



City of Westfield

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

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APR 5 2023

WESTFIELD CITY CLERK

January 17, 2023
City Council Chambers

PB MEMBER PARTICIPANTS
 MEMBERS ABSENT

STAFF

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

Jay Vinskey, Principal Planner
 Christine Fedora, Secretary

Chair Carellas called the meeting to order at 7:00

A. Public Participation (on any matter not subject to a public hearing)

Ken Bisulca, 384 Falley Drive - addressed the Board regarding Nathaniel Hill Subdivision that was recently approved by the Board. He stated many of the residents did not get notified of the meeting and voiced concerns regarding property values going down. Mr. Bisulca read from a letter outlining his concerns and asked for a hearing to reject the development and how the appeal process works. Chair Carellas stated the appeal period has already expired.

B. Review and approval of previous meeting minutes.

Member McEwan MOTIONED, seconded by Member Bowen to approve the January 3, 2023 minutes. All in favor.

C. Review of plans not requiring approval under Subdivision Control Law. None

D. Public Hearings (and possible deliberation and decision)

- Continuation - Special Permit/Site Plan Approval - Marijuana Shop - 475 Southampton Rd.

Member Goyette again recused himself and left the room (7:08). The applicant's representative Mr. Valerio Romano of VGR Law Firm LLC addressed the Board, stating the applicant has since conducted the requested community outreach meeting and about 20 residents attended; those in attendance were in favor, no one at that meeting opposed to the project.

He further noted they have submitted a supplemental letter as well as supplemental operation plans they thought would be of value for the Board. Mr. Romano added he does not have a lot more to add and noted there are people attending who are in support the project.

Member Bowen disclosed that attended the meeting and asked questions. He asked those same questions again so other members would be aware of the discussion. Member Bowen inquired about the windows? Mr. Romano replied they will be keeping the windows but will add a film on them so the storefront cannot be looked into. Member Bowen also asked about the Waste Disposal Process? There is not much waste produced but what is produced will be grounded in with coffee grounds and then put in a dumpster outside, the dumpster will remain locked at all times.

Member Magarian asked if the windows are breakable? Yes.

Member Crowe inquired about the letter they submitted which referenced previous special permits the Board approved that were triggered by Section 4-90.4(2) (proximity to residential). She asked if they could quantify these locations? Mr. Romaro acquired the information from local press. Mr. Valero added this is not creating something the Board has never done before. Chair Carellas the highest profile application that was before the Board was the retail application submitted for Union Street, the application was withdrawn.

Chair Carellas read 3 letters into the record in opposition. The letters received were from Craig LaPierre, Gregory Liberis, Robert Goyette (Sr.).

Greg Liberis inquired how many retail operations are allowed in the city? Chair Carellas replied 4 retail permits that are allowed, 3 have been accounted for.

Robert Goyette (Sr.)- Opposed to shop. Asked why this should be allowed when there are no other retail dispensaries on main roads in Westfield? Why should they receive a special privilege to be on a main road? He added there are residences in that area, there are apartments across the street. He felt if the Board were to approve this they would be setting a precedent.

Attorney Romano stated that Westfield is a 'yes' city to cannabis, he further added they are not trying to get a use variance, not asking for any relief, not asking for anything special. Mike Albert was a fire fighter in Westfield, a veteran. He further mentioned if he was an abutter he would rather have something like this with less traffic, less noise than the current use.

Chair Carellas asked if they would be pulling the retail out of the building on Medeiros way and bring it to the Dunkin location? They would only have one retail and it would be located on Southampton Road. All processing and manufacturing would be done on Medeiros Way.

The cannabis will be securely transported, it will be monitored, there also will be a registered route and they will have to go through the process with the C.C.C. as well.

Member Bowen asked if there is a benefit to growing their own product compared to buying? Yes, when you use your own employees there is a much higher margin to make a profit rather than buying it. When you grow and sell your own you have the ability to have quality control.

The Board also discussed the fact this is located on a highly visible area and wanted to make sure of the signage that would be used. Carellas wanted to make sure they do not have cannabis, marijuana or leaves or anything that relates to cannabis on the sign. A lot of planning went into the logo they will be using, the only word that hints that it is cannabis is the work dispensary. There will not be any big flags, nothing that will draw attention.

It was also discussed that tractor trailers park there. Attorney Romano stated if they notice the illegal parking out front they won't serve them. He also stated they would hand out customer education packets about parking. Member Magarian asked how they plan on controlling that? Attorney Romano replied they would be open for reasonable conditions, signs. Vinskey displayed google street view showing no parking signs posted; he added if Dunkin goes away the truck parking will likely not be an issue.

Member McEwan stated that if the Board is going to vote against this there needs to be a convincing argument about what is wrong with the project and how detrimental it is. He further stated he sees a building without advertising, no traffic, no noise, and no smoke. Is there something wrong with the plan or is it the use?

Member Puza added there are a lot of cannabis shops coming down route 2. He also mentioned at the point he saw a cannabis operation sharing a parking lot with a Friendly's and asked them how it would be working out. They informed him it is working out well, they get along great.

Member Crowe voiced concerns regarding this is before the Board because of the 300 foot limit, which is triggering a special permit, one house under 300 foot line; they are asking for something that is under the threshold, will stand firm on that. Maybe we look at changing that in the future.

Member Bowen was asking if 300 feet is grounds for denial? Member Crowe stated they are asking for a waiver to allow it to happen? Bowen – trigger just requires us to take a better look at it. Crowe not looking for anything less than 300 foot; standing by what she believes.

Planner Vinskey stated this is a special permit not a waiver, so it should be reviewed like any other special permit is.

Robert Goyette – how many if approved? Chair Carellas informed him the city can only have 4 retail locations, this would be the city's 3rd one. The City will only be allowed to have 1 additional facility if this is approved. Mr. Goyette asked the Board to consider the motel with 11 residences and the 300 foot requirements.

Ted Cassell - Park Square Realty - informed the Board he is representing the seller of the property and buyer of the property, in support of project, think good location, meets zoning

requirements for marijuana. He thinks this is an appropriate site as it will benefit the tax payers as well. Member Magarian asked if he was to stand to benefit? Yes, full disclosure.

Dave Albert, Mike Albert's younger brother - spoke in favor of the project and noted if the truck drivers stop here and use cannabis they will lose their jobs, risking their job.

Magarian asked data on it? No, his opinion.

The Board reviewed the draft decision, and Chair Carellas read the draft conditions:

1. *The site shall be maintained as constructed, and in accordance with the approved site plan, entitled "Site Layout Plan" sheet 3 of 3 (dated 5/28/22) as prepared by T Reynolds Engineering, Inc. (Project #22-0101).*
2. *The site's previously-approved Stormwater Management Permit component (9/6/11) shall continue in force. Any previous site plan approval may otherwise be considered to be superseded by this action.*
3. *For the subject use, no drive thru service is permitted (consistent with that depicted).*

Chair Carellas suggested adding that signage not to mention cannabis/marijuana product, or depict leaf symbol, etc.

Member Salois mentioned the building plan has the drive thru on it. Mr. Romano- there would be no drive thru on the site, if they were to put a drive thru there they would have to come back to the Board for approval as well as approval from the CCC. Planner Vinsky stated there would be a condition stating there could not be a drive thru, regardless of plan.

Chair Carellas asked if there is a delivery service? There are no current plans for delivery service. Condition that? Applicant- Yes

Member Bowen inquired where the sign would be located? It would take the place of the existing Dunkin sign.

Chair Carellas noted that Members Magarian and Goyette were not eligible to vote.

Member Puza MOTIONED, seconded by Member St. Hilaire to close the hearing. All in favor.

Member Bowen stated if this was in a Industrial A zone with no residences this would be a by right use, it would require site plan approval, but the house being 297 feet away triggers a special permit, but the Board cannot deny unless they think its detrimental to the neighborhood.

Member Puza noted this applicant was born and raised in Westfield, an Eagle Scout, Fire Fighter, local guy donating money to non-profits; he also noted that cannabis can be a scary thing but he thinks this is a great candidate and a great spot. Member Bowen also mentioned Target and how it was lost due to the trucks, this is a potential new business with no trucks, revenue for the city and it's a clean business, very impressive business. This is a good location.

Member Magarian voiced concerns regarding appropriateness of the business and access to the children.

Chair Carellas asked if they would have any problems with a condition regarding no drive thru. A condition would be fine.

Chair Carellas noted he was reviewing the findings and reading the check list he felt it meets most of the check list adding it does have houses in the back but they are far away. He would be in favor of it; he also mentioned he's noticed that these dispensaries are coming up more and more along the main roads.

Member Magarian felt the Board should not base their decision on what other towns are doing. Chair Carellas stated he agreed with her but felt the Board should still see if this would be appropriate in Westfield.

Member McEwan also noted that if it were over the 300 feet it would be before the Board for site plan review, in this case if the Board were to deny it they would have to prove it is detrimental.

Member Magarian voiced concerns regarding studies she's read regarding the effects of marijuana on teens and young adults, it is shown to be a dangerous drug.

Planner Vinskey summarized further conditions the Board would like on the decision: signage no service illegally parked vehicles, Applicant not operate additional retail location, and no delivery from. It was also decided that a new building plan without drive thru shown be conditioned.

Member Bowen MOTIONED, seconded by St. Hilaire to approve.

- Member Puza - yes
- Member St. Hilaire - yes
- Member Crowe - yes
- Member Bowen - yes
- Member Salois - yes
- Member McEwan - yes
- Member Carellas - yes

Chair Carellas read the standard post-approval instructions. Member Goyette returned at 8:29.

- Continuation- Special Permit - Flag lot - 994 Western Ave Flag Lot

Chair Carellas stated the applicant has requested a continuance to the Board's next meeting, Member Crowe MOTIONED, seconded by Member Puza to grant the continuance to February 7, 2023. All in favor.

E. Other business

- Election of Officers (effective Feb. 6)

Member Magarian nominated, duly seconded, Carellas remain as Chair.

Chair Carellas nominated, duly seconded, Member Crowe remain as Vice Chair.

PVPC Commissioner Puza wished to step down, and Member Goyette volunteered to serve.

Members Magarian and Goyette agreed to continue as signers for ANR's.

Member Salois stated he enjoys being on the CPC and would like to continue. Member Bowen agreed to continue as alternate. Planner Vinskey noted this is a 3-year appointment, so we don't need to do this annually as we have been; Salois was initially appointed 2 years ago.

With no other nominations offered, all voted in favor of the foregoing slate.

- Master plan update

Planner Vinskey informed the Board the committee is currently reviewing and drafting the goals and actions section of the Master Plan.

Member St. Hilaire gave a brief update on the status of adding string lights downtown. They have met with the Elm Electric and Westfield Gas & Electric for the School St. area.

The meeting was adjourned at 8:41.