**City Council
Holyoke Massachusetts**

**Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25,
and Section 20 of Chapter 20 of the Acts of 2021,
notice is hereby given of a meeting of the committee on
Ordinance
with a Public Hearing held Jointly with the Planning Board**

Tuesday, February 22, 2022
6:30 PM

Meeting to take place at
Holyoke City Hall, 536 Dwight St
and can be accessed remotely on Zoom Meetings
Per order of the Chair: Linda Vacon
Planning Board Chair: John Kelley

Remote access via www.zoom.us
https://us02web.zoom.us/j/84610828511?pwd=OGVpMXNmSk1VT2ptdUNsUFR6QlgwQT09
Meeting ID: 846 1082 8511 Meeting Passcode: 612779 or by call in at 1 (646) 558-8656 with the same Meeting ID and Passcode.

Agenda

Item 1: PUBLIC HEARING 12-7-21 Special Permit Application for 876 Grow Inc at 360 Race St (028-06-018A) to renovate and operate a marijuana cultivation and processing establishment.

Item 2: PUBLIC HEARING 12-7-21 Special Permit Application for Hybrid House LLC at 55 Jackson St (018-01-004) to operate a marijuana manufacturing establishment.

Item 3: PUBLIC HEARING (held jointly with the Planning Board) 12-21-21 BARTLEY, LEAHY, MURPHY, VACON -- That the Health Director, Building Commissioner and any other relevant city official meet ASAP with the Ordinance Committee to discuss odor mitigation at marijuana entities in Holyoke for the purpose of a) amending city ordinances and/or b) adding language to the list of conditions typically added to the Marijuana Special Permit.

Item 4: 12-21-21 From Councilor Michael Sullivan, communication from John Aubin regarding the future of MME’s in the City of Holyoke

Item 5: 1-18-22 From Cannabis Control Commission, Guidance for Municipalities

Item 6: PUBLIC HEARING 1-18-22 MURPHY-ROMBOLETTI, ANDERSON-BURGOS -- Ordered that the City Council amend Holyoke Zoning Ordinances Section 7.10.5.3(a) by deleting “other
use as listed in Table 4.3 of Principle uses” and inserting the following language in its place: “any pre-existing public or private school providing education in pre-kindergarten, kindergarten, or any grades 1 through 12” or other such legal form sufficient to resolve any uncertainty over the interpretation of the existing ordinance as compliant with state law.

Item 7: PUBLIC HEARING 1-18-22 VACON -- That the current buffer in the marijuana ordinance (200feet from any other use…)be reviewed and revised to schools, residences etc. to ensure opportunities for new marijuana businesses and to ensure continued development opportunities for established local business in accordance with our master plan, Connect, Construct, Create.

Item 8: PUBLIC HEARING 1-18-22 MURPHY-ROMBOLETTI, ANDERSON-BURGOS -- Ordered that the City Council amend Holyoke Zoning Ordinances to correct the site plan review process in Section 7.10.6.5(b).

Item 9: PUBLIC HEARING (continued from 11-23-21, 12-14-21) 9-7-21 VACON -- Amend the zoning ordinance to read any home construction in a residential zone shall be greater than 50% living space. A special permit from CC is required if the home construction will have 50% or less living space.
Recently home plans have been approved and it has been communicated from the Building Commissioner that our current residential zoning allows for construction of a home that is 80% garage and 20% living space.

Item 10: PUBLIC HEARING (continued from 11-23-21, 12-14-21) 10-5-21 BARTLEY -- The City amend its zoning ordinances to allow for front yard pools by special permit of the City Council and to make any other necessary changes to the Swimming Pool ordinance. Refer to Ordinance Committee and copy to Building commissioner said special permit would be reviewed as part of a public hearing process. The current zoning for Swimming Pools (sec 4.5.2) as currently written, states:
The wall of a swimming pool shall not be located less than eight (8) feet to any dwelling or accessory structure, six (6) feet from any rear or side lot line, and ten (10) feet from the street line. A pool shall not encroach into any front or side yard of a parcel. In the case of corner lots, pools shall not be constructed within the front yards of the lot.

Item 11: PUBLIC HEARING (continued from 7-27-21, 9-14-21, 10-12-21, 11-9-21, 11-23-21, 12-14-21) 6-15-21 LISI -- Ordered, that the City of Holyoke rezone the following parcels to Retail Center (RC) in an effort to create a cohesive regional destination district of mixed commercial / retail which all property owners will share the same regulations: 12 Holyoke St (117-00-005), 229-241 Whiting Farms Rd (174-00-013), 227 Whiting Farms Rd (174-00-013A), Lower Westfield Rd (174-00-013B), 95 Lower Westfield Rd (174-00-016), 250 Whiting Farms Rd (174-00-017), 225 Whiting Farms Rd (174-00-018), 7 Holyoke St (174-00-020), 98 Lower Westfield Rd (174-00-021), 94 Lower Westfield Rd (174-00-022), 86 Lower Westfield Rd (174-00-024), Whitney Ave (176-00-010B), 50 Holyoke St (176-00-010C), 400 Whitney Ave (176-00-013), Whitney Ave (176-00-014), 489 Whitney Ave (176-00-014.1), 494 Whitney Ave (176-00-027), 496 Whitney Ave (176-00-028), Whitney Ave (176-00-029)

Item 12: 1-18-22 ANDERSON-BURGOS -- Ordered, “Pursuant to the authority granted them under section 3 of chapter 556 of the Acts of 1948, the city council declares the duties and qualifications of the general superintendent of the department of public works under qualifications and duties.”
The code in question is Sec. 2-201 Duties and Qualifications
This was a request from DPW Commissioner, Patti Devine. They’ll explain more when it’s taken up in committee.
Refer to Ordinance

Item 13: 2-1-22 VACON -- Per request of Commissioner Patti Devine that Section 2-201.1 Duties and Qualifications of the general superintendent of the department of public works be reviewed to consider/propose amending the language.

Item 14: 2-1-22 ANDERSON-BURGOS -- That the DPW Commissioners appear before the ordinance committee to discuss proposed language changes to Sec. 2-201 of the city ordinances.

Item 15: 2-1-22 From DPW Commission, Proposed language changes to Ordinance Sec 2-201 and 2-221 regarding Duties and Qualifications.

Item 16: 2-15-22 Communication from Department of Public Works vote to seek changes to the ordinance Sec 2, 201

Item 17: 2-1-22 BARTLEY -- That until residents are offered an opportunity to meet IN THE NEIGHBORHOOD with public officials and public board members, who are making decisions with little to zero neighborhood input, the City shall not spend any funds or incur any costs for any new buildings including any school.

Item 18: 5-18-21 MURPHY -- Ordered, that That the Ordinance Committee meet with the Water Department Superintendent and commissioners to amend the ordinance restricting activities such as fishing and dog walking etc., both to increase the fines and to authorize either State Police or Environmental Police as well as Holyoke Police to issue citations.
\*Tabled 1-25-22

Item 19: 12-7-21 VACON -- that the Ordinance Committee review and recommend ordinance language changes pertaining to our reservoirs including but not limited to: a) increase the fines/penalties from the current amount of not more than $50 for any offense to a minimum of $250 for subsequent offenses.  b) expand the language in the ordinance to include Massachusetts Environmental Police (MEP) and State Police for issuing citations and fines.  c) consider revising Section 90-53 to enforce that fines will be paid to the Holyoke Water Works.
d) consider other revisions to ensure safety of the water supply, including uses and activities at the reservoir.
\*Tabled 1-25-22

Item 20: 12-21-21 BARTLEY -- That a handicap sign be placed in front of 76 Chapin St. #1L for America Rivera, placard # PL4780829.

The following items are placed on the agenda for the purposes of disposal. Discussion is not expected to take place.

Item 21: 2-21-17 MCGIVERIN -- That the City Council look into creating a parking authority.

Item 22: 1-21-20 BARTLEY -- The City of Holyoke amend Zoning Ordinance section 4.3(A)(8) to require a special permit prior to granting permission for this use in all residential districts in the City of Holyoke and no longer allow the use as of right; the special permit is to be issued by one of the following boards and only after a public hearing: city council or the planning board or the board of appeals.
(This is a re-file from 8/6/2019 agenda)

Item 23: 2-4-20 MCGIVERIN -- that a Finance Department be created, under the leadership of a Finance Director, with details of each to be added to our code of ordinances."

Item 24: 2-18-20 LISI -- that the CPC ordinance be amended to require that the CPC come before the city council to present on the decisions that were made to fund/not to fund the applicants who applied for CPA funding

Item 25: 8-4-20 MURPHY, LEBRON-MARTINEZ -- Ordered that the handicapped parking sign which is for 24 Hampden Street, be moved to the parking spot in front of that doorway, and be placed nearer the roadway. Currently, the sign is blocked by leaves as you approach, and it is difficult to determine which parking spot it covers.

Item 26: 9-15-20 BARTLEY -- The City of Holyoke amend Zoning Ordinance section 4.3(A)(8) and 9.3 and any other ordinance or regulation so as to require a special permit prior to granting permission for residential care or rehabilitation (also known as group homes) in all residential districts in the City of Holyoke and no longer allow the use as of right; the special permit is to be issued by one of the following boards and only after a public hearing: city council or the planning board or the board of appeals. Refer to ordinance.

Item 27: 2-16-21 ANDERSON-BURGOS -- Ordered, that Sec 86-321 of the City's Parking Ordinance be amended by striking the following section:
Northampton St.
East
A point 20 feet North of Corser St.
A point 200 feet North of Corser St.
2 hour parking 8:00 a.m. to 8:00 p.m. Monday through Saturday

Item 28: 3-2-21 LISI -- that a resident only/permit parking area be created in front on 45-52 Canal St. (from Center St. to North East St.). Residents have a hard time dealing with parking bans as both odd and even numbers occupy the same side of the street.

Item 29: 3-2-21 SULLIVAN -- The City of Holyoke amend Zoning Ordinance section 4.3(A)(8) and 9.3 and any other ordinance or regulation so as to require a special permit prior to granting permission for residential care or rehabilitation (also known as group homes) in all residential districts in the City of Holyoke and no longer allow the use as of right; the special permit is to be issued by one of the following boards and only after a public hearing: city council or the planning board or the board of appeals. Refer to ordinance.

Item 30: 3-16-21 BARTLEY Ordered, that Order that the city of Holyoke bar large vehicles from the following public ways:
a. Hillside Avenue
b. Queen Street
c. Hitchcock Street
d. Michigan Avenue
e. Edbert Drive
f. Memorial Drive
g. Moss Avenue
h. Sheehan Drive
i. Arden Street
j. Lorraine Street
k. Fenton Street
l. Nichols Drive
m. Fairmont Street
n. Fairview Street

Item 31: 4-6-21 MCGIVERIN -- That the City Council remove the Enterprise Fund status of the Waste Water Treatment Plant.

Item 32: 4-6-21 VACON -- Effective March 26, 2021, for the remainder of 2021 or sooner if allowed by the MA General Court, any Acting Mayor, if accepting the Mayor’s salary, shall be paid on a prorated basis if performing the duties part time

Item 33: MURPHY, SULLIVAN -- that the ordinance committee meet with the planning board & the solicitor, to discuss potential zone changes which could create more appropriate requirements to host facilities similar to that proposed at 11 Yale Street, and meet any state required mandates.  Whenever possible, the city should be empowered to reject proposals which might negatively impact the neighborhoods and lead to deteriorating property values and property taxes.  The goal should be to provide excellent facilities for people in recovery while not negatively impacting others.

Item 34: 8-3-21 BARTLEY -- The city council amend its zoning ordinances to no longer allow by automatic right a “residential care or rehab center” in RA, R1, R1A, R2 zones and to require city council special permit for such a facility to be located in any other zone. This would be exactly what the city uses for “boarding houses with 4 or more boarders” and very similar to what is used for Independent Living, Retirement, and Assisted Living. Refer to ordinance and law department.

Item 35: 1-18-22 BARTLEY -- The city amend its ordinances to limit parking during business hours in front of 548 South St as this is a new restaurant in W-3.  Refer to Ordinance, city engineer.

Administrative Assistant: Jeffery Anderson-Burgos

The listing of matters are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items may also be brought up for discussion to the extent permitted by law. Also one or two items may require the committee to enter into executive session at this meeting. Agenda subject to change up to two business days (48 hours) prior to posted meeting time.