



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

February 5, 2019

Chairman Carellas called the regular meeting of the Westfield Planning Board to order at 7:00 pm in the City Council Chambers, 59 Court Street, Westfield, MA.

PB MEMBERS PRESENT
 MEMBERS ABSENT

STAFF

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

Jay Vinskey, Principal Planner
 Christine Fedora, Secretary

A. **PUBLIC PARTICIPATION** *(on any matter not the subject of a public hearing)*

Carellas asked if there was anyone in the room who would like to address the Board during public participation? There being no one heard the Board proceeded to their next item on the agenda.

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

McEwan MOTIONED, seconded by Puza to approve the minutes of January 15. All in favor.

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

- 118 & 130 North Rd./North Road Trust

Vinskey explained that this adjusts the side line between 2 lots. Crowe MOTIONED, seconded by St. Hilaire to approve. All in favor.

D. Posted Public Hearings *(and possible deliberation & decision)*

- Continuation *(without prior discussion)*- Special Permit/Site Plan - 798 Airport Industrial Park Rd. - Marijuana Production

Representing the petitioner was Robert Levesque of R. Levesque Associates. He explained a special permit is necessary because the property is located over the Water Protection District and is within 300 feet of an existing residential property.

This is an addition to a building that was before the Board previously. He further noted there would be no change to the site plan but there would be some minor changes in the parking lot striping. The use does not require a specific amount of parking as there will only be employees parking. He further noted Building 1 is the building closest to the street and building 2 is behind.

Mr. Levesque gave a brief summary of the floor plans indicating there are different rooms for different uses such as cultivating, growing areas. He also noted there is a security plan in place as well as an Industry Consultant (Anthony Perenello), in attendance to review the detail of the security plan as well as odor control. Mr. Levesque reviewed the security measures:

Security System

- Exterior Cameras
- Interior Cameras
- Motion Sensors
- Glass Break Detectors
- Perimeter Alarm
- Access Control
- Intrusion Keypad
- Panic Alarms
- Security Closet
- Video Intercom

Local Authority Engagement

- Records
- Back Up Power
- Limited Access Areas
- Perimeter Security
- Secured Points of Entry
- Lighting
- Signage
- Closed Circuit Television
- Video Management System
- Network IP Cameras and Camera Placement
- Access to the Video Management System
- System Backup, Testing and Maintenance
- Panic Alarm
- Motion Detectors
- Power Outage
- Employee Security Protocols and Crime Prevention
- Theft/Diversion Prevention
- Notifications

He further noted odor control was addressed, as well as the Planning Departments comments. This is located over the aquifer, State government does not allow pesticides to be used on these operations. They will be trying to reuse water as much as possible in their operation.

Chair Carellas noted he is struggling with this because of its proximity to a soccer facility which is probably within 125 feet. He further inquired as to the odor control? He felt the smell of marijuana is pervasive, how will it be controlled? Mr. Perenello lives in Stowe MA and he's run 2 companies that cultivate, process and retail both in New Hampshire he further noted he's designed other facilities in Worcester and New Hampshire, adding he's made some improvements because of issues with odors. He further noted they don't want to bring in outside air into the cultivation room as it wreaks havoc. Chair Carellas asked if no inside air will be released outside? Perenello confirmed that.

Mr. Perenello responded to questions raised by members:

- Explained the process of cleaning the air of the odors.
- How the plants would get inside and outside of the facility. Each room would have their air handling system; it will not be co-mingled with the hallway air. It will then be transported in a container to the truck.
- The hallways are for movement, the processing step is done in the other buildings.
- The harvest time is approximately 4 months per room, the rooms are switched off during the cultivation timing.
- The waste is shred and mixed with dirt to make mulch.
- All activities are done within the facility with the exception of the transportation.
- The only type of deliveries they would be receiving would be cleaning supplies, green house agricultural type of supplies; they would not be receiving any seedlings; they are started in the facility.

Mr. Levesque addressed some of the concerns regarding the waste water.

- Mr. Levesque noted their mechanical engineer will be designing the system, he has designed other systems as well, they have 2 options either septic or sewer, the process water has to be scrubbed and the effluent would go either into the septic or sewer. Mr. Perenello noted they have not spent a lot of money on the design work as there still are other approvals that have to be obtained. If they are granted the permit in Westfield they would do further research as to the type of system they would be using. Either way they have to comply with the states and city's regulations and would be administered by the Board of Health or the DPW.
- The Board stressed their concerns with the odor and the fact the facility is going to be located near the soccer fields as well as the residential homes, would the applicant be comfortable with a condition of zero odors at the property line.

Responses to additional questions from the Board.

- There would be someone in the facility 5 - 6 days a week; someone might come in on Sunday. Additionally there would be additional monitoring done.
- There would be no outside venting of the air, the outside air is, and there will be scrubbers for the outside area.
- Parking will be shared with Spath and Sons.
- The Board briefly discussed if there would be any noise issues. Mr. Levesque noted he didn't think there would be any kind of noise issues.
- There is no thought of retail in this facility, they only handle cultivation.

Chair Carellas opened it up for public questions and comments

Richard Salois- Russellville road- asked about the air handling systems, will the air conditioning bring the air in?

Mr. Perenello referenced the facility in New Hampshire there are chillers on the outside which cool the air. In the rooms where the cannabis is located there will be no outside air switched or vented out.

The Board reviewed draft findings and discussed possible conditions of an approval, including zero odor at the property line. It was noted the city's noise ordinance will apply and that the site's previous permit's ban on synthetic fertilizers still applies.

Puza MOTIONED, seconded by Crowe to close the hearing All in favor. It was noted that the Board as 90 days to vote.

After further discussion the Board considered the following possible conditions:

- No odor at the property line.
- Contact info to be provided to the Police; the Board discussed but decided not to also have such info provided to the Soccer Association
- Signage size limitation

The Board briefly discussed voting but felt the legal department should have an opportunity to review, particularly the odor condition, to ensure it is enforceable, and will consider this at the next meeting. On a straw vote, several members had indicated they were not inclined to vote in favor of this special permit.

- Continuation (*without prior discussion*)- Special Permit - 94 Main St. - Intermittent/moving (electronic) sign

John Lemanski began by noting this is not a moving sign, it's a static message, clipped to another, no flashing, wouldn't want moving a message center 8 to 10 seconds. Vinskey noted any sign that changes more than once a day comes under this special permit provision.

The following are responses from questions from the Planning Board.

- The sign will be closer to the corner than the current sign.
- Location? The intent is to remove the flag pole, they currently have a permit for a sign, and the permit they are currently seeking is to allow the sign to change the message through the day.
- The LED lights will remotely be controlled.
- The message center will be off at 10:00, he further suggested the Board put the condition regarding shutting the sign off.
- Wouldn't want to see change more than 8 seconds. Leave between 8 and 10 seconds. Phil likes to see a minute or two.
- The building will be used for bank offices the current bank will be staying where located, on adjacent lot to the rear (1 Parkside). Member McEwan noted the sign has to be an accessory to the use inside.
- The messages are programmable so different various events can be posted on this sign.

Questions or comments from the room? None.

- ✓ Members felt the timing should be changed to less frequent
- ✓ Make sure the sign relates to the use on the lot
- ✓ Minimum dimensions from each lot line should be included on the plan
- ✓ Location for the sign.

It was noted the foundation is already installed, there is no restriction for the location of a sign; the permit before the Board is for the changing of the sign. Also, Vinskey stated there could be simple changes such as erasing the lot line and both properties could be considered one campus for zoning purposes, even though the bank portion is at the rear.

After discussion the Board settled on one minute intervals. Special Permit to be limited for use on that business only (Polish National).

Member Crowe MOTIONED, seconded by Member St. Hilaire to close the hearing. All in Favor. A draft decision was reviewed and discussed:

Draft Conditions

1. *The subject sign is approved only as in accordance with the submitted plan by Sign Techniques, dated 8/22/18.*
2. *Different static messages (without scrolling, animation or flashing) may be displayed, provided none is displayed for less than 60 seconds.*
3. *Time limitations? 6 am - 10 pm*
4. *Limit to Applicant? yes*

Draft Findings

(1) the specific site is an appropriate location for a ground-mounted electronic message sign, (2) The sign will not adversely affect the neighborhood, being along a major commercial thoroughfare; (3) Adequate and appropriate facilities, will be available for the proper operation of the use; (4) the plan, as approved, conforms to all other rules and regulations.

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

Bowen	-	Yes
Goyette	-	Yes
McEwan	-	Yes
Carellas	-	Yes
Puza	-	Yes
St. Hilaire	-	Yes
Crowe	-	Yes

- Special Permit - 1 Parkside Avenue - Intermittent/moving (electronic) sign

Lemanski continued, stating applicant would like to do something similar to the sign on Main Street. Same concept but single sided wall sign, it will be about same s.f. as the current sign, the new sign will have their new logo.

The Board discussed keeping same conditions as previous decision (different plan reference).

Room questions or comments? None.

Members asked if the signing could be made to display same message or coordinate, but decided it was not something that should be conditioned

Member Bowen MOTIONED, seconded by Member Crowe to close. Member Crowe MOTIONED, seconded by Member St. Hilaire to approve, as discussed.

Crowe	-	Yes
St. Hilaire	-	Yes
Carellas	-	Yes
Goyette	-	Yes
McEwan	-	Yes
Bowen	-	Yes
Puza	-	Yes

- Zoning Map Amendment – 14 Coleman Ave. – Business B to Industrial A

Kim Betts for 14 Coleman LLC informed the Board she would like to go back to the original zoning. The property was Industrial A but she requested it be changed to Business B which was approved several years ago, she is now requesting it be changed to Industrial A, she further noted the prospects she had for the Business B did not come to fruition.

The Board noted the Industrial A zone allows for retail sale of marijuana. Ms. Betts informed the Board members she does have an interest from such a retail establishment, but pointed out they still would have to come to the Planning Board for a special permit; Natural Wellness has looked at the property for use as a recreational shop.

Members noted the bike path and residential areas are nearby.

Public questions or comments? None.

Chair Carellas noted the Board is only making a recommendation and opened it up for discussion among members. The Board inquired as to what other buildings are located in the area?

Betts - Supply housing for Betts, Hampden Door Manufacturing, JJM Neutrilizer, Gym

Member Crowe MOTIONED, seconded by St. Hilaire to send a negative recommendation.

The Board noted their reasoning for the negative recommendation: felt this is not the right location of Industrial A zone due to the proximity to a residential neighborhood, Rail Trail, Boys & Girls Club, particularly relative to a possible Marijuana shop. All in favor of sending a negative recommendation.

E. Other Business

- Discussion of possible amendment to Marijuana Establishments (Sec 4-90), including buffers from parks/playgrounds

Member Bowen noted there are 39 parks on the city's web page he is proposing to not allow marijuana facilities within 300 or 500 feet of a park in the city.

Vinsky mentioned to the original medical marijuana regulations which had 1000 foot buffer that we sought to keep for recreational marijuana, but per the law department's comments (which he had provided), they advised that you cannot go beyond the state limitations for recreational. He suspected they would have the same concerns with this proposal. He also noted there is already a definition in the zoning ordinance for a "park".

Further discussion among the Board members noting they are trying to protect the citizens of Westfield and felt there are certain places where these establishments can and cannot go. Member Bowen felt the Board should add a restriction that marijuana facilities should not be allowed within 500 feet of a park. The Board agreed to submit that proposal to Council.

- Annual Election/Designation of Officers & Representatives

Chair (currently Carellas)- St. Hilaire nominated Carellas for Chair, Goyette seconded. No other nominations. All in Favor.

Vice Chair/Clerk (currently Crowe) - Puza NOMINATED Crowe, St. Hilaire seconded. No other nominations. All in Favor.

Representative to Community Preservation Committee (currently Crowe) - Carellas NOMINATED Crowe; No other nominations. All in favor.

Alternate to Community Preservation Committee (currently Carellas) Bowen volunteered; the Board was in agreement.

Representative to Pioneer Valley Planning Commission (currently Bowen) Carellas volunteered; the Board was in agreement.

Members authorized to sign ANR plans (currently Magarian, Goyette) No Changes.

Members authorized to sign bills/schedules (currently Carellas, Crowe) No Changes.

F. Announcements/Future agenda items

Goyette stated he would not be available for the next meeting.

The meeting was adjourned at 10:05.