

## **Ordinance Committee**

**Tuesday, February 22, 2022**

Abbreviated minutes, votes, and timestamps

Video of meeting can be found at: <https://youtu.be/HegNTKIFGQc>

Members present: Chairwoman Linda Vacon, Vice Chairman Jose Maldonado Velez, Israel Rivera, Kevin Jourdain, Kocayne Givner

Other councilors present: Will Puello, Joseph McGiverin, Juan Anderson-Burgos, Jenny Rivera, David Bartley, Tessa Murphy-Romboletti

Chairwoman Vacon called to the meeting to order at 6:35 PM

Councilor Maldonado Velez made a motion to suspend the necessary rules to remove items 4 and 5 from the table out of order as a package. Councilor Jourdain seconded the motion.

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

Councilor Maldonado Velez made a motion to accept to enter into the public hearing record. Councilor I. Rivera seconded the motion.

--->Received, 5-0.

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

Councilor Maldonado Velez made a motion to accept to enter into the public hearing record. Councilor I. Rivera seconded the motion.

--->Received, 5-0.

(1:30)

Councilor I. Rivera made a motion to remove item 1 from the table and open the public hearing. Councilor Jourdain seconded the motion.

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.

Councilor I. Rivera made a motion to continue the public hearing to March 22nd at 6:30 PM.

--->Continued to March 22nd at 6:30 PM

(12:15)

Councilor I. Rivera made a motion to remove item 2 from the table and open the public hearing.

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.

Councilor Maldonado Velez made a motion to continue the public hearing to March 22nd at 6:30 PM. Councilor Givner seconded the motion.

--->Continued to March 22nd at 6:30 PM

(1:09:00)

Councilor Maldonado Velez made a motion to remove item 3 from the table and open the public hearing. Councilor I. Rivera seconded the motion.

Commissioner Dhaliwal made a motion to open the Planning Board public hearing. Commissioner Lopez seconded the motion.

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.

Councilor Jourdain made a motion to continue the public hearing to March 22nd at 6:30 PM.  
Councilor I. Rivera seconded the motion.

Commissioner Panitch made a motion to continue the Planning Board public hearing to March 22nd at 6:30 PM. Commissioner Lopez seconded the motion.

---> Continued to March 22nd at 6:30 PM

(2:01:20)

Maldonado Rivera made a motion to suspend the necessary rules to remove items 12 through 16 from the table out of order as a package. Councilor I. Rivera seconded the motion.

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

Councilor Maldonado Velez made a motion that item 12 has been complied with. Councilor I. Rivera seconded the motion.

--->Complied with, 5-0.

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.

Councilor Maldonado Velez made a motion that item 13 has been complied with. Councilor I. Rivera seconded the motion.

--->Complied with, 5-0.

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.

Councilor I. Rivera made a motion to approve item 14 and refer to the Law Department for legal form. Councilor Maldonado Velez seconded the motion.

--->Approved, referred to the Law Department for legal form, 5-0.

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

Councilor Maldonado Velez made a motion that item 15 has been received. Councilor I. Rivera seconded the motion.

--->Received, 5-0.

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

Councilor Maldonado Velez made a motion that item 15 has been received. Councilor I. Rivera seconded the motion.

--->Received, 5-0.

(3:28:50)

Councilor Maldonado Velez made a motion to suspend the necessary rules to remove items 6 and 7 from the table as a package and open the public hearing. Councilor I. Rivera seconded the motion.

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.

Councilor Jourdain made a motion to continue the public hearing to March 8th at 6:30 PM to be held jointly with the Planning Board. Councilor Maldonado Velez seconded the motion.

--->Continued to March 8th at 6:30 PM.

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.

Councilor Jourdain made a motion to continue the public hearing to March 8th at 6:30 PM to be held jointly with the Planning Board. Councilor Maldonado Velez seconded the motion.

--->Continued to March 8th at 6:30 PM.

(3:33:25)

Councilor Maldonado Velez made a motion to remove item 8 from the table and open the public hearing. Councilor I. Rivera seconded the motion.

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).

Councilor Maldonado Velez made a motion to continue the public hearing to March 8th at 6:30 PM to be held jointly with the Planning Board. Councilor I. Rivera seconded the motion.

--->Continued to March 8th at 6:30 PM

(3:34:20)

Councilor Maldonado Velez made a motion to remove item 9 from the table and open the public hearing. Councilor I. Rivera seconded the motion.

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.

Councilor Jourdain made a motion to continue the public hearing to March 22nd at 6:30 PM. Councilor I. Rivera seconded the motion.

--->Continued to March 22nd at 6:30 PM.

(3:37:10)

Councilor Maldonado Velez made a motion to remove item 10 from the table and open the public hearing. Councilor I. Rivera seconded the motion.

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.

Councilor Jourdain made a motion to approve item 10. Councilor I. Rivera seconded the motion.

--->Approved, 5-0.

(3:46:00)

Councilor I. Rivera made a motion to remove item 11 from the table and open the public hearing. Chairwoman Vacon seconded the motion.

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)

Councilor Jourdain made a motion to give item 11 a leave to withdraw. Councilor Maldonado Velez seconded the motion.

--->Given a leave to withdraw, 5-0.

(3:50:45)

Councilor Maldonado Velez made a motion to remove item 17 from the table. Councilor I. Rivera seconded the motion.

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.

Councilor Maldonado Velez made a motion to lay item 17 on the table. Councilor I. Rivera seconded the motion.

--->Laid on the table, 5-0.

(3:59:35)

Councilor Maldonado Velez made a motion to suspend the necessary rules to remove items 18 and 19 from the table as a package.

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

Councilor Jourdain made a motion to approve item 18. Councilor Maldonado Velez seconded the motion.

--->Approved, 5-0.

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

Councilor Jourdain made a motion to approve item 18. Councilor Maldonado Velez seconded the motion.

--->Approved, 5-0.



(4:02:15)

Councilor Maldonado Velez made a motion to remove item 20 from the table. Councilor Jourdain seconded the motion.

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

Councilor I. Rivera made a motion to approve item 20. Councilor Jourdain seconded the motion.

--->Approved, 5-0.

(4:03:00)

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

Councilor I. Rivera made a motion to lay item 27 on the table. Councilor Maldonado Velez seconded the motion.

--->Laid on the table, 5-0.

(4:04:00)

Councilor Maldonado Velez made a motion to suspend the necessary rules to remove items 21 through 26 and 28 through 35 from the table as a package.

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

--->Given a leave to withdraw, 5-0.

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)

---> Given a leave to withdraw, 5-0.

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."

---> Given a leave to withdraw, 5-0.

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

---> Given a leave to withdraw, 5-0.

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.

---> Given a leave to withdraw, 5-0.

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.

---> Given a leave to withdraw, 5-0.

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.

---> Given a leave to withdraw, 5-0.

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.

---> Given a leave to withdraw, 5-0.

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

---> Given a leave to withdraw, 5-0.

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

---> Given a leave to withdraw, 5-0.

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

---> Given a leave to withdraw, 5-0.

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.

---> Given a leave to withdraw, 5-0.

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.

---> Given a leave to withdraw, 5-0.

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.

Councilor Maldonado Velez made a motion to give items 21 through 26 and 27 through 35 a leave to withdraw. Councilor I. Rivera seconded the motion.

---> Given a leave to withdraw, 5-0.

Adjourned at 10:42 PM.