



## MINUTES OF CITY COUNCIL

59 COURT STREET  
MUNICIPAL BUILDING, CITY COUNCIL CHAMBERS  
WESTFIELD, MASSACHUSETTS  
JANUARY 04, 2024 AT 7:00 PM

The meeting was called to order in the City Council Chamber, Municipal Building, 59 Court Street, Westfield, MA at 7:00 PM by President Beltrandi.

The Clerk called the roll. Councilor Morganelli was absent.

The Pledge of Allegiance was led by President Beltrandi.

### PUBLIC PARTICIPATION

President Beltrandi asked if anyone from the public would like to speak during public participation. There was no one present to speak during Public Participation.

### COMMUNICATIONS FROM THE MAYOR

Upon motion of Councilor Matthews-Kane, it was VOTED: That item 1. under "Communications from the Mayor" be read by the Clerk and be REFERRED TO THE FINANCE COMMITTEE.

The Clerk read from the Agenda as follows:

1. Transfer in the amount of \$50,000.00 from the Police Department Full Time Hourly Account (12100000-511100) to the Medical/Testing Services Account (12100000-530006) to cover ongoing care costs for officers currently out on injured on duty (IOD) status.

### REPORTS OF CITY OFFICERS

2. Upon motion of Councilor Bean, it was VOTED: That the accounting report of the Community Preservation (CPA) funds, submitted by City Auditor Vicki Moro be PLACED ON FILE.

Prior to the vote, he thanked the City Auditor for submitting the report to City Council.

Upon motion of Councilor Figy, it was VOTED: That the rules of the City Council be SUSPENDED in order to take item four out of regular order.  
All in favor, voice vote.

### REPORTS OF COMMITTEES

Zoning, Planning and Development Committee

4. Upon motion Councilor Figy, for the Zoning Planning and Development Committee, it was

VOTED: That a Special Permit, Site Plan Approval and Stormwater Management Permit per Zoning Ordinance Sections 3-130.3(1), 3-170.7, 6-10 and 4-110 to allow a contractor's yard, including fuel storage, in the Industrial A and Water Resource Protection Districts by J.L. Raymakers & Sons, Inc. c/o Mr. John Raymakers to be located at 0 Progress Ave be APPROVED.

The vote on the foregoing was as follows:

James Adams	Yes
Dan Allie	Yes
Brent Bean II	Yes
John Beltrandi III	Yes
Michael Burns	Yes
Karen Fanion	Abstain
Ralph Figy	Yes
Cindy Harris	Yes
Bridget Matthews-Kane	No
Kristen Mello	Yes
Nicholas Morganelli, Jr.	Absent
William Onyski	Yes
Richard Sullivan, Jr.	Yes

The President declared the motion PASSED.

Prior to the vote, Councilor Figy informed the Council that on a 2-1 vote, the Zoning, Planning and Development Committee recommends approval with the findings and conditions herein described:

### **Findings**

After giving due consideration to the application and testimony at the public hearing, including study in the Zoning, Planning and Development subcommittee, the Council found that, (1) site is an appropriate location for a contractor's yard use as proposed (2) the use as developed will not adversely affect the neighborhood which contains other industrial type uses., (3) adequate and appropriate facilities will be provided for the proper operation of the use, and (4) the plan, as approved, conforms to all other rules and regulations; the Council considers on-site fueling of the Applicant's vehicles solely for its own operations not to constitute fuel "dispensing" (a prohibited activity), as contemplated by the ordinance. Further, (5) the use is in harmony with the intent of this ordinance and district and will not interfere with water resource protection, (6) the use is appropriate to the natural topography, soils, drainage, vegetation and other water-related characteristics of the site, and is designed to minimize substantial disturbance of these natural site characteristics, and (7) the use will not, adversely affect the existing or potential quality or quantity of groundwater available in this

district. Relative to the site plan/layout, the Council found (1) the proposed site plan is in conformance with the intent of the zoning district and does not take precedence over specific provisions of the zoning ordinance; (2) All buildings, structures, uses, equipment and materials are readily accessible for police and fire protection as the plans have been available to public safety departments with no exceptions taken; (3) adequate off-street parking and loading spaces are provided to prevent on-street and off-street traffic congestion; all parking spaces and maneuvering areas suitably identified and designed to meet standards specified within this ordinance; and provision is made for safe pedestrian movement within and adjacent to the property; while the specific use does not warrant sidewalks, (4) pedestrian access ways do not create traffic hazards and are: adequate, but not excessive in number; adequate in width, grade, alignment, and visibility; adequate distance from the street corners, places of public assembly and other access ways; and adequate design for other safety considerations; (5) the general landscaping of the site complies with the purpose and intent of this ordinance; and parking, storage, refuse and service areas are suitably screened during all seasons from the view of adjacent areas and public rights-of-way, being set back from the street; (6) lighting of the site is adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation; that the glare from the installation of outdoor lights is properly shielded from the view of adjacent property and public rights-of-way; all new lighting must comply with the standards specified in the ordinance (Sec. 4-121). (7) all utility systems are suitably located, adequately designed and properly installed to serve the proposed uses, and to protect the property from adverse pollution, including groundwater threats. More specifically, and following review by the City Engineer, the Council found: (a) stormwater management and erosion and sediment control measures are consistent with the purposes and objectives of the Stormwater Management Ordinance (Chapter 16, Article II, Division 4 of the Westfield Code of Ordinances); (b) the stormwater management plan meets the performance standards described therein; (c) the erosion and sediment control plan meets the design requirements (d) and will adequately protect the water resources of the community and is in compliance with the requirements of the Stormwater Management Ordinance. The City Stormwater Coordinator/DPW is hereby authorized to serve as an agent of the Council in the administration of the stormwater component of this permit. Finally, (8) there are no sensitive environmental land features such as steep slopes and large rock outcroppings, nor public scenic views or historically significant features affected; and (9) the location and size of the facility, as well as the nature and intensity of the operations involved or conducted in connection therewith, will be in general harmony with the surrounding neighborhood.

### **Conditions**

1. The site shall be developed and maintained in accordance with the approved site plan, entitled "Proposed Contractor's Yard" latest revision date 12/6/23 as prepared R Levesque Associates (Project No. 230517), signed and sealed by Filipe Cravo, P.E. or

Robert Levesque, R.L.A. (with depicted future building expansions included as part of this permit).

2. The Special Permit component governing this use is non-transferrable and shall expire upon the sale and/or transfer of ownership of the property (unless the listed Applicant continues to operate the facility). The associated site plan approval and stormwater permit shall run with the land.
3. Storage of commercial vehicles, trailers and equipment is limited to those owned, leased or similarly controlled by the Applicant or its direct subsidiaries, and in conjunction with its normal business operations. Leasing space for, or otherwise allowing, such storage use by others is prohibited.
4. Maintenance of the stormwater management system shall be in compliance with the submitted "Long Term Operation & Maintenance Plan" (Appendix G of the Stormwater Report prepared by R Levesque Associates revised 12/14/23). Inspection reports, completed not less than once annually, shall be submitted to the City Stormwater Coordinator (DPW). This condition shall be deemed to constitute an operation, maintenance and inspection agreement binding on all subsequent owners of the land.

Councilor Matthews-Kane informed the Council that she was the opposing vote in Zoning, Planning and Development (ZPD). She voiced her concerns of a Contractor's Yard being located in the Water Resource Protection District. She read aloud the prohibited uses in the Water Resource Protection District. She stated that she believed the Council could not grant a special permit for a garage where repairs and maintenance would be conducted or for a plan that included a diesel tank to fuel the company's fleet of vehicles. She shared with the Council that there was a discussion in ZPD over the word dispensing. She believed the Council should look at the most recent definition, as defined in the Merriam-Webster and American Heritage Dictionaries. Mr. Levesque argued that one cannot dispense something to oneself. Councilor Matthews-Kane stated the Council must ensure the use is in harmony with the intent and use of the district and will not interfere with water resource protection. Councilor Figy stated it was up to the Council to define the definition of the word. He informed the Council that he was on the committee to review and revise the Water Protection Resource District Ordinance. The intent of the Ordinance, when referring to dispensing, was to keep gas stations off of the aquifer. He stated that the applicant is not looking to set up a body shop. The applicant informed the Committee that most of the work is done on site using mobile maintenance; if all of his equipment is in his yard, he's out of business. Councilor Figy questioned how having a petroleum storage facility was allowed by special permit if dispensing into equipment was not allowed. He stated there were multiple examples of facilities over the aquifer on the North side that had been approved by Special Permit. Councilor Matthews-Kane stated that she understood why this was a hard vote for people; J.L.Raymakers is a respected hometown business, and it would be an advantageous location. She stated that the Council was only responsible for their votes, not the votes of past members.

She urged the Councilors to look at the Water Protection Resource District Ordinance and objectively apply the standards the Council is charged with enforcing when it came time to vote. Councilor Mello stated that she had also been working on the Water Protection Resource District Ordinance for several years. She stated that motor vehicle service and repair businesses, boat service and repair businesses, automotive body repair shops and car washes are prohibited. She stated the proposed use did not fall under any of those. She further stated that the following sentence in the Ordinance stated that these incidental things for existing uses were allowed, confirming that these were existing uses for J.L. Raymakers. She acknowledged that there was language in the Ordinance that needed to be reviewed. She stated the word sales needed to be defined. If they're not selling it commercially to someone else, it's not prohibited. Councilor Allie stated that it was always safer to gas a fleet of vehicles where they were located. He agreed with Councilor Mello's distinction between selling and dispensing and didn't believe it was a prohibited use. Councilor Adams stated that the applicant had gone overboard to make sure everything including the water was safe, noting the extra costs associated with doing so. He commended the local business on their success and for spending a lot of money to continue to stay in town. Councilor Sullivan stated that the question of whether or not there would be public sales was addressed at the Public Hearing and the Special Permit was conditioned as well so he was in support of the application. He asked for Councilor Morganelli's letter of support to be added to the record. Councilor Onyski informed the Council that the company currently operates an immaculately clean business on East Mountain Road. He reiterated that they have exceeded the requirements on the Aquafer and thanked them for staying in Westfield. Councilor Fanion informed the Council that she would be abstaining because the matter had two public hearings and the Mullin Rule only allows you to miss one hearing. Councilor Mello stated that she didn't care that J.L. Raymakers was a local business or how much money they spent in Westfield. She stated that they could park over the bare grass above the aquifer next to wells 7 and 8. Instead, they proactively walked the property, chose plants that would remove the most contaminants and ensured they wouldn't kill any of the special native plants that grow at the airport. Instead of parking over the grass and letting contaminants go straight into the drinking water, they are overbuilding a less impervious surface and a better stormwater filtration than they need. She further stated that the vote to allow this to happen, to make sure those machines do not sit over the bare dirt, protects the water most. Councilor Figy read aloud Councilor Morganelli's letter of support.

Upon motion of Councilor Figy, it was  
VOTED: That the meeting return to regular order.

At 7:27 PM Councilor Adams left the meeting.

### **PETITIONS, REMONSTRANCES, AND OTHER PAPERS**

3. A Public Hearing was held on a Zone Change Petition submitted by R. Levesque

Associates Inc. for 254 Union Street, LLC c/o Mr. Alexander S. Colby & Mr. Ralph S. Colby for portions of 137 Woodcliff Drive (43R-54), Residence A/Rural Residential and 254 Union Street (35R-18), Rural Residential to Business B. Rob Levesque was present to represent the applicant. He reviewed the zoning districts that were color coded on the plan. The applicant was requesting an extension to the existing Business B Zoning to allow for a contractor's building with some office space. It would not be spot zoning. The building would be around 5,000 square feet, slightly smaller than the business next door, Fuller Construction. He stated that Ralph Colby, who lives on Woodcliff Drive, purchased the property under common ownership and they were combined. They will be separated. He showed the area of the property that would remain fallow. The zone change would be located in the hatched area only, for a small building. Councilor Sullivan asked Mr. Levesque if he was looking to change the zone in the Rural Residential parcel that he had stated would remain fallow. Mr. Levesque responded no, only on Union Street. Councilor Allie asked for confirmation that the zone change would not affect Woodcliff Drive. Mr. Levesque confirmed that they are only requesting a zone change on the lower part of the property. Councilor Allie stated that the setback would be 30 feet in Business B, noting that was fairly narrow. He asked if the trees were part of that property. Mr. Levesque stated that the site would go to the left of the gravel drive. Councilor Allie asked if the driveway would be used. Mr. Levesque stated the driveway would likely become part of the site. Councilor Mello stated that she was inclined to ask for the Public Hearing to stay open. She was unable to get in touch with the City Engineer and wanted her input. She voiced her concerns that the hills weren't bedrock mountains and that the area had been cleared of its trees. She questioned what would happen to the houses on the top of the hill when the tree roots rotted. Mr. Levesque informed the Council that a portion of the hill was cleared for a view. He stated that herbaceous and woody vegetation has regrown, and he believed that they maintain it. The zone change does not have anything to do anything with the slope, only with the lower plain on the street only. They have no intent to touch the slope. He stated that the application before the Council was specifically for a zone change to allow them to move forward and only the first step in specific design permits. They would have to go through a site plan approval, a notice of intent from Conservation and a Stormwater plan to develop the structure. Councilor Matthews-Kane stated she drove by the site and saw signs for a wetland protection area there. Mr. Levesque confirmed and showed the wetland areas on the plan, noting that the areas were regulated under Ordinance and the current schematic took them into consideration. Councilor Matthews-Kane asked if it was a flood area. Mr. Levesque replied that some of it was. He further stated that there were a number of protections in place including the building code, the Department of Environmental Wetlands Protection Act as well as local Ordinances. In addition, there would be a Conservation filing for any work in the floodplain and potentially the need to file a notice of intent. Councilor Matthews-Kane asked Mr. Levesque to provide a flood map. Councilor Figy reminded the Council to only focus on what was before them tonight. Site plans and proposed buildings were not in front of them. He asked Mr. Levesque for the current zoning of the two parcels to the left. He replied Rural Residential. Councilor Figy confirmed the change was for continuing

Business B, same zoning as the two lots to the right of the property. At this point, President Beltrandi opened the public hearing for questions of fact. The Council was addressed by Dave Flaherty, 7 Marla Circle. He informed the Councilors that this parcel was 307 feet from this property. He encouraged them to visit the property. He did not believe there was enough land to build everything. He asked if there was any intent to use the second lot for building. Mr. Levesque stated yes, from the driveway, west. Mr. Flaherty asked if R. Levesque Associates had prepared a map that showed frontage. Mr. Levesque stated that it was on the GIS, and that they have a lidar topography from 2015 that showed it accurately. Mr. Flaherty asked if they had done any research on wildlife habitats that might be affected. Mr. Levesque stated that he could speak to the developability of the property. R. Levesque Associates has 20 hours of research into this project, they are aware of the location and would likely be filing a redevelopment project. He stated that there was ample room for a 5,000 sq ft building. He was very confident that the site was developable. Mr. Flaherty stated the surrounding land was mostly rural residential, farmland and wetlands. President Beltrandi noted that the zone change was contiguous with the parcels next to it. Mr. Flaherty read listed uses by-right in Business B according to section 3-120.2. Mr. Levesque stated that depending on the size of the permitted uses, they would be required to go through site plan approval. Anything in jurisdiction of Conservation or the floodplain would have to go through Conservation with the filing of a notice of intent. Mr. Levesque stated across the street was zoned Industrial A. Councilor Onyski stated that the two abutting neighbors were at the Planning Board meeting and there were no objections. He stated that a lot of the questions being brought up needed to be addressed by the correct parties, the Planning Board or Conservation Commission. He echoed Councilor Figy that the Council was only voting on the zone change. Councilor Mello reiterated her concern regarding the homes on the hill. Councilor Sullivan asked Councilor Mello if it would relieve her concerns in terms of the vegetation if the zone change only went to the foot of the hill. Councilor Mello replied perhaps but that it was not her area of expertise. Mr. Levesque informed the Council that they received a unanimous positive recommendation from the Planning Board. He reiterated that there was no intent to build on the slope, the work would be done on the flat ground. He stated that the City Engineer is not a geotechnical engineer. If and when the structural and geotechnical engineers enter the process, the building inspector would be the appropriate official to review and request that information as part of the building permit application. Councilor Mello asked if it would be difficult to zone the slope Rural Residential. Mr. Levesque stated that it would not be difficult but noted there would be a cost associated with reconfiguring. He assured Councilor Mello that they would not be allowed to, nor do they want to build on the slope. President Beltrandi opened the Public Hearing up for anyone interested in speaking in opposition. Dave Flaherty, 7 Marla Circle addressed the Council. He stated that he supported the Colby's and that they were great neighbors. He spoke in opposition to a permanent zone change that would forever change the piece of land. Mr. Levesque stated that he has done a significant study on the property and ensured the Council that it was a permissible project. President Beltrandi opened the Public Hearing up for anyone interested in speaking in favor of the application. There was no one to

speak in favor. With no others appearing to be heard and upon motion of Councilor Figy, it was

VOTED: That the Public Hearing be CLOSED, and the item be REFERRED TO THE ZONING, PLANNING AND DEVELOPMENT COMMITTEE.

All in favor, voice vote. Councilor Mello was OPPOSED.

**MOTIONS, ORDERS OR RESOLUTIONS**

5. Upon motion of Councilor Figy, it was


VOTED: To request a total allocation of all ARPA funds including funds spent, committed and uncommitted, as well as a list of funded and proposed projects and REFER TO THE MAYOR.

All in favor, voice vote.

Prior to the vote, Councilor Figy informed the Council that the Mayor told him Arm Brook Dam would be funded out of Free Cash. The City Engineer, in an article in the newspaper, stated that the project was being funded by ARPA. Councilor Figy acknowledged that ARPA expenditures were in the Mayor’s control. He was hoping for some clarification to gain a better understanding of what monies have already been allocated. Councilor Matthews-Kane echoed Councilor Figy, noting there should be full transparency about where the money is going. Councilor Mello thanked Councilors Figy and Matthews-Kane for sponsoring the motion. She stated she would like to put the information on the website when it was submitted.

At 8:03 PM, and upon motion of Councilor Harris, it was VOTED: To ADJOURN.

A true record, Attest:




Kaitlyn Leigh Bruce  
City Clerk/Clerk of the Council


Presented to the Mayor

Approved by the Mayor

For approval January 24, 2023

1-24 2023

  
Kaitlyn Leigh Bruce, City Clerk

  
Michael A. McCabe, Mayor