PLANNING BOARD MINUTES

May 21, 2013

Chair McEwan called the regular meeting of the Westfield Planning Board to order at 7:00pm in the City Council Chambers, Room 215, Municipal Building, 59 Court Street, Westfield, MA.

| X | PB MEMBERS PRESENT MEMBERS ABSENT | STAFF |
|----------------------------|---|--|
| X X X X X X | Philip McEwan, Chair Peter Fiordalice Jane Magarian William Onyski Ramon Rivera Raymond St. Hilaire (Associate) Matthew VanHeynigen | X Jay Vinskey, Principal Planner X Paula D. Geddis, Planning Clerk |

1. PUBLIC PARTICIPATION

Chairman McEwan asked if there was anyone in the room who would like to address the Board during the public participation portion of the meeting regarding items not currently before the Board? There being no one heard, the Chair proceeded to the next item on the agenda.

2. <u>APPROVAL OF MINUTES FOR THE 05-07-2013 PLANNING BOARD MEETING.</u>

Onyski motioned to approve the May 7, 2013 minutes and was seconded by VanHeynigen. AIF.

- **3.** ANR's McEwan handed it over to the Vice Chair to conduct the evening's ANR(s).
 - Pequot Point Road Property is located on the southerly sideline of Pequot Point Road. Plan shows 2 new revised lots which had originally been 3 lots. Variance granted on March 27, 2013, but Vinskey noted the Board could technically require a hearing under subdivision control for a frontage waiver.

Rivera motioned to endorse the ANR plan as presented and was seconded by McEwan. AIF.

May 21, 2013 Page 1 of 15

PLANNING BOARD MINUTES

May 21, 2013

4. PUBLIC HEARINGS

➤ The Westfield Planning Board will conduct a Public Hearing on May 21, 2013, at 7:00 P.M. in Room 215 (Council Chambers) Municipal Building, 59 Court Street, Westfield, MA on an application by Daniel Whalley for a Special Permit per Article 3 Section 3-40.4 (18) of the Zoning Ordinance, to allow the raising of chickens. The property is zoned Rural Residential known as Map 4R Parcel 36 and located at 375 Hillside Road. The Board will also consider a question of consent regarding the changes from a previous application, pursuant to Article I, Section 1.50.5.

Mr. Whalley explained how the revised application is based on 2 major changes. The first change being that they installed a very large 6'vinyl stockade fence on City View Blvd. to block the view from the neighbors on City View Blvd. and the second change was that they moved the coop and placed it farther back closer to the shed on the lot still more than 50' (ft) from all property lines.

McEwan asked if there were any questions from the Board and if they felt the changes were significant? Discussion pursued and the Board agreed that based on the two changes that the petitioner has provided, it would constitute it as a significant change to the original application submission.

Rivera made a motion to accept the revised special permit application for the Board's consideration and allow it as a significant change and was seconded by VanHeynigen.

Roll Call:

Rivera- Yes, St. Hilaire – Absent, VanHeynigen – Yes, Fiordalice- Yes, Magarian- Yes McEwan – Yes, Onyski – Yes. AIF, 6-0.

McEwan indicated that the Board has voted 6-0 to allow it as a significant change.

Mr. Whalley introduced himself and stated to the Board that he is requesting to raise 6 chickens on his property that will not be free ranged. He explained how the coop meets the zoning ordinance specifications and provides more than enough space allowing five (5)s.f. per chicken. Whalley expressed how he will contain the smell and maintain a clean coop by keeping a compost pile directly next to the coop. He expressed how he has met expectations of the complaints of their neighbors to reduce noise, site and smell and will make every attempt to keep the neighbors appeased and even offered to paint the coop the same color as his shed.

McEwan asked if there were any questions of the Board.

May 21, 2013 Page 2 of 15

PLANNING BOARD MINUTES

May 21, 2013

Magarian asked why the coop was not moved more towards their shed where the row of hedges would screen the coop? Whalley replied that he had his garden located in that spot she was referring to and offered to move the garden if needed.

Discussion pursued as the petitioner explained the chicken's run area or fenced in area around the coop was at least 60 s.f.

McEwan asked if there was anyone from the public with a question of fact for the petitioner?

Steve Booher of 337 City View Blvd. addressed the Board recalling that he was at the original hearing and that his wife was the individual who forwarded the photos and letter earlier that day. Booher expressed concern that the relocation of the coop brought the coop's location right in front of their home. Booher's wife had taken 4 pictures of various locations in and around their home to show the proximity of the coop. He explained how he had not gone to the other hearing for the Duvals because their proposed coop was in their back yard and completely out of view so they didn't care too much. His family has contacted real estate agents and it is not a plus to have a coop in front of their house. Booher expressed how it is a significant big deal to have the coop located in their direct view and that he does not want to be a bad neighbor however; it is a visual affect.

McEwan read two letters into the record, 1 in support and 1 in opposition.

McEwan asked if there was anyone from the public who has a question of fact? There being no one heard, McEwan asked if there was anyone present from the public that would like to speak in favor of the application?

Tom Smith, resident of Westfield for over 66 1/2 years stood and confirmed his favor of the application indicating that his grandfather had 500 chickens and no one ever complained about smell.

Caroline Kells of 331 City View Blvd explained how she has no problems with the petitioner raising chickens and credited them with doing a great job with all their renovations and fence.

Mr. Duval of 325 City view Blvd who was granted a special permit to raise chickens at last meeting expressed how the petitioner is trying to teach their children lessons especially since the number of farms are diminishing and the kids don't have the same opportunity as years ago. He also expressed how the property values would not suffer since it is rural residential, maybe with an unsightly neighbor's home but that the petitioner is not trashing his home.

Stanley Haracz of 324 Hillside Road told the Board and public that chickens have been around in the past with even 1,000 chickens up around what is now Walmart and that he was in favor of the

May 21, 2013 Page 3 of 15

PLANNING BOARD MINUTES

May 21, 2013

petitioner. He stated that the smell would not be strong at all and that the cleanup for 6 chickens is very easy.

Iva Duval of 325 City View Blvd confirmed her support for the petitioner and provided the Board with the same letter that was read into record by the Chair that was in favor of the application but with two (2) more signatures of favorable recommendations and asked for the Board to give the petitioner their support.

Thomas Burnickas of 20 Deborah Lane stood and explained how having 6 chickens would be little nuisance since while at his prior residence, he had 30 chickens and they never disturbed anyone.

Bill Reed confirmed his support in favor of the application.

McEwan asked if there was anyone from the public present who was in opposition of the applicant? There being no one heard, McEwan asked if there were any further questions from the Board. There being no one heard, McEwan continued by asking if there was a motion to close the hearing?

Rivera motioned to close the hearing and was seconded by VanHeynigen. AIF.

McEwan read the draft decision with the following findings and conditions:

FINDINGS

The Westfield Zoning Ordinance requires that the following findings must be made relative to the approval of this Special Permit, and the Board so found:

- 1. The specific site is an appropriate location for such use, structure and condition in that it is an appropriately zoned lot and, although on a corner, has solid fencing restricting views to the rear yard area.
- 2. The use as developed will not adversely affect the neighborhood given the restrictions governing this use are already specified in the ordinance.
- 3. Adequate and appropriate facilities will be provided for the proper operation and care of the proposed use, as the Applicant has indicated a suitably-sized coop (24 sf) and fenced run (60 sf) will be constructed. Further, the applicant has submitted a satisfactory construction and maintenance plan.
- 4. The plan, as approved, conforms to all rules and regulations unless specifically waived.

May 21, 2013 Page 4 of 15

PLANNING BOARD MINUTES

May 21, 2013

CONDITIONS

In an effort to ensure and protect the health, safety, and well being of all abutters, area residents and the applicant, the approval of this Special Permit is issued pursuant to the application, supportive materials and testimony submitted by the Applicant to the Planning Board and is contingent upon the satisfactory compliance with and completion of the following the conditions:

- 1. Restrictions listed in the ordinance remain in effect, including: The number of chickens shall not exceed 6; no roosters are permitted; the birds will remain in a fenced enclosure located rear of the principal structure and shall not be closer than 50' to the lot line.
- 2. This Special Permit is issued to the Applicant, is non-transferrable and shall expire upon the sale and/or transfer of ownership of the property.
- 3. The Planning Board, and/or their designee, reserves the right to inspect the premises through the first year of the use of this Special Permit.
- 4. This Special Permit includes a probationary period and shall expire 2 years after the end of the appeal period but shall automatically renew if the Board takes no action to endorse such expiration prior to that date.
- 5. Solid privacy fencing, as exists, or other similarly effective means of screening shall remain in place for the duration of this use.

McEwan asked if there were any additional conditions?

McEwan recommended extending the hedges by an additional 10' behind the coop. Onyski also stated that the shrubbery should be put back in with some kind of hedge type to screen and motioned to add it as condition #6 of the Special Permit, new shrubbery to the edge of the chicken coop (westerly-left edge).

Rivera motioned to accept the 4 findings and 6 total conditions (with the new condition that the hedges be added) and was seconded by VanHeynigen. AIF.

VanHeynigen motioned to approve the special permit application with the findings and conditions and was seconded by Rivera.

Roll Call:

VanHeynigen – Yes, Fiordalice – Yes, Magarian – Yes, McEwan – Yes, Onyski – Yes,

May 21, 2013 Page 5 of 15

PLANNING BOARD MINUTES

May 21, 2013

Rivera – Yes, St. Hilaire – Absent, AIF 6-0.

➤ The Westfield Planning Board will conduct a Public Hearing on May 21, 2013, at 7:00 P.M. in Room 215 (Council Chambers) Municipal Building, 59 Court Street, Westfield, MA on an application by Mikhail Stepanchuk for a Special Permit per Article 4 Section 4-20.2 of the Zoning Ordinance, to allow the reduction in the dimensional requirements and an increase in density with the construction of a two-family home. The property is zoned Residence B known as Map 3 Parcel 43 and located at 0 Fowler Street.

David Stepanchuk presented on behalf of his father, Mikhail Stepanchuk and confirmed with McEwan that they were wishing to build a two family home on the 2nd lot to the last on the dike end of Fowler Street.

McEwan indicated that they are on a .21 acre lot size with 100' frontage and confirmed the submission of calculations for density and lot size.

McEwan asked if there were any questions from the Board?

Fiordalice asked if they had a rendering for what the home would look like? Stepanhcuk replied that they had a drawing however he did not have a design of the structure as of that evening.

McEwan stated that the Board typically requires some type of house plan (design) so that they know if it is a colonial or other style and mentioned that even if it is not exactly what they intend to construct, the Board wants to make sure it fits in with the neighborhood. The lots in that area are very small. McEwan indicated that they may have to continue it to the next meeting for a house plan, utility plan, site plan and more details.

Vinskey stated to the Chair that in the past, the Board has attached it as a condition to approve the house design and pass it through the Planning Board or himself to finalize the house design.

McEwan asked if there was anyone from the public with a question of fact for the petitioner? There being no one heard, McEwan asked if there was anyone present from the public that would like to speak in favor of the application? There being no one heard, McEwan asked if there was anyone from the public who would like to speak in opposition of the application? There being no one heard, the Chair continued by asking if there was a motion to close the hearing?

Onyski questioned Vinskey if the proposed site plan is listed as condition number 1 and Vinskey replied yes.

VanHeynigen motioned to close the hearing and was seconded by Rivera. AIF.

McEwan read the draft decision and the following findings:

May 21, 2013 Page 6 of 15

PLANNING BOARD MINUTES

May 21, 2013

FINDINGS

The Westfield Zoning Ordinance requires that all of the following Findings must be made relative to the approval of this Special Permit, and the Board found:

- 1. The specific site is an appropriate location for such use, structure and condition in that it was apparently intended, and has historically been used, for a residence.
- 2. The use as developed will not adversely affect the neighborhood, as the proposed residential use is consistent with surrounding uses, the majority of which are 2-family dwellings.
- 3. Adequate and appropriate facilities will be provided for the proper operation of the residential use.
- 4. The plan, as approved, conforms to all rules and regulations unless specifically waived.
- 5. The lot's density will be equal to or greater than the average of those of at least sixty (60) percent of the lots located within that same Zoning District within a 300 foot radius of the lots' property lines. A list of all of the lot sizes and density corresponding to the properties required above derived from the city's Assessor's Maps, as well as the mathematical equations determining the averages of at least 60%, was filed as part of the Special Permit Application.
- 6. The subject lots are not located within a Water Resource Protection Area.
- 7. The lots will be serviced by both Westfield public water and public sanitary sewer.
- 8. On-site parking will be provided in accordance with the zoning parking requirements as there is adequate space available for such.
- 9. No traffic congestion, health or safety limitations would be created by the addition of a two-family dwelling.
- 10. The proposed dwelling will be consistent with the architectural style, scale, setbacks and character of the immediate neighborhood (abutters and abutters-to-abutters) in that Zoning District, since it will be subject to administrative review.

CONDITIONS

May 21, 2013 Page 7 of 15

PLANNING BOARD MINUTES

May 21, 2013

In an effort to ensure and protect the health, safety, and well being of all abutters, area residents and the applicant, the approval of this Special Permit is issued pursuant to the application, supportive materials and testimony submitted by the Applicant to the Planning Board and is contingent upon the satisfactory compliance with and completion of the following the conditions:

- 1. The proposed structure shall be consistent, in style and siting, with the surrounding context and shall be subject to approval as such by the City Planner, prior to building permit issuance.
- 2. This Special Permit shall have been deemed to be exercised upon the recording of this permit at the Registry of Deeds.

McEwan asked if there were any questions on the findings/conditions? There was no response.

Rivera motioned to approve the findings and conditions and was seconded by VanHeynigen. AIF.

VanHeynigen motioned to approve the special permit application with the findings and conditions as drafted and was seconded by Fiordalice.

Roll Call:

VanHeynigen – Yes, Fiordalice – Yes, Magarian – Yes, McEwan – Yes, Onyski – Yes, Rivera – Yes, St. Hilaire – Absent. AIF - 6-0.

➤ The Westfield Planning Board has scheduled a Public Hearing for May 21, 2013 at 7:00 P.M., in Room 215 (City Council Chambers) Municipal Building, 59 Court Street, Westfield, MA for a Special Permit Application under Article 3 Section 3-110.3 (1) and Site Plan Approval under Article 6 Section 6.10.1 of the Zoning Ordinance to allow for an auto repair facility. The application was submitted by Eugene L. Turner. The property is zoned Business A and known as Map 129 Parcel 2 and is located on 1210-1220 Russell Road.

Attorney Bradford Moir representing Eugene L. Turner presented to the Board the request for a special permit to allow an auto repair shop at 1210-1220 Russell Road which is a 6 acre lot with wet lands in the back. Attorney Moir indicated that the petitioner started with the Conservation Commission some time ago which approved the application since they were making no changes to the structure. However, they since had to redo the plan since the septic is now moved to the front. Attorney Moir stated there has been 1 change in the plan since the original Planning Board submission and that was in order to access the building, they would have to go around the

May 21, 2013 Page 8 of 15

PLANNING BOARD MINUTES

May 21, 2013

building to the back. He also passed around a copy of the proposed sign which would hang 6 to 7 ft high with solar panels as well as proposing either a raised waste oil heater located on the outside or a heater that would be inside the building (if not outside). Atty. Moir explained that the petitioner was not sure of which heating option they would be going with as of that evening. Atty. Moir stated that the plan would be to add gravel to the existing gravel driveway and the 2 parking spaces in the front would really be on the side since the house is too close to the street. The existing barn would be where Turner would run his business.

McEwan asked if there were any questions from the Board?

Fiordalice questioned how many employees would they have and Turner stated that there could be one more other than himself but for now it would be just him. Fiordalice noticed that the original zoning application indicated a catering business as well as an auto body shop and questioned whether that was still the case since the Special Permit application did not mention catering. Mrs. Turner indicated that the catering portion is not being done anymore and that they are only seeking a special permit for auto repair. McEwan confirmed they are not getting into the catering business.

Rivera questioned what the petitioner plans to do with the oil waste and how they plan to dispose of it? Mrs. Turner stated at this time they are still trying to determine whether or not they will recycle the oil waste into their oil heater and use it to heat the shop or if they will contact Clean Harbors or Safety Waste to safely remove the waste.

Fiordalice asked about the spaces available to store cars and if it would be turned into a junk yard? Mrs. Turner confirmed that they want to keep it clean and neat while maintaining a vintage look.

McEwan asked for the petitioner to confirm the parking spaces and questioned how many spaces they were showing on their plan? Atty. Moir confirmed 7 spaces. Mrs. Turner indicated that they are leasing the whole house. McEwan expressed concern over the amount of cars, the possibility of individuals braking down and leaving their vehicles behind, the appearance of it being a barn, floor drains and the type of auto repairs they intend on providing. Mrs. Turner replied that there are 4 bays inside of the proposed shop that has a concrete floor and that there are no floor drains inside of the shop allowing **no** risk of waste getting into septic and in compliance with the safety waste management ensuring everything is contained. Mr. Turner explained they intend to perform emission type of repairs and electrical diagnoses on vehicles. Atty. Moir stated that building inspector did look at the facility and there are some questions with the doors but that overall it was fine. Mrs. Turner mentioned the facility was small enough to not require any sprinklers and Mr. Turner indicated they intend to have a certain type of interior wall for fire safety.

May 21, 2013 Page 9 of 15

PLANNING BOARD MINUTES

May 21, 2013

McEwan expressed concern over the proposed trap rock surface and what would happen when someone delineates from the proposed parking plan. Mr. Turner recommended a rail road type at the end to show parking spaces. McEwan added the concern that they are proposing trap rock and not an asphalt driveway/parking area.

VanHeynigen indicated that it sounded as though the petitioner was still deciding on their oil heating system and Mrs. Turner replied that they are checking with the commissioner to ensure which is the most effective heating system but they were still not sure what they wanted to do. Atty. Moir explained how the Turners would like the option of doing one way or the other.

McEwan asked if there were any proposed lifts and their garage door arrangement. Turner stated that there would be 2 lifts and 2 doors on either side to have cars enter in and out from both sides of the barn.

VanHeynigen indicated that it sounded as though they were still pulling together the waste management system (stream), generator status and possible signage? Mrs. Turner stated that they are still looking into waste management system or how the waste management will be streamed and the generator. Atty. Moir indicated that the proposed signage plan is being passed around for the Board's review and that it will be 7ft in height and asked the Board to keep into consideration that there is a pretty big bill board right across the street.

McEwan asked if there was anyone from the public with a question of fact for the petitioner?

McEwan asked if there was anyone present from the public that would like to speak in favor of the application? There being no one heard the Chair asked if there was anyone from the public who would like to speak in opposition of the application?

Gary Couture of 225 Bates Road (living directly behind the proposed lot) addressed the Board stating that he was in opposition and that allowing it would be a hazard to the community. Couture claimed the proposed auto repair shop would be within 25' of the wet lands further stating that there are two (2) streams that run directly behind the garage (barn). The grassy area in the back is mostly wet and moist most of the year. Couture expressed concern over the fact that the rear of the garage and Bates Road is very wet and which water flows directly into the Westfield River. Couture claims that this application is in opposition to the city ordinance 1109 which mandates that a business be at least 100' way from any wetlands and explained that if the petitioner is proposing to have parking spaces behind the barn, there will be hazardous materials, transmission fluid and oils that will make their way into the wetlands. He understands that there are other operations on the road however; none of them run the risk of contaminating the Westfield River. Lastly Couture mentioned that he will pursue this with the Conservation Commission and Westfield Water Shed.

May 21, 2013 Page 10 of 15

PLANNING BOARD MINUTES

May 21, 2013

McEwan asked the time frame in which the petitioner went before the Conservation Commission? Atty. Moir indicated that the petitioner went before the Conservation Commission earlier in the year and since that time the only thing that has changed is a septic system installation and they shouldn't have to file a notice of intent.

McEwan asked how close the garage (barn) was to the wetlands? Atty. Moir stated that Mrs. Turner measured 54 ft from the gully and although it is in the buffer zone, it is an existing building structure. Atty. Moir stated they went to the Conservation Commission first and since the changes, they would go back to them. McEwan questioned if they thought that their driveway in the rear was not in a wetland buffer and expressed concern in the event the Planning Board approved the plan, would the petitioner go back to Con Com? Atty. Moir indicated that Con Com commented how they have a house and the old barn that could be used for something.

Onyski questioned if the storm drain that was shown on the plan is located in a grass or gravel area? Mrs. Turner answered the drain is in the grass. Onyski said it appears that the drain goes on one culvert on one side and another culvert 100 ft away. Mrs. Turner stated they had put in a fence to keep it in. Onyski requested the petitioner to show the fence on their plan and asked if there were any water/oil separators? Atty. Moir guessed that the drain was placed there because of runoff from Bates road and is considered an old drain. Onyski asked if the garage floor was pitched and questioned if a tub of oil spilled, what would happen? Turner confirmed the floor is not pitched.

Vinskey indicated that the Board could add a condition for a hazmat inventory and response plan, similar to what the Board requires in the Aquifer.

Onyski expressed concern over the concept of a trap rock idea without any sort of asphalt would allow materials and waste to go directly into the ground.

Rivera asked if it was possible to table this application till the next meeting and check with conservation about the parking plan since there is concern over driving over the septic and now the plans have changed since they met with Con Com. Atty. Moir stated that the revised plan did go to Karen Leigh in Conservation since last week but she only recommended it.

McEwan expressed concern over any cars or parts outside would be left lying around and if the parking spots in the rear will become a parking lot. Mrs. Turner stated that she is trying to find out if they could get a curb cut through DPW since there is no curb there but has not had the time to research it before tonight's meeting.

Onyski suggested they continue to the next meeting and asked the petitioner to develop a plan for what is going to stop oil from going into the ground since he was not convinced gravel is the equivalent to asphalt, plan for oil spills and where it would flow, containment plan around where

May 21, 2013 Page 11 of 15

PLANNING BOARD MINUTES

May 21, 2013

they are storing oil and what would happen if the oil spilled. Mrs. Turner indicated they have 110% of the largest container available.

Fiordalice also recommended the petitioner to show where the sign would be, height and distance and location from the street and where the trees would be taken out and if that would be changed b/c of access.

McEwan suggested a possible berm to eliminate the back place of the driveway and from any cars going behind.

VanHeynigen motioned to continue the hearing and was seconded by Rivera. AIF. Vinskey confirmed that the next Planning Board meeting is June 18 at the South Middle School.

VanHeynigen motioned to continue the hearing to June 18 and was seconded by Onyski. AIF.

➤ Notice is hereby given that public hearings will be conducted in the Municipal Building, 59 Court Street, Room 215 (City Council Chambers) Westfield, MA, to consider amending the zoning map and ordinance (Article III – Section 3-160 - Flood Zone) to include a new floodplain management overlay district adopting updated FEMA flood zone maps, as follows:

Planning Board - May 21, 2013 - 7:00 P.M. City Council - June 6, 2013 - 7:00 P.M.

The proposed amendment is available for public inspection during regular business hours at the City Clerk's Office and Planning Department and also at www.cityofwestfield.org.

Councilor Agma Sweeney presented to the Board indicating that FEMA has released updated flood maps that have to be adapted by the time they go into effect on July 16, 2013 or risk being suspended from the National Flood Insurance Program. This amendment includes changes to the current Flood Zoning Ordinance, as suggested by the Massachusetts DCR Flood Hazard Map Coordinator. The zoning map is from 1974 and the revised FEMA flood map has added new areas and deleted older ones. Councilor Sweeney indicated the amendment eliminated old language and does not get into any construction details and details just what is on the map and the proper language to use in an ordinance.

McEwan asked if there were any questions from the Board? There being no one heard, the Chair asked if there was anyone from the public with a question of fact? There being no one heard, McEwan asked if there was anyone from the public who would like to speak in favor? Opposition? There being no one heard, the Chair asked to close the hearing.

May 21, 2013 Page 12 of 15

PLANNING BOARD MINUTES

May 21, 2013

VanHeynigen motioned to close the hearing and was seconded by Rivera. AIF.

Onyski motioned to recommend a positive recommendation to City Council on the zoning ordinance amendment for Article III, Section 3-160 and was seconded by VanHeynigen.

Roll Call:

Onyski – Yes, St. Hilaire – Absent, VanHeynigen – Yes, Fiordalice – Yes, Magarian- Yes, McEwan – Yes, Rivera – Yes. AIF.

5. 265 Elm Street Site Plan Revision Review - Continued

John Goddard from R. Levesque Associates spoke on behalf of Gezotis Realty Group and requested that the original condition to remove the sign located at the top of the existing building located at 265 Elm Street be amended to read that the sign is to be refaced, painted/covered by May 21, 2014 which gives the tenant 1 year to reface the sign.

Onyski questioned why May 21, 2014? Goddard stated that would be 1 year from today which would ensure the tenant to take action to replace the sign.

McEwan expressed how they have reviewed the special permit, drafted conditions and why after a couple of weeks later it is to be changed? McEwan explained how this is the accessory use for Billy C's and why the business would need 7 signs? Goddard concluded although he could not answer for Billy C's the signage is a business asset.

Gezotis stood and answered McEwan giving indication that there will only be one (1) sign on the South Side, one (1) sign over the sidewalk and one (1) sign on the high side and indicated that there should be one more sign for parking for tenants. Gezotis expressed how two (2) signs on the north side may be redundant but that the lower sign will be for parking for tenants.

McEwan concluded that there are two (2) signs 4x8 on both sides, one (1) large Mill End sign up high, signs on the front windows and one (1) that sticks out in the front that says Mill End and initially the petitioner explained how Billy C would do something at some point with the signs. Gezotis confirmed the card board signs in the windows would be removed and expressed how Billy C's who has only been in there in a year and a half, needs to develop their company and marketing just so happens to be on their back burner. Gezotis explained how this has now been placed on the front burner and how they were trying to get them to market their business. He went on to say they've painted the white signs but they did not want to hire a lift to paint the high sign when Billy C's would still want to advertise in a very near time.

May 21, 2013 Page 13 of 15

PLANNING BOARD MINUTES

May 21, 2013

Fiordalice expressed how he understands there is an intent that the tenant is trying to clean this up fast however the Mill End sign on the outside does not apply anymore and businesses that have been around for a year and a half should not have past business signs still around. There should not be anything white washed at this point.

McEwan asked the Board whether they wanted to make amendment to the approved plan and mentioned options such as take it down, leave it as is or reface it.

Onyski suggested placing a time restraint such as 6 months.

McEwan asked if the petitioner felt they could reface it by the time you receive the occupancy permit? Gezotis suggested the amendment say remove it, reface it or utilize the sign within 6 months. McEwan asked the time frame was for the proposed garage? Gezotis answered 2 to 3 months.

McEwan asked the Board if everyone was okay with a red paint job or to be used for the tenant?

Onyski asked if they could tie it into the occupancy permit and Vinskey confirmed that was possible.

Onyski motioned to accept a revised plan, as a minor change, which indicates the Existing 'Fabrics' sign to be refaced for business tenant, removed or covered/painted to match wall prior to the issuance of a certificate of occupancy and was seconded by Fiordalice. VanHeynigen stated he was opposed to the motion. 5-1, accepted.

Vinskey asked that the applicant submit a final revised plan reflecting what the Board approved as a revision, for the record file.

6. Flynn Meadows Subdivision – Performance Bond Reduction

Vinskey explained how there is still money being held for the Flynn Meadows Subdivision and that the City Engineer wanted to make sure the grass is growing in so they are not recommending a full release but a reduction to \$15,000 retained as a performance guarantee. Vinskey indicated the applicant did not propose a figure but that it is a conservative figure.

Onyski motioned to accept the reduction of the performance bond to \$15,000 for Flynn Meadows Subdivision and was seconded by Fiordalice. AIF.

May 21, 2013 Page 14 of 15

PLANNING BOARD MINUTES

May 21, 2013

7. Gulfstream - Project Closeout

Vinskey indicated that Gulfstream is looking for the Certificate of Occupancy and that although the grass has been hydro seeded, by and large they have finished the project. The Board needs to accept the Gulfstream Engineer's Certification in their original Special Permit/Site Plan/Storm Water Mgmt Permit Agreement listed as condition #23.

Onyski motioned to accept the Gulfstream Engineer's Certification and was seconded by Rivera. AIF.

8. Summer Schedule

Vinskey reviewed the summer Planning Board Meetings as June 18, July 16 and August 20 and asked the Board if they had any conflicts with those dates.

8. Other Business

Vinskey alerted the Board that City Hall will be renovated and the Planning Department moved to their temporary (6 months) new location at 94 North Elm Street, 4th floor, Suite 403.

All Planning Board Meetings until further notice will be held in the South Middle School Auditorium located at 30 West Silver Street.

VanHeynigen motioned to adjourn the meeting and was seconded by Fiordalice at 9:12 pm AIF.

May 21, 2013 Page 15 of 15