



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 19, 2021

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the City of Westfield Planning Board was conducted via remote participation. Specific information was provided on the City of Westfield website at www.cityofwestfield.org. For this meeting, members of the public who wished to listen to the meeting were advised to do so by tuning into Channel 15 or online at westfieldtv.org. No in-person attendance of members of the public was possible.

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

A. Call to Order. Roll Call attendance:

William Carellas	-	present
Cheryl Crowe	-	present
Robert Goyette	-	present
Jane Magarian	-	present
Raymond St. Hilaire	-	present
John Bowen	-	present
Bernard Puza	-	present
Richard Salois	-	present

B. **REVIEW AND APPROVAL OF PREVIOUS MINUTES**

Planner Vinskey informed the Board the minutes of January 5 were not sent out. No action taken.

C. Review of plans not requiring approval under Subdivision Control Law

- Dox Rd. (73R-7)/Pezzini Est.

Planner Vinskey shared the plan. 2 lots on North Road divided by a private way, the road is unnamed it might be referred to as Debbie's way. He further noted this plan realigns the layout of that way to match what has been built is on the ground. He informed the Board they can be looking at North Road rather than the gravel road for frontage. Member Salois inquired if this is changing the lot lines? Planner Vinskey informed him it is changing them to line up with what is built, it's shifting different parts. Member Goyette asked if this ANR impacts the Board in accepting the gravel road. Planner Vinskey reiterated because the frontage is on North Road, the Board does not have to consider the condition of the private road at this point.

Member Goyette MOTIONED, seconded by Member Magarian to approve the A.N.R.

By Roll call vote:

Jane Magarian	-	yes
Philip McEwan	-	yes
Rob Goyette	-	yes
John Bowen	-	yes
Ray St. Hilaire	-	yes
Cheryl Crowe	-	yes
Bill Carellas	-	yes

D. Public Hearings

- None

E. Other Business

- Discussion (with invited officials) as to processes and possible improvements to enforcement of zoning/permit conditions

Chair Carellas thanked the city officials who are attending the zoom meeting starting with Mayor Humason, City Council President Brent Bean, Police Chief Valliere, Assistant Solicitor Shanna Reed, Storm Water Coordinator Joe Kietner, Police Lt. Kevin Bard and Carissa Lisee, Building Commissioner.

He stated the discussion came about from dealing a lot of enforcement issues, some mundane, some more serious get better handle proactive to enforcing and making sure businesses understand importance of complying with them. The reasoning for this was to try to see if there is a way to make the Planning Board's lives a little easier.

Planning Board members receive a calls saying someone is out compliance. He proceeded to give an example when an applicant comes to the Board for a special permit the Planning Board would create a decision with conditions attached. Further down the road someone else comes in and there are different terms for different special permits which makes it the new application versus the old which makes the one out of compliance, he further noted he doesn't want to have to go to constantly go to Carissa as he realizes she doesn't have the staff to do that. What can the Board do to make more business friendly plus safer for the environment and be in compliance?

Member Magarian felt if the enforcement is done it will be more likely the applicants will comply when they come in for a new permit, she felt it would solve problems down the road.

Mayor Humason thanked the Board for the invitation. He further asked how many special permits are issued in a year. Planner Vinskey stated it differs but typically there are 2-3 hearings a meeting, 20 meetings a year. Mayor Humason asked if too many special permits or other issues? Bill when issued now sometimes there is a delay as to when the special permit is acted on but in that time today there also might be a time when the people start using their special permit but there might be a delay before acted upon during that time feeling been approved and can start issue or issued 6 months ago and becomes forgotten, or their special permit doesn't allow them to do what they are doing, or there special permit doesn't allow them to do something else someone else in town is doing. A lack of consistency there. Chair Carellas noted one of his main concerns are the ones that are gross and negligent and harm the community, he further noted the ones that are non-compliant issues that are not in the planning board's purview; 99 times out of 100 when the city sends someone a letter they comply, he further noted it's not because they don't want to comply its more that they don't know.

Planner Vinskey stated there are steps and conditions written into the permits in theory to make sure the Board knows what is happening and acted upon. He further noted some of the permits might be issued tonight and not be acted on until about 2 years later. No one is driving around seeing what's going on, in theory the Board would be kept in the loop by the building department. He felt there is room for improvement in interdepartmental communication.

Chair Carellas thought there might be 3 simple proposals that might make it better, adopt language from Springfield regarding penalties and enforcement, they also have a clause that says they won't issue any permit or license of occupancy where there is a violation of the ordinance.

Northampton similar zoning review process, if there are outstanding zoning issues on a parcel they don't issue permits new permits. Make life easy in the city he felt the city should have some type of a liberation clause. The east way to think of it as signs. Polish National came in for an electric sign and message and the Board approved it for a 60 seconds then Westfield Bank came in with all sorts of material regarding the changing of the timing so the Board approved the Westfield Bank sign at 10 seconds.

City Council President Brent Bean spoke noting he's been a part of city for a number of years, enforcement has always been an issue for 20 years. He further stated he wasn't sure if the root cause of things is the manpower or better understanding ordinances and special permits and follow thru; On the Council side, they can strengthen ordinances to help enforce. The Special permit piece as far as enforcement has plagued the city for number of years, don't know why never dove down to the department, sure Ms. Lisee will say not enough people to do the work. Sure businesses doing what need to do, don't know if silver bullet out there, can put rules and regulations if don't have people on the ground will fall

on deaf ears. All know businesses that are not in compliance. Think city looks trashy when don't enforce signs, people doing whatever they want to do. More than willing strengthen ordinances, difficult time to put peoples feet to the fire, by offer full support.

Ms Lisee noted the building department one man department right now. Bean knows past couple of years working with Councilor Figy to implement rental property get part time person to do inspections for rental that building should be doing, comes down to staffing, a lot of requirements in regards zoning review, issuing building permits inspecting enforcement of zoning as well; Lieutenant Bard and Chief Valliere help out. Special permits not just issues in years, need to stay on top of all special permits. Budgetary reasons until building department properly staffed, if there is an obvious violation will send notice or brought attention will send notice. As far as driving around to patrol, don't have time.

Chair Carellas asked if there is anything the Planning Board could change or do make it easier more efficient for the city? If doing something out there would make it more efficient for you? Please let us know.

Ms. Lisee noted Planner Vinskey has been keeping her up to date by emailing Special Permits so she has an opportunity to read them, and receiving approved stamped site plans.

Member McEwan noted while he was doing research he found the city's penalty and enforcement section is more than 50 years old, other cities are more up to date. He further noted that MGL Ch. 40 section 21D explains the procedures for non-criminal complaints. Something written by Weld Administration and is written in layman's terms. Mentioned a compliant form.

Planner Vinskey noted the Building Department has a complaint form. Councilor Bean noted we might have tools that we aren't aware of. Mayor Humason stated this should be on the website; it is, Planner Vinskey suggested maybe linking it to the mayor's page.

Member Salois suggested to put on the Board's next agenda to change Westfield's code to match what Member McEwan brought forward from Springfield. Chair Carellas agreed. Ms. Lisee stated the language is in the building code Chapter 1 already allows the building department to deny a building permit based on zoning violations on the property, it goes hand in hand, language states property taxes owed or utility codes, violations like that. Chair Carellas asked if it is the state code? Yes, would include special permit, cannot occupy legally, have authority to bring to your attention and board could revoke special permit and she could revoke the certificate of occupancy.

Member Magarian asked where the applicants get copies of their special permits? Planner Vinskey explained the process. The decision is mailed out to the applicant along with instructions to record as well as other information regarding the permit, there is an instruction sheet included in the decision.

Chair Carellas stated the Board is open to suggestions and asked if anyone had any feedback. Chief Valliere stated he's been working with Ms. Lisee on the code violation with the program, it's been about a year now. He does not always have down time, we are team players. Lieutenant Bard has been working on city ordinance violations. He asked how this would work with code enforcement as it relates to the Planning Board, he further noted he would be willing to assist.

Lieutenant Bard explained when they have violations they use 3 different angles to address with WSU students. They are the do's and don'ts about living off campus. A letter is sent to the university, the kids as well as the kids parents, the landlords. With all this there should be no misunderstanding of the laws so people can't say they never got it.

Member Salois stated information is power. Lieutenant Bard stated they issue citations and then follow up. There are also spreadsheets that are done so everyone has a way of keeping track of everything.

Member Bowen noted if business owners do something they shouldn't or don't do something they should and are allowed to continue that is what they will do. Member Magarian also felt once business leaders are held accountable, they will start being more vigilant in the future.

Member Goyette stated he didn't know the level of communication between the Police Department and the Building Department, he felt this makes it a smoother process and better communication that is what is going to make the enforcement easier.

Planner Vinsky wanted everyone to know there are plenty of projects that adhere to the rules and do the right thing, and follow all processes. He stressed he didn't want to give the impression that no one respects the rules.

Mayor Humason appreciated the opportunity to listen he never got the full picture. He wants to work with Ms. Lisee and thinks it's important she has staff necessary to make sure conditions are met, especially if there are fines that can be levied, the funding could help pay for the position. He further noted as the budget process starts he will be meeting with individual department heads.

Chair Carellas asked if there was anything the Board could do to make her job easier? Assistant Solicitor Reed noted the police department has done a phenomenal job with the things they can do. She further noted the Police Department and Health Department need to be clear as it relates to zoning issues. She further stated she likes the 3 prong approach the police department uses; suggested while the applicant is in front of the Board to be clear about what the expectations are and to stress when they start the project that all departments should be involved.

Member Bowen asked about electronic signs is there an easy way to reverse the grandfather issue? Ms. Reed noted sometimes there are reasons for changing sign she would take a look

at it. Planner Vinskey noted it could be the ordinance could be changed to a specific standard if the Board feels it should apply universally.

Council President Bean felt Chief Valliere and Lieutenant Bard have had success in getting to know the people they deal with. He felt the city's customer service needs to get better as overall these are the people we serve. He felt we are in the right spot but need to clean up the archaic laws, we need to sit down and talk about getting boots on the ground.

Chair Carellas thanked everyone for their participation in the meeting.

- Review of open development permits

Vinskey stated he went back 5 years to compile the list. Noted that 99 Restaurant-Was never notified they were starting construction, and we are still holding a bond for the Stormwater.

Similarly, 110 Lockhouse Road place ready to move in. Planner Vinskey stated no one contacted him they were going to start building, the Stormwater inspector was not informed either. Member Salois asked if they have occupancy permits and if so how were they issued. Planner Vinskey stated he wasn't sure but there is a breakdown of communication from the Building Dept. How does all the information get coordinated? Planner Vinskey felt the internal process could be improved, he felt the Board should be made aware of when things are started so we won't be surprised when things are finished.

Member Crowe asked if when the special permit is approved do they receive a permit? Planner Vinskey replied they receive the decision which has conditions, instruction sheets, it's straight forward with what need to do outlined. Member Crowe suggested to have the applicant sign something that says they understand it. Member Crowe stated she could take a look at the special permits to take a more active role or help out? Planner Vinskey stated if she sees something she could alert him or the Board and we would bring to the attention to the Ms. Lisee. Member Salois asked if the special permits are accessible on line. Planner Vinskey informed him they can be found online at the Registry of Deeds but not in a city database.

Chair Carellas thought a lot of good things were brought out at the meeting including the multiple notification approach, clearer expectations to the applicant, take the sheets that are sent with the decisions and read them to the applicants, the wording from Member McEwan from Springfield, the wording from the State Code could be included in the Zoning Ordinance.

Member Magarian thanked Chair Carellas for a meeting well run. Chair Carellas appreciated the city officials who attended the meeting tonight.

- Annual Election/Designation of Officers & Representatives

Member Crowe nominated Chair Carellas to reside as chair for another year. She felt he's been doing a great job and took a huge step and has done tremendous work. Member Magarian seconded. Chair Carellas accepted the nomination; no further nominations.

Member Magarian nominated Member Crowe to serve as Vice-Chair. She further noted Cheryl does a great job and does a lot of other things for the city, Member Salois seconded. Member Crowe thanked the Board for their vote of confidence and stated she would accept; no further nominations.

As to the CPC, Member Salois agreed to be the member and Member Bowen would now be the alternate. Member Puza agreed to continue as the representative to the PVPC. Persons authorized to sign ANR plans (Magarian, Goyette, Vinskey) also would be unchanged.; It was noted the Chair and vice chair continue to be authorized to sign bills.

F. Announcements

Chair Carellas thanked everyone for their hard work and doing a good job for the city. Member Crowe stated she had a great time working with Mr. Grinspoon on the tree art.

The meeting was adjourned at 8:44.