



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

February 16, 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 could be found on the City 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 Channel 12 or online at westfieldtv.org or online at Youtube.com - Westfield Community Programming Channel. 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

The above member attendance was taken by roll call.
Chair Carellas noted Members Puza and Salois would be voting members tonight.
(Member McEwan would arrive late)

A. Public Participation

There being no one heard the Board proceeded to the next item on the agenda.

B. Review and approval of previous meeting minutes (2/2/21)

Member Crowe MOTIONED. Seconded by Member Bowen to approve the 2-2-21 minutes.

By Roll Call Vote:

Bill Carellas	-	yes
Cheryl Crowe	-	yes
John Bowen	-	yes

Bob Goyette	-	yes
Ray St. Hilaire	-	yes
Bernie Puza	-	yes
Rich Salois	-	yes

- C. Review of plans not requiring approval under Subdivision Control Law
- 975 North Road/Pezzini Tracy (revision)

Planner Vinsky stated this is a minor adjustment of the lot lines to allow driveway access across the North Road frontage. Member Crowe confirmed it was a resubmission of a previous plan at the same property.

Member Goyette MOTOINED, seconded by Member Crowe to approve the A.N.R. plan.

By Roll Call Vote:

John Bowen	-	yes
Ray St. Hilaire	-	yes
Bob Goyette	-	yes
Bernie Puza	-	yes
Cheryl Crowe	-	yes
Rich Salois	-	yes
Bill Carellas	-	yes

D. Public Hearings

Chair Carellas read the instructions for joining the meeting.

- “Westpark” Development:
 - Continuation – Special Permit/Site Plan Approval/Stormwater Permit- Convenience store with car and truck fueling facilities & intermittent/changing sign – 21, 33 Southampton Rd.
 - Continuation - Site Plan Approval/Stormwater Permit – Restaurant building – 9 Southampton Rd.

Robert Levesque of R. Levesque addressed the Board stating that Mr. Bolduc has a few items that he would like coordinated in regards to the traffic. He is asking for an extension to the Board’s meeting scheduled for March 2.

Member Crowe MOTIONED, seconded by Member Goyette to continue to the March 2, 2021 meeting.

By Roll Call Vote:

John Bowen	-	yes
Ray St. Hilaire	-	yes
Bob Goyette	-	yes
Bernie Puza	-	yes
Cheryl Crowe	-	yes
Rich Salois	-	yes
Bill Carellas	-	yes

- Philip Sousa for a Special Permit per Zoning Ordinance Sec 4-20.2 (lot size averaging) to create a new two family building lot from 31 William Street, zoned Residence B.

The petitioner was not present; the Board decided to revisit the matter later in the meeting.

Member Bowen MOTOINED, duly seconded to amend the agenda to take items out of order as the previous applicant was not in attendance.

- RC Retail Westfield LLC for a Special Permit/ Site Plan Approval/ Stormwater Management Permit per Zoning Ord. Sec. 4-90.3(1)/6-10, 4-90.4(2) & 4-110 to allow a Marijuana Shop at 265 Union, zoned Industrial A and Floodplain, and within 300' of a residential use/zone.

Addressing the Board was the applicant's Attorney Brad Moir. Attorney Moir introduced other members of the team: Jeff Roblyer - Director of Operations and Construction, Stan Rosenberg-Community Liaison

Presenting the proposal to the Board was Robert Levesque of R. Levesque Associates. The parcel is located on Union Street past the Party Place. It is zoned Industrial A, which allows for a marijuana shop, but requires a special permit because the property across the street is zoned Rural Residence and to the South East of the property there is also a house which is within 300 feet of the property. He further noted they would have to file with the Conservation Commission for compensatory storage in the flood zone.

Planner Vinsky stated he just received the site plan tonight and has not had an opportunity to review it. Member Goyette felt there is a lot of missing material, there is no professional design seal, and there are a lot of missing pieces. Mr. Levesque proceeded to share his screen of a preliminary plan or concept that was provided by Hayes Engineering which was the previous company they were using. Mr. Levesque further noted he has been contracted by the applicant for the conservation issues and as of last week, is contracted to upgrade the site plans as well, they are currently working on the site plans to bring it up to speed. He further noted he is seeking to request a continuance.

Mr. Levesque proceeded to show the location of the site. It is located on the south west side of Union Street. Wetlands are located on the south side of the property. The existing house will remain, the barn and garage will be demolished and will create the compensatory storage.

The dispensary facility will be 2010 s.f. and will be perpendicular to Union Street. The parking will be L shaped, the traffic has been upgraded and will move freely. There will be 2 way traffic throughout, showing 20 foot light pole, landscaping in most areas, rest of the site will remain lawn. There is no sewer, there will probably be septic and located off to the left, there will be a sign out front, bituminous parking curbs around building, in the rear will be the Stormwater basin to collect the runoff. Perc test will be done with the Board of Health. A landscaping plan was described.

Member Crowe inquired if the owner of the house would stay? Yes, the owner of the house rents it out. Member Crowe inquired as to the length of the boundary of the parcel to the

residence? Discussion among David Ball the Architect and Mr. Levesque reading the distance. Mr. Levesque felt it could be called about 200 feet.

Member Crowe stated she had seen some activity in the back of the property last week and inquired as to what was going on? Mr. Roblyer informed her that was Mr. Levesque's crew working in the back doing boring test pits and checking the ground water level.

Chair Carellas asked if there was anyone in the public who would like to ask a question.
(Member McEwan arrived)

Melissa Kielbasa - 342 Union Street- stated she has a right of way to the property in the back and asked where it was on the plan. Mr. Roblyer was unsure as to what direction she was talking about. Mr. Levesque put the plan up to show the area in question. Mr. Laraway stated he was familiar with the property and explained the location it is located along Taylor Rental property line to the right of the building along the tree line going back straight. After discussion regarding the right of way Mr. Levesque stated he would make sure they are not encumbering on the right of way.

Ms. Kielbasa also voiced her concerns regarding the water issue and noted she has plenty of photos that she could present to the Board. Mr. Roblyer stated they will have compensatory storage, they will be taking down old buildings and making room for the new buildings. Mr. Levesque also noted the solution over the years for flooding has been compensatory storage to demolish structures or to re-contour the land. He further noted he will be going before the Conservation Commission regarding this issue, he further added everyone within 100 feet will be notified of that meeting.

Judy Shia - 136 Devon Terrace

Chairman Carellas read an E Mail received from Judy Shia stating her opposition.

Chair Carellas asked if there were any additional comments or questions.

Attorney Moir stated the applicant is seeking a continuance to March 2, 2021.

Member Crowe MOTIONED, seconded by Chair Carellas to continue to March 2, 2021.

By Roll Call vote:

By Roll Call Vote:

John Bowen	-	yes
Ray St. Hilaire	-	yes
Bob Goyette	-	yes
Bernie Puza	-	yes
Cheryl Crowe	-	yes
Rich Salois	-	yes
Bill Carellas	-	yes

Chair Carellas noted Mr. Sousa was not in attendance and continued to:

- William Romani for a Special Permit per Zoning Ord. Sec. 4-20.2 (lot size averaging) to create a new single family building lot from 23 Allen Ave., zoned Residence A/B.

Mr. Levesque presented the plan to the Board. He noted he has changed the plan that was originally submitted as it didn't have the minimum frontage requirement the other issue was the width. He proceeded to identify how he changed the plan, now fronting West School St..

Planner Vinskey asked if this was the first time this plan is being submitted, as it was not received earlier. Mr. Bowen asked if the existing house has frontage on Allen Avenue or would it have frontage on West School Street. How big is the proposed house? Dimensions would be 21 x 30 or so long. Member Puza asked if he knew what type of home this would be? Mr. Levesque stated it was not determined yet, he further added the Board could put the condition on the decision to be in keeping with the neighborhood. It will be a single family.

Further discussion among Board members as to if this would require a dimensional relief as well? Off west school? Planner Vinskey stated they are allowed to line up with the closest house facing the street, adding the Board may want certification that matches what is existing. He further questioned if the rear yard applies on corner lot or not, he felt it's something that might need to be confirmed with the building department. Chair Carellas felt this might be a tight squeeze.

Member Crowe stated she would like to take a look at the site. Member Bowen also asked if the garage would be moved. Mr. Levesque stated he would endeavor to get the details prior to the Board's next meeting.

Chair Carellas asked if there was anyone else to speak.

John Burris-19 Allen Avenue- opposed to this plan. His mother's house is adjacent to this and this will make it very tight to his mother's garage. It will make it tight for traffic as well as getting in and out of cars. He also felt if they are making a 2 story it will make it look like a hotel. Mr. Levesque noted the existing driveway will not be utilized, there will be a separate driveway off West School Street. Mr. Levesque informed Mr. Burris that he would meet him at the site to show him the details of the plan. Mr. Burris further added his concerns regarding the schools and bus traffic in the area.

Chair Carellas further noted the Board received an email comment in opposition with no name or address and asked if there were any further comments.

Planner Vinskey stated he liked the original plan facing Allen Avenue better he felt it fits better with the neighborhood.

Member Salois stated he grew up in this neighborhood and felt that setbacks would be a bigger problem.

Mr. Levesque asked for a continuance to work these issues out. Planner Vinskey suggested possibly pursuing a dimensional special permit for the side yard between the two; could possibly give more flexibility to create a lot.

Mr. Levesque asked for a continuance for 2 weeks.

Member Crowe MOTIONED, duly seconded to continue to March 2.

By Roll Call Vote:

John Bowen	-	yes
Ray St. Hilaire	-	yes
Bob Goyette	-	yes
Bernie Puza	-	yes
Cheryl Crowe	-	yes
Rich Salois	-	yes
Bill Carellas	-	yes

- Anthony Whitman for an amendment to Special Permit ownership conditions relative to a golf facility operating at 317 Union St., zoned Rural Residential and Floodplain.

Chair Carellas informed the Board he has a business relationship with the applicant. He further noted this is up to the Board to discuss if the Board so wishes, but he has no financial interest. The Board had no issues.

The applicant is seeking an amendment to the ownership of Golf Acres. There were 2 previous owners of Golf Acres on both of the decisions there was a condition that when there was a transfer of ownership they would have to come back to the Planning Board. The previous owners were Tom Dirico and Mann Enterprises. The new owners would like to restore and reuse the facility under new ownership.

Member McEwan added he was a member of the Board when both permits were approved. Previously the permits were conditioned to ownership which is not current practice, he further noted he has no problem with changing the permit.

Chair Carellas stated he is excited the facility will remain in Westfield.

Chair Carellas asked if there were additional questions. Planner Vinskey noted he had written up a draft condition which should eliminate conditions 1 and 2 of the previous decisions, to make it more consistent with recent approvals

Chair Carellas asked if there were any questions from the public. There being none the Board reviewed the draft decision.

Draft Findings

The scope of this amendment concerns only a condition imposing an ownership limitation. As such, the findings described in said original decisions are hereby reaffirmed.

Draft Special Conditions

The conditions described in said original decisions shall remain in force, EXCEPT Conditions #1 (and #2) which shall be deleted; this approval shall therefore run with the land, and the parties constituting the applicant and owner shall be inclusive of their successors and assigns.

Member McEwan MOTOINED, seconded by Member Crowe to close the public hearing.

Chair Carellas declared the hearing closed.

Member McEwan MOTIONED, seconded by Member Goyette to approve the Special Permit.

Cheryl Crowe	-	yes
Ray St. Hilaire	-	yes
Rich Salois	-	yes
Bill Carellas	-	yes
John Bowen	-	yes

Motioners Goyette and McEwan were recorded in the affirmative. Associate Puza was non-voting

Chair Carellas explained to the applicant:

There is a 20 day appeal process which begins after the filing of the decision with the City Clerk, after the appeal period has passed a certified copy of the decision must be received from the City Clerk's office, once that is certified the decision must be filed at the Registry of Deeds, You cannot operate until the appeal progress has passed and the decision has been recorded and must abide by the term of the special permit. These instructions will also be mailed.

- Phillip Sousa for a Special Permit per zoning Ord. Sec. 4-20.2 (lot size averaging) to create a new two-family building lot from 31 William St., zoned Residence B.

Planner Vinskey had contacted Mr. Sousa, who was joining via phone. The applicant has 4 old lots with one house built on it. He wants to split the lots in half and have 1 lot OK'd for a duplex, and the current lot that has one house to remain a 2 family. Planner Vinskey added the lots are fairly large in relationship for neighborhood.

Member Crowe asked if there are other duplexes. Quite a few. Planner Vinskey added he has not received any house plans on this yet but it can be conditioned on the permit to come back with the plans once they are ready to build. Mr. Sousa informed the Board he would be selling the property. Member Bowen felt this lot looks like its waiting for a house. Planner Vinskey also mentioned the conservation person thought there might be some wetlands. Member Bowen asked if the Board were to approve it could they have the next owner come before the Board with the plans. Planner Vinskey replied there is a condition that before the building permit is issued, they come back to the Board.

Chair Carellas asked if there was any public input. There being none the Board reviewed the draft decision:

DRAFT Conditions

1. *The lots to be created shall be substantially in compliance with the submitted plan, by Heritage Surveys, Inc., dated November 30, 2020.*
2. *Prior to applying for a building permit, the Applicant shall appear before the Board with elevations illustrating the proposed appearance of the structure and a site plan depicting its layout. The Board reserves the right to require a formal amendment to this approval to consider, impose or amend any conditions it deems warranted by this new information.*
3. *To compensate for the loss of green space, at least 2 shade trees (2" min. caliper at planting) selected from the Planning Board's tree list shall be installed and maintained on each lot along the front yard*

areas. Existing retained trees or trees planted in the adjoining street right-of-way (with City approval) shall satisfy this condition.

4. The rights granted by this Special Permit are two-fold:
 - a. Creation/reduction of the lots, for which this permit shall have been deemed to be substantially used upon the recording of the lot plan at the Registry of Deeds. Such plan shall describe the book and page in which this Special Permit is recorded.
 - b. New dwelling construction, commencement of which shall be subject to the two-year time limit for action, as pursuant to the general conditions.

DRAFT Findings

(1) The specific site is an appropriate location for smaller sized lots for two family use; (2) The use, site and structure as developed will not adversely affect the existing residential neighborhood, similarly developed; (3) Adequate and appropriate facilities will be provided for the proper operation of the use; (4) The plan, as approved, conforms to all other rules and regulations. Further, (5) The lot's dimensions and density will be equal to or greater than the average of those of at least 60% of the lots located within that same Zoning District within a 300 foot radius of the lots' property lines. A list of all of the lot frontages, densities and areas corresponding to the properties required above derived from the city's Assessor's Maps, as well as the mathematical equations determining the averages of at least 60%, was filed as part of the Special Permit Application, and verified by the Board (minimum calculated to be 70.67' for lot frontage; 0.17 acres for area; 10.58 units/acre).

(6) The subject lot is not located within a Water Resource Protection Area. (7) The ordinance requires the lots be serviced by both Westfield public water and public sanitary sewer. (8) On-site parking will be provided in accordance with the zoning parking requirements as there is adequate driveway space available for such. (9) No traffic congestion, health or safety limitations would be created by the addition of one two-family dwelling. (10) The proposed dwelling will be significantly consistent with the architectural style, scale, setbacks and character of the immediate neighborhood.

Chair Carellas declared the hearing closed.

Member Crowe MOTIONED, seconded by Member St. Hilaire to approve the Special Permit Application with conditions as presented.

By Roll Call vote:

William Carellas	-	yes
Bernie Puza	-	yes
Philip McEwan	-	yes
Bob Goyette	-	yes
John Bowen	-	yes

Motioners Crowe and St. Hilaire were recorded in the affirmative. Associate Salois was non-voting

Chair Carellas explained to the applicant: There is a 20 day appeal process which begins after the filing of the decision with the City Clerk, after the appeal period has passed a certified copy of the decision must be received from the City Clerk's office, once that is certified the decision must be filed at the Registry of Deeds, You cannot operate until the appeal progress has passed and the decision has been recorded and must abide by the term of the special permit. These instructions will also be mailed.

E. Other Business

- Zoning amendments to strengthen enforcement language, extend permit validity

Planner Vinskey reminded the Board talked about this at its prior meeting regarding strengthening the language and that the Board felt the Springfield wording brought by Member McEwan would be beneficial to the city. Vinskey also noted included were: ability to revoke permits which is currently written into in the Board's decisions; and extending extend permit times per state zoning law changes.

Members discussed the proposals as discussed and felt it should be sent to the next level of going to the Council to initiate the adoption process of the changes as drafted. Member Salois MOTIONED, seconded by St. Hilaire to submit to the City Council.

Cheryl Crowe	-	yes
John Bowen	-	yes
Bob Goyette	-	yes
Philip McEwan	-	yes
Ray St. Hilaire	-	yes
Bernie Puza	-	yes
Rich St. Hilaire	-	yes

- Review of open development projects substantially built/operating
 - 342 E Main St. (99 Restaurant)
 - Owen District Rd. (Water Treatment Plant)
 - 89 St. TM Dion Way (Air Methods)
 - 79 Notre Dame (Residential Development)
 - 66 Ampad Rd. (A. Duie Pyle)
 - 110 Lockhouse Rd. (Residential Development)
 - 0 Airport Dr. (Concrete vehicle office/storage)

Planner Vinskey informed the Board the projects listed are still showing open for different reasons but the main reason is the Stormwater; the list was those that are or appear to have been significantly completed and in use.

After much discussion the Board felt that Planner Vinskey should send a letter to each owner explaining that there is still work to be completed on their project, and what needs to be addressed with the expectation it will be completed.

The meeting was adjourned at 8:41.