGrab Inc., clarification should be sought as to how many delivery trips per day will be made to consumers.
- Clarification should be sought as to how many wholesale deliveries of marijuana are anticipated on a daily/weekly basis.
- Clarification should be sought as to where vehicles may be stored other than 620 Beaulieu St. and whether or not it is GreenGrab's intention to store delivery vehicles in a municipality other than Holyoke.
- Clarification should be sought as to the waste management plan and whether or not trash and waste for GreenGrab Inc. will be handled separately from the other proposed marijuana establishments at 620 Beaulieu Street.
- A parking "master plan" should be requested to identify the specific parking allocations for the different tenants at 620 Beaulieu Street.
- If possible, a timeline should be provided that details the anticipated development schedule for the other proposed tenants at 620 Beaulieu Street, namely 620 Industries Inc, and Greener World Inc.

The Board was concerned for the potential increase in traffic to the intersection knowing several other businesses reside at that location. Jeffrey Burkott stated no additional information has been received from Victoria Frost, Solurge has renovated the building but is currently not manufacturing, and Holyoke Farms is growing product but may not be open to the public. H added that it was important for the City Council to address items listed in Section 7.10., Findings A-F.

Jack Carolan responded that although Victoria Frost just obtained a provisional license and Solurge plans to open to the public by summers end, there is no clear indication of the other businesses at 620 Beaulieu Street. He hoped the City Council would address the specific outstanding questions regarding the size of the proposed delivery fleet and trips per day.

The Board noted that the traffic concerns at this area would be part of a larger discussion in the near future.

A motion was made by Kate Kruckemeyer and seconded by Mimi Panitch to approve the letter as submitted. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Vice-Chairman ...	Yes
Gurninder Dhaliwal Member ....	Yes	John Kelley, Chairman .....	Yes
Kate Kruckemeyer, Secretary...	Yes		

9. **Zoning Text Change, Section 7.10.6.5(b) - Marijuana Establishment regarding the site plan review process - Councilors Murphy-Romboletti & Anderson-Burgos (2022-1)**  
Tabled; the public hearing was continued until April 12, 2022.
10. **Zoning Text Change – Amend Section 4.3 “Table of Principal Uses” Principal Use A.4 “Family Day care home” to allow daycare services by Special Permit of the City Council – Councilor Bartley (2022-4)**  
Tabled; the public hearing was continued until April 26, 2022.
11. **Zoning Text Change Amendments – Discuss Odor mitigation at Marijuana Establishments and/or adding language to typical list of conditions - Councilors Bartley, Leahy, Murphy, Vacon (2022-3)**  
Tabled; the public hearing was continued until May 24, 2022.

## **PLANNING BOARD BUSINESS**

### **1. Project Updates/Old Business/New Business:**

#### *a. Section 10.1.2 SPR Applicability, #4 Change in Use Review – Devon Storage & Presentation, Edward Gore*

Attorney Hailer stated the use has historically been storage. He noted that the current owner, Spartan Realty, was in support of Devon Storage plans for renovations and expansion which included a portion to be demolished due to structural integrity.

Jeffrey Burkott showed the proposed rendering as provided to the Historic Commission. Attorney Hailer gave a general overview of the proposed renovations noting that this development would be beneficial to the city.

Kate Kruckemeyer thought a Site Plan Review would be required based on the extensive modifications. Attorney Hailer stated that he did not know if there was a change in use, but a legal opinion had been reached between the buyer/seller. Mimi Panitch responded that the Holyoke Law Department would make the determination on behalf of the City.

#### *b. H&H Cultivation 6-month update/NOD #7 review*

Jim Valeriani stated that from the original proposal until now, the costs for the development of the proposed greenhouse have doubled and therefore the proposed timeline will be affected. Originally, Phase 1 included work on the 1<sup>st</sup> & 2<sup>nd</sup> floor and the construction of the greenhouse; Phase II focused on the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> floors. A detailed update will be provided in writing. He stated that the parking lot and interior renovations will be done first to generate income prior to building the greenhouse. There will be no changes to the accessory items (dumpster, transformers); stormwater changes are expected.

Jeffrey Burkott requested a revised phasing schedule and narrative explaining the proposed changes. Jim Valeriani responded that documentation is forthcoming.

The Board scheduled another update for September 27, 2022.

#### *c. Holyoke Landing – “Starbucks” Notice of Decision Condition #13*

Jeffrey Burkott stated that Starbucks was increasing the sign by 3-1/2” taller which remained under the 40 square feet allowed as of right. A motion was made by Kate Kruckemeyer and seconded by Mimi Panitch to approve the sign increase as submitted. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Vice-Chairman ...	Yes
Gurninder Dhaliwal Member ....	Yes	John Kelley, Chairman .....	Yes
Kate Kruckemeyer, Secretary...	Yes		

#### *d. Swimming Pools in a Front yard*

The Board reviewed a draft letter to be submitted to the City Council and Ordinance Committee addressing the negative impacts on public safety if swimming pools in a front yard were to be approved. A motion was made by Mimi Panitch and seconded by Gurninder Dhaliwal to approve the letter as amended. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member..... Yes                      Mimi Panitch, Vice-Chairman ... Yes  
Gurninder Dhaliwal Member .... Yes                      John Kelley, Chairman ..... Yes  
Kate Kruckemeyer, Secretary... Yes

*e. River Grove City Council Special Permit Amendment – 475 Canal Street*

John Carolan reviewed the responses to the outstanding information noting the following was submitted/addressed: a photometric plan, waste management plan, and lighting plan have been received; main entrance location clarified, the delivery fleet noted as a minimum of 2 to a maximum of 5, parking spaces clarified as 27 and not 44, and there is no CO2 used at this time.

A motion was made by Mimi Panitch and seconded by Gurninder Dhaliwal to approve the letter as amended. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member..... Yes                      Mimi Panitch, Vice-Chairman ... Yes  
Gurninder Dhaliwal Member .... Yes                      John Kelley, Chairman ..... Yes  
Kate Kruckemeyer, Secretary... Yes

**2. Meeting Schedule (tentative):**

April 12, 2022 – Capri Pizza had not submitted a zone change yet.

April 26, 2022 – Kindred Baystate 6 month review; ZC Signs continued; ZC 41 Temple St. (No Gurninder)

**3. Minutes**

Planning Board 3-8-2022 - A motion was made by Mimi Panitch and seconded by Gurninder Dhaliwal to approve the minutes as amended. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member..... Yes                      Mimi Panitch, Vice-Chairman ... Yes  
Gurninder Dhaliwal Member .... Yes                      John Kelley, Chairman ..... Yes  
Kate Kruckemeyer, Secretary... Yes

**4. Other Business**

Meetings in-person – Since there is no mask mandate, the Board was amenable to the public attending in-person as well as operating hybrid.

Community Preservation Act (CPA) – John Kelley stated that a recommendation was submitted to the City Council to fund the following:

- Lady Liberty Civil War Memorial at Veterans Park,
- Another City Hall stain glass window,
- Wistariahurst Museum and Carriage House repairs to the brick and top flashing,
- The Miracle League of Massachusetts to install playground equipment for the disabled at Community Field,
- Renovations to Scott Tower Anniversary Park (Phase II), and
- Glutak Park Trail for outdoor hiking trails safety and handicap accessibility.

**Adjournment**

There being no further business to come before the Board, at 7:10 p.m. a motion was made by Gurninder Dhaliwal and seconded by Rosanna Lopez to adjourn the meeting of the Planning Board and attend the joint public hearings with the Ordinance Committee. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member..... Yes                      Mimi Panitch, Vice-Chairman ... Yes  
Gurninder Dhaliwal Member .... Yes                      John Kelley, Chairman ..... Yes  
Kate Kruckemeyer, Secretary... Yes

Respectfully submitted,

  
Kate Kruckemeyer, Secretary

Date signed: 4/20/2022

**ZONING TEXT CHANGE, MARIJUANA ODOR MITIGATION (2022-3)  
COUNCILORS BARTLEY, LEAHY, MURPHY, VACON**

On Tuesday March 22, 2022 the Holyoke Planning Board held a virtual Public Hearing regarding the above referenced Applications via Zoom.com meeting ID #891 5621 2188 at 6:30 p.m.

**Attendance:**

**Planning Board**

John Kelley .....	Chairman
Mimi Panitch .....	Vice-Chairman (remote)
Kate Kruckemeyer .....	Secretary
Gurninder Dhaliwal .....	Member
Rosanna Lopez .....	Member (remote)

**Planning Staff**

Aaron Vega .....	OPED Director
Jeffrey Burkott .....	Principal Planner
Jack Carolan .....	Planner II
Sharon Konstantinidis .....	Head Administrative Clerk

**Ordinance Committee**

Linda Vacon .....	Chairman, Ward 5 Councilor
Kocayne Givner .....	Ward 4 Councilor
Israel Rivera .....	At-Large Councilor
Kevin Jourdain .....	At-Large Councilor
Jose Maldonado-Velez.....	At-Large Councilor

**Others Present**

Tessa Murphy-Romboletti ...	At-Large Councilor (remote)
Will Puello .....	Ward 2 Councilor
Juan Anderson-Burgoss .....	Ward 6 Councilor
Joe McGverin .....	At-Large Councilor

John Kelley, at 8:15 p.m., called for a motion to reopen the above-mentioned public hearing (2/22/22). A motion was made by Kate Kruckemeyer and seconded by Gurninder Dhaliwal. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Vice-Chairman ...	Yes
Gurninder Dhaliwal Member ....	Yes	John Kelley, Chairman .....	Yes
Kate Kruckemeyer, Secretary...	Yes		

Councilor Vacon explained that the Marijuana Odor mitigation was a result of a request during the marijuana buffer public hearings. The Board of Health Director was not able to attend and OPED has been compiling information to provide a recommendation. A document regarding the future of MME's was submitted by John Aubin of Open Square

Councilor Vacon asked for those that wish to speak in favor or against, or to ask questions to come forward. No one was forthcoming.

Councilor Vacon stated that the hearing would be tabled until recommendations could be received. Councilor Givner questioned the desire to table the public hearing indefinitely as that was not productive and only added to items in the jacket not addressed. Odo laws were currently in place and have not been enforced. Councilor Vacon explained that the public hearing was publicized and would be more costly to close prematurely.

Councilor Rivera stated that there have been two hearings on this topic resulting in two departments and one constituent gathering information. This order has been complied with. If there are changes forthcoming, should another order be filed to amend the Ordinance. Councilor Vacon explained the Ordinance Committee Public Hearing procedures/protocol.


Aaron Vega stated that the changes would involve the use of the impact fees and hiring a consultant. He concurred that the ordinance already contained order mitigation protocol through the Building Department and the Board of Health; there is enforcement issues to address. There is a core cannabis group which also addresses marijuana issues.

**Adjournment**

At 8:29 p.m. a motion was made by Kate Kruckemeyer and seconded by Gurninder Dhaliwal to continue the public hearing until May 24, 2022 at 6:30 p.m. The motion carried 4-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Vice-Chairman ...	Yes
Gurninder Dhaliwal Member ....	(Absent)	John Kelley, Chairman .....	Yes
Kate Kruckemeyer, Secretary...	Yes		

Respectfully submitted,

  
Kate Kruckemeyer, Secretary

Date signed: 4/20/2022

**ZONING TEXT CHANGE, SECTION 7.10.6.5(B) MARIJUANA ESTABLISHMENT REGARDING THE SITE PLAN REVIEW PROCESS (2022-1). TESSA MURPHY-ROMBOLETTI**

On Tuesday March 22, 2022 the Holyoke Planning Board held a virtual Public Hearing regarding the above referenced Applications via Zoom.com meeting ID #891 5621 2188 at 6:30 p.m.

Attendance:

**Planning Board**

John Kelley .....	Chairman
Mimi Panitch .....	Vice-Chairman (remote)
Kate Kruckemeyer .....	Secretary
Gurninder Dhaliwal .....	Member
Rosanna Lopez .....	Member (remote)

**Planning Staff**

Aaron Vega .....	OPED Director
Jeffrey Burkott .....	Principal Planner
Jack Carolan .....	Planner II
Sharon Konstantinidis .....	Head Administrative Clerk

**Ordinance Committee**

Linda Vacon .....	Chairman, Ward 5 Councilor
Kocayne Givner .....	Ward 4 Councilor (remote)
Israel Rivera .....	At-Large Councilor
Kevin Jourdain .....	At-Large Councilor
Jose Maldonado-Velez.....	At-Large Councilor

**Others Present**

Tessa Murphy-Romboletti ...	At-Large Councilor (remote)
Will Puello .....	Ward 2 Councilor
Juan Anderson-Burgos .....	Ward 6 Councilor
Joe McGiverin .....	At-Large Councilor

John Kelley, at 7:22 p.m., called for a motion to reopen the above-mentioned public hearing (2/22/22). A motion was made by Mimi Panitch and seconded by Gurninder Dhaliwal. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Vice-Chairman ...	Yes
Gurninder Dhaliwal Member ....	Yes	John Kelley, Chairman .....	Yes
Kate Kruckemeyer, Secretary...	Yes		

Councilor Vacon clarified that the Order was to only amend Section 7.10.6.5(b) which inadvertently required a full Site Plan Review (Sec 10) submittal with the Planning Board in addition to the City Council special permit submittal.

Mimi Panitch provided an overview of the current process noting that under Section 7.10.6.5(b) in reference to requiring the full site plan review standards, as outlined under Section 10, needed to be removed and those required criteria incorporated into the City Council Special Permit (i.e., Findings, Traffic Study if applicable). She suggested assisting the City Council with amending the criteria in which they determine the issuance of the Special Permit to ensure all the requirements are provided as outlined in the Ordinance.

Councilor Vacon questioned if the removal of Section 7.10.6.5(b) would change the current process of obtaining a review by the Planning Board because that was not the intent. Applicants should be submitting their Special Permit application following Section 7.10.6.3 (a-i). Mimi Panitch responded that often Applicants do not submit all the requirements and permits issued do not always list conditions to be enforced.

John Kelley, understanding that currently Section 7.10.6.5(b) requires a full site plan review submittal which may not always be applicable, responded that a Site Plan Review was in-depth and often encompassed several meetings over several weeks especially if the plan triggered a traffic study.

Mimi Panitch acknowledged that the reference in Section 7.10.6.5(b), requiring a full site plan review created confusion to Applicants and hoped that this amendment would correct that process and ensure the main goals of the City Council are included in the Special Permit. Council Vacon understood that the Special Permit language would work in tandem with the Marijuana Ordinance and not be included in the Ordinance. She suggested removing the wording in Section 7.10.6.5(b) following "...set forth" and replace it with "...as set forth in this Ordinance and other applicable State Law.

Jeffrey Burkott stated that prior to Section 7.10.6.5(b), Planning Staff provided a review under 5(a); Section 5(b) added the Planning Board. The elimination of 5b would revert the review of the Planning Board back to only the Planning Staff. The Board requested retaining the review.

Councilor Vacon reiterated that, per the Order, amendments could only be made to Section 7.10.6.5(b). Mimi Panitch stated that in all her years of experience with writing case law, she has never experienced a situation where amendments affected by the change could not be made even though they were not identified by the original Order.

Kate Kruckemeyer stated that she would be in favor of removing the reference to Site Plan Review in (5b) but only if the criteria/review Planning would have done is done by the Ordinance Committee. She was in favor of the draft document presented to the Ordinance Committee to ensure the review of all the information was complete. Very often, because it has been unclear who should do the review, the approval of the Special Permit was not inclusive of all the criteria to review. Planning staff has submitted comment review letters in the past with no enforcement power for compliance. The potential for problems exists when the staff comments in the letter are not clearly specified in the Special Permit and the applicants do not adequately heed the Planning requests.

Councilor McGiverin stated that the City Council Special Permit criteria considers the State and local laws, and often the uses on the parcel are preexisting. Mimi Panitch responded that there is a section within the State laws that requires the Special Permit Granting Authority provide "Findings" and quote the Zoning Ordinance special permit section.

Councilor Vacon suggested asking Attorney Bissonette for a legal opinion to be sure the elimination of Section 7.10.6.5(b) would continue to allow a recommendation of the Planning Board. Kate Kruckemeyer added to inquire if a new Order was required to amend the special permit process criteria to include further conditions.

Councilor Murphy-Romboletti stated that Section 7.10.7 Findings outlines the criteria for the special permit but there is no mechanism to follow up for compliance. Councilor Jourdain responded that the Order is to amend Section 7.10.6.5(b) and the criteria of Section 7.10.7 is followed as it is a requirement of the law.

Councilor Israel Rivera questioned if he were to vote "against" continuing the public hearing would that mean the Ordinance Committee could take a vote for the City Council. Amendments to Section 7.10.6.5b) was being dragged out. Councilor Vacon stated that the process was to obtain a recommendation from the Planning Board and legal language from the Law Department prior to putting forward a recommendation to the full City Council.

Following a brief discussion regarding scheduling, Attorney Bissonette noted that he would have the draft language available for the Planning Board Public Hearing on April 12, 2022.

**Adjournment**

At 8:41 p.m. a motion was made by Kate Kruckemeyer and seconded by Gurninder Dhaliwal to continue the public hearing until April 12, 2022 at 5:30 p.m. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Vice-Chairman ...	Yes
Gurninder Dhaliwal Member ....	Yes	John Kelley, Chairman .....	Yes
Kate Kruckemeyer, Secretary...	Yes		

Respectfully submitted,

  
Kate Kruckemeyer, Secretary

Date signed: 4/20/2022

**ZONING TEXT CHANGE, DAYCARE FACILITIES BY SPECIAL PERMIT IN R-1 AND R-2 DISTRICTS (2022-4)  
COUNCILORS BARTLEY, LEAHY, MURPHY, VACON**

On Tuesday March 22, 2022 the Holyoke Planning Board held a virtual Public Hearing regarding the above referenced Applications via Zoom.com meeting ID #891 5621 2188 at 6:30 p.m.

Attendance:

**Planning Board**

John Kelley .....	Chairman
Mimi Panitch .....	Vice-Chairman (remote)
Kate Kruckemeyer .....	Secretary
Gurninder Dhaliwal .....	Member
Rosanna Lopez .....	Member (remote)

**Planning Staff**

Aaron Vega .....	OPED Director
Jeffrey Burkott .....	Principal Planner
Jack Carolan .....	Planner II
Sharon Konstantinidis .....	Head Administrative Clerk

**Ordinance Committee**

Linda Vacon .....	Chairman, Ward 5 Councilor
Kocayne Givner .....	Ward 4 Councilor
Israel Rivera .....	At-Large Councilor
Kevin Jourdain .....	At-Large Councilor
Jose Maldonado-Velez.....	At-Large Councilor

**Others Present**

Tessa Murphy-Romboletti ...	At-Large Councilor (remote)
Will Puello .....	Ward 2 Councilor
Juan Anderson-Burgos .....	Ward 6 Councilor
Joe McGverin .....	At-Large Councilor
Attorney Bissonnette .....	Assistant City Solicitor
Jenny Rivera .....	

John Kelley, at 8:30 p.m., called for a motion to open the above-mentioned public hearing. A motion was made by Kate Kruckemeyer and seconded by Mimi Panitch. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Vice-Chairman ...	Yes
Gurninder Dhaliwal Member ....	Yes	John Kelley, Chairman .....	Yes
Kate Kruckemeyer, Secretary...	Yes		

Councilor Jourdain stated that Council Bartley, one of the makers of the Order, was not able to be present but conveyed that a legal opinion was prepared by Atty Degnan on the legality of regulating daycare facilities. Atty Bissonnette was not aware of this document or this

Councilor Vacon noted that during discussions with Atty Degnan, she indicated that certain aspects of daycares are allowed as of right while other aspects could be regulated.

Councilor Jourdain requested a copy of the legal opinion. He noted that historically, it was conveyed that daycare facilities could not be regulated even though there is often public opposition to neighborhood home daycare facilities. He stated that currently, businesses in residential areas could obtain a special permit for a home occupation. The potential to regulate daycares and group homes would make a lot of people happy.

Councilor I. Rivera stated his concern of regulating daycares as the decision makers pick and choose who gets a Special Permit. Many daycare operators may not have the vocal advocacy skills or know the right people to go through the licensing/special permit process. The EEC has a lot of guidelines and regulations for allowing home daycares and licensing is not easily obtained. A City Council Special Permit is another layer of unnecessary bureaucracy to a situation where the City should be helping small businesses thrive. Additionally, children attending daycare facilities are taught pre-k skills and often are dual language learners which influences success in the public schools. He understands the residents' concerns and felt that the City should hold the license holder accountable and address nuisance situations as they arise instead of regulating a business because a neighbor may simply not like children.

Councilor Maldonado-Velez, as a son of a daycare provider, he concurred with Councilor I. Rivera's comments adding that many operators are Spanish speakers only, which adds another layer.

Councilor Jourdain stated the operating a childcare facility business is always welcomed. It is the fact that the operations are not in a business zone. The Special Permit in the residential zone would allow protection for the neighbors if the conditions were not met. A resident thinks they are living in a quiet single-family community and then one day a daycare opens next door with 10 kids, a lot of trash, and playground equipment which can ultimately lead to the devaluation of their property. In determining the Special Permit, he considers the use and amount of public opposition. Before you know it, there will be all sort of businesses in residential neighborhoods. Consideration must be given to protect all residents before we allow businesses in residential areas.



Councilor I. Rivera noted that many operators run a daycare for a variety of equity factors. Parents cannot afford to put their own child in daycare; a two-parent household may only have one income; or a single-parent household is trying to provide for a family. Whichever the case, all are struggling to raise a family, pay for daycare, stay in the neighborhood, and/or be self-sustaining and no reliant on government assistance by operating as an independent sole-proprietor.

Rosanna Lopez stated that regulating home daycares was a targeted community. She concurred with Councilor I. Rivera's comment adding that a home daycare operator could also have a disability that prohibits them from leaving the house and/or a family could live next door and have 6 kids with a lot of toys. She lives near a bus stop where the kids constantly throw trash on the ground and questioned if she should call the School Department to prohibit that location for bus stop. She noted that daycare hours are typically during the day (which affects fewer categories of residents) and assists the community to grow. Additionally, those reliant on home daycares may have lack of transportation to consider or may prefer a small home daycare for their newborn. She stated that Councilor Jourdain and members of the Council pick and choose who gets a Special Permit. The language and conditions have to be considered because comments made appear very prejudiced.

Councilor J. Rivera concurred with Councilor I. Rivera and Rosanna Lopez statements and stated that as a resident of the Flat neighborhood and an abutter to a home daycare, she has never heard the children making excessive ruckus, noticed a problem with traffic, nor seen yard debris. She stated that residents near Kelly School complained about the traffic and noise coming from the school and it is not a daycare. Everyone should have a right to use their property.

Councilor Givner stated daycares are currently a regulated industry. Home daycares are part of urban life and communities and an affordable way to provide childcare/childrearing to your own children. Operating a storefront business is not advantageous. She was not in support of regulating daycares locally, which the City desperately needs, and would be surprised if there was a lot of support.

Councilor Maldonado-Velez stating this was a personal topic for him and noted that he did not go home to a business, but to a home. A home where he did not learn that people in the flats were no good, they don't work, or run a business; he learned that at school. Although there should be a process to know where these businesses are located but adding another layer of bureaucracy is overstepping.

John Kelley recognized that there was a need for daycare facilities and appreciated those that are well run. Imposing a Special Permit does not prohibit a daycare. Existing businesses will be additionally protected and continue to operate; those daycare facilities not well run will cease to operate.

**Adjournment**

At 9:13 p.m. a motion was made by Kate Kruckemeyer and seconded by Mimi Panitch to continue the public hearing until April 26, 2022 at 6:30 p.m. The motion carried 5-0 by roll call vote as follows:

Rosanna Lopez, Member.....	Yes	Mimi Panitch, Vice-Chairman ...	Yes
Gurninder Dhaliwal Member ....	Yes	John Kelley, Chairman .....	Yes
Kate Kruckemeyer, Secretary...	Yes		

Respectfully submitted,



Kate Kruckemeyer, Secretary

Date signed: 4/20/2022