



City of Westfield

PLANNING BOARD

William Carellas, Chair
Cheryl Crowe, Vice Chair
Robert Goyette
Jane Magarian
Philip McEwan
Raymond St. Hilaire
John Bowen
Bernard Puza, Associate
Richard Salois, Associate

January 7, 2020

In the absence of Chair Carellas, Vice-Chair Crowe called the regular meeting of the Westfield Planning Board to order at 7:00pm in the City Council Chambers, 59 Court St, Westfield, MA.

| <input checked="" type="checkbox"/> <u>PB MEMBERS PRESENT</u> | <u>STAFF</u> |
|--|--|
| <input type="checkbox"/> <u>MEMBERS ABSENT</u> | |
| <input type="checkbox"/> William Carellas, Chair | <input checked="" type="checkbox"/> Jay Vinskey, Principal Planner |
| <input checked="" type="checkbox"/> Cheryl Crowe, Vice-Chair | <input checked="" type="checkbox"/> Christine Fedora, Secretary |
| <input checked="" type="checkbox"/> Robert Goyette | |
| <input checked="" type="checkbox"/> Jane Magarian | |
| <input checked="" type="checkbox"/> Philip McEwan | |
| <input checked="" type="checkbox"/> Raymond St. Hilaire | |
| <input checked="" type="checkbox"/> John Bowen | |
| <input type="checkbox"/> Bernard Puza (Associate) | |
| <input checked="" type="checkbox"/> Richard Salois (Associate) | |

A. **PUBLIC PARTICIPATION** *(on any matter not the subject of a public hearing)*
Acting Chair Crowe asked if there was anyone in the room who would like to address the Board.

Christine Senegal – East Mountain Road - Asked the Board if there is a way for her to opt out of the water meters being installed. She was informed that she should probably be at the Water Commission meeting. City Councilor Harris offered to bring her to the correct meeting.

B. **REVIEW AND APPROVAL OF PREVIOUS MINUTES (12/17/19)**
Member Goyette MOTIONED, seconded by Member Magarian to approve the Minutes of 12/17/19. All in favor.

C. Review of plans not requiring approval under Subdivision Control Law.
• 62, 44 School Street/WNG Holdings LLC
Planner Vinskey stated this plan is splitting the parcels in half, he further noted the applicant was previously before the Board for a zone change, he wasn't sure if it has been finalized with the Mayor's signature, but both parcels have the adequate frontage so they would be entitled to the ANR endorsement anyway. Member Goyette MOTIONED, seconded by Member Bowen to approve the A.N.R. All in favor.

D. **Posted Public Hearings** *(and possible deliberation & decision)*
• Continuation – Special Permit/Site Plan/Stormwater Permit Amendment – 141 Springfield Rd. (Walmart) – add grocery pick up .

At the applicant's request, Member Magarian MOTIONED, seconded by Member Salois to continue to January 21, 2020. All in favor.

- Continuance /amended – Special Permit/Site Plan Approval – 93 & 95 Main Street & 4 Taylor Avenue – restaurant/drive thru (Dunkin)

Rob Levesque addressed the issues from the Board's previous meeting. Mr. Levesque submitted a letter of response to the comments as well a set of revised site plans and a photometric plan.

A summary of responses from City planner's memo are below:

- A revised zoning permit has been updated and received from the Building Inspector.
- The site plan has been revised to reflect the current ownership, there is a purchase and sale agreement in place for the purchase of the property.
- The property (parcels 93 and 95 main) is no longer going to be combined, a dimensional Special Permit application has been filed to remedy the side setback. A separate ground sign application will be submitted to the building department.
- The central curb cut has been closed as requested, the existing curb cut will remain to allow for ease of egress.
- The walkway along Taylor Avenue is bituminous concrete, not concrete, No improvements are planned to the curbing within the City Right of Way other than the radii for the curb cuts and closing of unused curb cuts as necessary.
- Curb islands are a concern of the proponent, Plowing snow on a small lot with significant vehicular activity is made more difficult by curbed islands.
- Architectural drawings have been obtained. The site plan has been updated accordingly. The entry door has been added to the plans so that circulation can properly be assessed.
- Site plan revised by changing parking, the ordering kiosk has been moved as well.
- Pedestrian access to Main Street has been incorporated.
- Bike rack has been added.
- Trees have been added to the Taylor Avenue tree belt as well as a mulched area along Taylor Avenue.
- Photometric plan included
- Connection through connections back wall of the building, upon approval of the site plan the application will proceed with the architectural construction drawings will be issued that will address the upgraded utility connections.
- The plan as submitted doesn't trigger storm water due to the impacts, if in the future that changes a stormwater permit will be applied for.

Mr. Lévesque reviewed the photometric plan as submitted as well as the updated landscaping plan. He further reviewed the areas of the Murphy's property and felt there is pretty decent buffer there with the Pear trees. He further noted there would be a stockade fence that would be added as well, the dumpsters will be enclosed.

Member Magarian inquired about the access for the snow removal? Mr. Levesque stated the snow removal will be handled the same as it currently is.

Member Salois noted he would like to see a condition regarding the easement be in place prior to building permit being issued. Planner Vinskey noted there is a draft condition regarding the separation of common ownership requiring an easement be in place.

Member St Hilaire voiced his concerns regarding the narrow space between the current Dunkin Donuts and the back of the liquor store and if it would be enough area? Mr. Levesque stated the HVAC systems that are currently there will be removed and the curb cut that is currently there will be removed, he further noted he felt this plan was better than the previous plan submitted.

Planner Vinskey said that the new plans were just received tonight; he didn't have time to review. He inquired about the shrubs have then been added? Mr. Lévesque noted they were on the plan but split between pages. Vinskey also noted the plan deleted shrubs at back property.

Planner Vinskey further noted the sidewalk was now proposed as asphalt, nor concrete per earlier plan He further noted the city's standard is concrete, and that was the plan the City Engineer reviewed. Mr. Levesque noted his intention was to match or retain the existing pavement.

Mr. Vinskey noted the light ordinance limits trespassing of light, but also requires shielding view of the lighting element from abutters.

Ann Murphy- 7 State Street - Requested the members of the Board consider the residents who live in the area.. She would like the Board to place an order of conditions to mitigate the noise, traffic, light. she further noted she didn't see the revised plans online, since plans just came in. Where would the speaker be located? Mr. Levesque showed the proposed location of the kiosk. Her concerns were: noise from speakers/noise pollution, Dumpster collection, Lighting, Hours of operation.

Acting Chair Crowe inquired about the dumpster? Mr. Sardinha noted he's been in contract with the dumpster company and they are currently in the process of working out the issues for later collection. Mr. Sardinia further noted the hours of operation would be from 5am to 9pm with a shut off time for the lighting to be 10 p.m. to allow employees to close up and get out to their vehicles. Mr. Sardinia noted the noise concerns can be addressed with some communication and coordination between the employees.

Cindy Murphy- State Street -Asked for clarification on the fence? Is there intent to take out the existing fence? Mr. Levesque noted there was no intention to take out the existing fence. Ms. Murphy further asked if there would be notification to the abutters as to when work will begin, as well show long it will take? Mr. Levesque informed her the abutters are not notified when the building permit is issued, the demolition would start and it would take a maximum of 4 months before completion of the project, probably 2.5 months for the exterior of the work.

Ann Woodson - Speaking on behalf of her parents who live directly across the street from the exit and asked if it would be possible for them to put up a fence to keep some of the light out (headlights)? Mr. Sardinha felt the issue could be resolved with some type of a flower bed or something low to keep the lighting from the cars out. She also felt it would be nice to have concrete sidewalks down there as well.

The Board reviewed the lighting standards already in the ordinance:. No light trespass and the lighting should be aimed down, dimming after hours required, 16 foot pole height limit near residences.

The Board briefly discussed the height of the poles and possibly they should be lower? Planner Vinskey noted sometimes if the poles are made lower it makes need for additional light poles. The Board felt that house-side shields at the rear poles would makes sense for meeting the lighting standard.

Member Goyette inquired if the applicant has a problem with concrete sidewalks? Mr. Lévesque noted these are city sidewalks and he preferred the city makes their repairs for their own sidewalks.

Cindy Murphy asked if they could restrict on street parking, Acting Chair Crowe stated that is not in the Board's purview.

Member St. Hilaire MOTIONED, seconded by Member Goyette to close the hearing. All in favor. The Board reviewed the draft decision.

While some members felt the sidewalk at the Taylor curb cut closure should not be required, most agreed it should be part of the project. Following a discussion regarding possible conditions, Planner Vinskey reviewed the special conditions (beyond standard conditions) as discussed:

- Concrete sidewalk at Taylor, per city standard
- Light shields on the rear lights
- Easement for the circulation if properties (93 & 95) are not commonly owned
- Landscaping at State Street with evergreen plantings at driveway/exit

It was determined that dumpster hours would be worked out with petitioner and neighbor and needn't be conditioned.

Member Goyette MOTIONED, seconded by Member Bowen to approve the Special Permit/Site plan for the property. Roll call vote:

| | | |
|-------------|---|------------|
| St. Hilaire | - | Yes |
| Bowen | - | Yes |
| Magarian | - | Yes |
| Goyette | - | Yes |
| Crowe | - | Yes |
| McEwan | - | Ineligible |
| Salois | - | Yes |

- Special Permit amendment – 333.403 West Rd Open space development

Representing the petitioner was Rob Levesque of R. Levesque Associates. Mr. Levesque stated he is here with Mark Strasfeld for a request to amend the Special Permit conditions granted in May 17, 2016 for an open space community under Section 5-60 of the Zoning Ordinance.

Mr. Strasfeld addressed the Board, informing them he would like to have his special permit condition relative to the Conservation Restriction on the open space changed to a Declaration of Restriction. He further noted he thought this was taken care of until he went to sell the farm and his lawyer realized

that what was filed was a Declaration of Restriction rather than the Conservation Restriction (CR). He further noted he is looking for relief from dealing with the state on an open space CR, the deeds have been filed he was hoping a Declaration of Restrictions would work for the open space instead.

Mr. Levesque addressed the Board noting Mr. Strasfeld has received open space special permit approval, and within that decision there is a condition that a CR be placed on the property, he further noted with a CR there are many obstacles and procedures that must be followed and are quite costly, he further noted there is also an environmental affairs handbook that must be followed. Mr. Strasfeld understands the restrictions and he would like to pass his horse farm onto someone else, there is the requirement in the Board's decision that says he has to file a CR. Mr. Strasfeld would like relief specifically to allow for a Declaration of Restriction rather than a CR which would be more costly and add a much longer time frame.

Member Goyette inquired as to what happened. Mr. Levesque noted the Declaration of Restriction was put on the property but not a CR. Mr. Levesque noted the state was ok with the Declaration of Restriction but noted the special permit says a CR. The documents have been reviewed by the state and negotiated with Fish and Wildlife.

Planner Vinskey noted a CR would basically grant development rights to the city and is permanent. A Declaration is the landowner self-imposing limitations. Acting Chair Crowe noted the city no interest in it. Mr. Strasfeld stated the property is currently under 61 A.

Planner Vinskey explained a CR is the gold standard of open space protection and is required by the ordinance unless the Board finds another appropriate measure. The Declaration is per sate Fisheries and Wildlife and those are the interests it protects, not open space generally. It could be released by the state with no say from the City. However, since the declaration is through a state agency, it does effectively provide the same protections.

Further discussion among members and how this should be handled. The Board felt if the restrictgion were released, a full CR would have to be placed on the property.

Member Bowen MOTIONED, seconded by Member St. Hilaire to amend the special permit , wthe the condition as discussed/drafted. Roll call vote:

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|-------------|---|-----|
| St. Hilaire | - | Yes |
| McEwan | - | Yes |
| Goyette | - | Yes |
| Magarian | - | Yes |
| Bowen | - | Yes |
| Salois | - | Yes |
| Crowe | - | Yes |

E. Other Business

- 330 E Main Street (Big Y gas)

Planner Vinskey described the revised building elevations but noted the wall signs on the sides will not be included. Member Salois MOTIONED, seconded by Member St. Hilaire to accept the changes to the building as minor (with no side wall signs). All in favor.

- 181 Root Road (Roots Athletic Center) – monitoring wells Roots

Planner Vinskey stated he asked the water department to weigh in. The response received was they are not chemists but they didn't see anything in the results that was alarming or cause for concerns.

The Board voiced their concerns they didn't know who was pulling the samples. The "third party" is effectively the applicant. The Board felt having an clearly independent person to draw the water should be considered, they also felt they would consider having the water department do it and then the city could test for what it wants. Vinskey didn't think the applicant would object to having the city come in and take samples.

Planner Vinskey stated he would send a letter to that effect to the owner, water department and water commission. The Board agreed that city sampling would satisfy the annual testing condition.

F. Announcements/Future Agenda Items

Members further inquired regarding the lighting issue. Planner Vinskey informed the Board Mr. DeMarinis will be attending the Board's next meeting.

Motion to adjourn at 9:30. All in favor.