



Real-time public comment will be accepted during the hearing by teleconference:

Call 646-558-8656 with Meeting ID# 840 0881 8447 & Passcode# 15823094

Public comment may also be submitted in advance, for receipt prior to the hearing, by mail to: Zoning Board of Appeals, 59 Court St. Westfield, MA 01085 or by email to:

[j.vinskey@cityofwestfield.org](mailto:j.vinskey@cityofwestfield.org)

Chairman Sullivan stated he may have a conflict on one of the items on the agenda, he further asked if there are any other members that have issues? Alternate Friguglietti stated she has contacted the Ethics Commission and also has been in contact with Mayor Humason, the disclosure has been signed and there is no conflict.

- (continuation) Barbara & David Prats seeking variance relief from 3-40.4(7) to allow the pursuit of a residential kennel with less than the required lot area at 65 Northwest Rd., zoned Rural Residential

No action taken.

Chair Sullivan stepped down from the chair at 7:22 and turned off his video.

Member Bitzas read the notice into the record for:

- Lambson Square Properties LLC for a special permit/site plan per 3-100.3(5) & 6-10 to allow conversion to residential use & variance relief from 3-100.4(1) for lot coverage at 89 Elm St., zoned CORE

Member Bitzas called on the petitioner to present the proposal to the Board.

Mr. Gene Borowski Jr. introduced himself and other members of his team. Mr. Borowski gave back ground of the project. He informed the Board he applied for historical funding from the CPC and 75% of the historic preservation has been completed. He further noted he had a couple clients who had a leases with them to move in but he let them off the lease because of the pandemic.

He is before the Board requesting the residential portion of this building be allowed to be operational. He further noted they cannot operate at 30-40%, he has to be able to run his business at 80%.

Planner Vinskey stated a lot of the issues being brought out are not a concern of this Boards, the funding issue is not a zoning issue. The Board needs to look at the residential use. He further felt that a variance is not required for what they want to do if the lot coverage is under 90%.

Member Bitzas asked if there was anyone else who would like to address the Board.

Trish Metcalfe the architect stated the project would be mixed income, consisting of large and small apartments.

Phil Peake also added with more apartments the city will be able to address some of their needs.

Member Bitzas asked if there was anyone phoning in that would like to speak.

Paul Burns Johnson - Calling on behalf of the PVTA, had no concerns with project.

Rob Levesque - R. Levesque - Has a business in the C.O.R.E. District and thinks this is a great project, fully supports the work they are doing, he felt it's great for the downtown.

Member Bitzas asked if there were any additional questions.

Planner Vinskey stated a letter was received from the Jewelers stating their concern regarding parking.

APPROVED

Anne K. Woodson  
112 Squawfield Rd  
Westfield, MA 01085  
413-568-1181

Email: [georgesjwlrns@verizon.net](mailto:georgesjwlrns@verizon.net)

January 22, 2021

Richard Sullivan – Chair  
Zoning Board of Appeals  
City of Westfield  
City Hall – Room 300  
59 Court Street  
Westfield, MA 01085

Dear Chair Sullivan,

This letter is submitted to express support for Lambson Square Properties LLC for a special permit/site plan to allow conversion to residential use and variance relief with one caveat. I do not support any effort by the petitioner, if there is one, for parking spaces from the Thomas Street Parking lot to satisfy the City's parking requirement for residential use in the CORE District and recommend they use the provision of City Code section 3-100.53b where the petitioner can pay the City \$2,500 per required parking space to the City.

I own the adjacent property 67-71 Elm Street sometimes referred to as the Georges Jewelers Building. George Kedzierski, my father, is one of the very few remaining retail businesses in the Core District of Westfield and has been in business in this location for over 50 years. In 2011 myself, and all the adjacent properties to the petition, to include the previous owner of the petitioner's property, had property taken through Eminent Domain by the City for the reconstruction of the Thomas Street Parking Lot. At that time, I lost four to six parking spaces for myself and my renters in the parking lot. Since then, we have been required to rent parking spaces from the City to use the parking lot. I understand the petitioner cannot request to use municipal parking spaces to satisfy the parking requirement but have seen exceptions to that over the years. I fully support any effort to bring additional activity to downtown Westfield but parking in the Thomas Street Parking Lot is already very tight at times and any effort to permanently remove spaces from the businesses is unsatisfactory if that is the petitioner's intent.

I thank you and the other member of your board for your service to the City of Westfield.

Sincerely,



Anne K. Woodson

Copy to:

Each Member/Alternate Member Zoning Board of Appeals  
Mayor Don Humason, City of Westfield  
City Councilor Ralph Zigy, Ward 2, City of Westfield

Member Bitzas asked if there was a motion to close the hearing and if the Board wished to deliberate now or at the end of the meeting.

Member Friguglietti stated she would like to deliberate now.

Member Bitzas MOTIONED, seconded by Member Webster to close the hearing.

By Roll Call vote:

Member Bitzas	-	yes
Member Friguglietti	-	yes
Member Webster	-	yes

Member Bitzas opened the meeting for deliberations.

Member Bitzas stated she has no problems with this and thinks it is a great project, she further noted a variance is no longer an element of the project.

Member Friguglietti agreed.

Member Webster reiterated the same comments, she thinks it is great.

The Board reviewed possible conditions:

1. Prior to a final certificate of occupancy being applied for or issued for a residential dwelling unit, payment shall be made to the municipal parking fund per 3-100.5(3b). (\$2,500 per each unit).
2. The conversion and improvements shall be made in general conformance with the submitted plans prepared by Metcalfe Associates, sheets A-000 (4-18-20), A-100 (10-2-19) and A-101 through A-104 (1-10-21).

Member Bitzas MOTIONED, duly seconded to approve the special permit/site plan for 89 Elm Street with conditions as drafted.

By Roll Call Vote:

Member Bitzas	-	yes
Member Friguglietti	-	yes
Member Webster	-	yes

Chair Sullivan resumed the Chair at 7:40.

Member Bitzas informed the Board she would be recusing herself from this application.

Member Friguglietti also noted she has a signed disclosure by non-elected municipal employee of financial interest & determination by appointing authority as required by GL c 268A,§ . Mayor Humason signed stating he has determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.

Chair Sullivan read the notice into the record:

- Air Compressor Engineering Co., Inc. for variance relief from 3-110.4(3) to allow a garage building replaced within the side yard setback at 13 Meadow St./parcel 6-7 zoned Business A (subject within "17 Meadow St." campus incl. parcels 6-8, 11, 25, 29)

Representing the petitioner was Robert Levesque of R. Levesque also in attendance was Robert Goyette the contractor and the applicant Russell Klaubert.

Mr. Levesque shared his screen to present the application and the plans to the members. The applicant would like to demolish a 24 x 32 detached garage. He further noted a variance is required when an existing structure is demolished it loses its grandfather status or vested rights. The business has been here for quite some time, it has been a successful business in Westfield, and they would like to reconstruct the garage in pretty much the same foot print.

He further noted he received a letter of support from the building inspector.

**From:** [Carissa Lisee](#)  
**To:** [Rob Levesque](#); [Robert Goyette Jr.](#)  
**Subject:** RE: Air Compressor - Garage  
**Date:** Tuesday, December 8, 2020 3:20:04 PM

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Rob,

Based on the condition of the existing structure, it is in my opinion that it needs to be completely demolished before adding on to it in order for it to meet the building code requirements (frost protection, snow/wind loading, and bracing). Once a non-conforming structure is demolished, it loses its "grandfathered" protection, therefore, it no longer becomes an extension of a nonconformity. If we move the structure to meet the current setbacks, I feel we will be making the lot tighter than it needs to be and possibly creating other non-conformities such as distance between structures. Looking at this with my ZBA Member hat on, as well as a Building Official, keeping it where it is and rebuilding the structure at the current setback, it is not creating a greater nonconformity, nor is it making the structure any more detrimental to the neighborhood. I think the best avenue is a variance from the yard setbacks for an accessory structure and am in favor of this request.

*Carissa M. Lisee*

Superintendent of Buildings  
Building Commissioner  
City of Westfield  
Building Department  
59 Court Street  
Westfield, MA 01085  
Phone: (413) 572-6251  
Fax: (413) 572-6389

Chair Sullivan felt this was pretty straight forward and asked if members had additional comments? No comments.

Chair Sullivan MOTIONED, seconded by Member Friguglietti to close the hearing.

Chair Sullivan	-	yes
Member Webster	-	yes
Member Friguglietti	-	yes

Chair Sullivan noted there will be a condition that the new garage be in general conformance with the plan as submitted by Heritage Custom Builders (Sheet 1 dated 12/23/20)

Chair Sullivan MOTIONED, duly seconded to approve the Kick motion to approve the variance relief from 3-110.4(3) to allow a garage building replaced within the side yard setback at 13 Meadow St./ parcel 6-7 zoned Business A (subject within "17 Meadow St." campus incl. parcels 6-8, 11, 25, 29)

By Roll Call vote:

Chair Sullivan - yes  
Member Friguglietti - yes  
Member Webster - yes

5. Review and approval of previous meeting minutes

Member Friguglietti MOTIONED, duly seconded to approve the previous meeting minutes. All in favor.

4. Discussion of possible zoning amendments: Definition/classification of dwelling occupants (family, lodgers, tenants, roomers); Revisions to address or limit merger doctrine impacts; Revisions to Section 4-10 (non-conforming uses/structures); Other topics that may arise

Planner Vinskey inquired if the Board had any questions or concerns regarding the proposed changes? Members liked everything Planner Vinskey had proposed. Planner Vinskey further asked what would be their plan of attack. Would they like them to go thru them all at once or pieces? The Board felt it would be best to be least to most controversial.

6. Other Business/Future Agenda Items

Nick Roy

Mr. Roy explained he is seeking a variance to allow an accessory structure with reduced side yard and exceeding 25' height at his property on 312 E Mountain Road. His height is designed at 29 feet it will be a 1 story structure with a drive under the garage, he further noted there is 1 tree that will have to be removed.

Members asked him to put a pin or mark where the garage would be located.

Chair Sullivan MOTONED, seconded by Member Webster to accept the application and schedule for March 3, 2021.

The Board briefly discussed how they wanted to carry on with the zoning amendments. After a brief discussion the Board would reconsider at their next meeting scheduled for March 3, 2021.