



# 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 19, 2019

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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.

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**PB MEMBERS PRESENT**  
 **MEMBERS ABSENT**

**STAFF**

William Carellas, Chair  
 Cheryl Crowe, Vice-Chair  
 Robert Goyette  
 Jane Magarian  
 Philip McEwan  
 Raymond St. Hilaire P

Jay Vinskey, Principal Planner  
 Christine Fedora, Secretary

John Bowen  
 Bernard Puza (Associate)  
 (Associate)

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

Chairman Carellas asked if there was anyone 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.

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

Minutes were not available for review.

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

No ANR's for review.

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

- Special Permit - 233 Union St. - Minor auto repair

The petitioner Mark Arena addressed the Board. Mr. Arena purchased the property at 233 Union Street in October. He explained he is before the Board because he would like reopen the automotive shop that was previously located there. He further explained the old shop was there since 1982 at that time there was no requirement for a Special Permit, the Board never required one.

Mr. Arena further noted he's had several inquiries as to if he will reopen the automotive shop he also noted he is owner of the A Signature Fence Company and plans on moving that company to this location. His intention is to do small engine repair, breaks no heavy duty stuff, no oil changes, he is aware of the water issues that have been going on in the City, this will be a place where people can get their cars fixed at an appropriate cost.

Mr. Arena also noted he's done a lot to help out the city as far as charity goes, he is hoping to work with the Triple A Baseball Team with any fencing needs they may require, he further noted he is hoping to help the city with new lighting as well as guardrails at the end of Springdale and Papermill Roads.

#### Public comments

Councilor Bill Onyski-37 Hillcrest Circle- glad to see something else in the area as well as the proposal for 2 new lights on Papermill and Springdale.

Mike Burns - 19 Kyle Lane - He's known Mark a long time, he does a lot for the community, he runs a first class business.

Members also asked if he would be working by himself? Mr. Arena noted the gentleman who worked at Brookside will be the manager, he will be overseeing the company, there will also be 6 people from the fencing company once it is relocated.

Laura Reener - Will be there to have oversight and project management will make sure everything will get disposed of property.

Scope of work? Brake repair, Routers, Struts, Exhaust Systems, Manifolds, Tune Ups, Minor repairs. No Oil Changes

He noted when he purchased the property he spent \$50,000.00 to clean up the site.

Further answers to Board's questions:

- Brake fluid will be put into a container.
- Speed dry will be used to clean up any spills, there are no drains in the bays at all.
- Concrete base will be put down.
- No vehicles will be left on site for an extended amount of time; if they are not salvageable they need to remove them from the site. They have a contract that says if they are not out within 24 hours they will be charged per day, this will not turn into a junk yard.

Danielle Jazz - 229 Union Street - Her family owned before, since they have purchased the property it's gotten nothing but better.

The Board reviewed possible conditions:

- No outside storage of parts, or vehicles.
- Hours of operation 8-5 Monday - Friday per Arena; Board to limit to 7-6

- Oil changes are prohibited.

Member McEwan MOTIONED, seconded by Member Crowe to close. All in Favor.

Member McEwan MOTIONED, seconded by Member Crowe to approve with findings and conditions.

Roll Call Vote:

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

Associate Puza indicated he was also in favor

On roll call, the Board agreed the hours of operation would be conditioned 7am-6pm Monday through Saturday.

#### E. Other Business

- Deliberation/Decision - Special Permit/Site Plan - 798 Airport Industrial Park Rd. - Marijuana Production (*public hearing is closed*)

Vinskey explained to the Board he met with the Assistant Solicitor and she felt it was subjective and didn't have a big problem but had no suggestions, she also understands it. Vinskey noted the odor would need to be documented by either the Police or Building Department as first step in enforcement; there are specific trainings available for this.

Member Carellas noted he visited a growing operation, he could smell the odor of marijuana at approximately 75 feet, it wasn't consistent but more intermittent, and he voiced concerns as to how it would be documented. Other issues spoke about was the filters have to be changed. He noted he didn't think this is a feasible because of the proximity to the soccer field; he's not against the operation but rather the location. Puza also noted he detected odors outside a facility in Franklin; Crowe detected odors at an Easthampton facility.

Planner Vinskey added the Board could approve with conditions, if there are repeated violations the permit can be pulled per standard conditions. He also suggested time limits could be placed on the permit.

Additional discussion. Goyette- should they include the applicant to come back in one year, as a review? During the review process city officials could be contacted regarding any violations? Possible complaints. Carellas - concerned about small operations and their viability, HVAC costs.

The Board reviewed draft findings and conditions:

### Draft Conditions

1. No odors originating from Marijuana plants are permitted beyond the property line.
2. Current 24-hour facility contact information shall be provided to the Westfield Police Department.
3. Facility signage shall be limited to 2 / 4 / 6 square feet, plus mailbox identification.

### Draft Findings

(1) The specific site is an appropriate location for such a light industrial use (marijuana cultivation); (2) The use as developed will not adversely affect the neighborhood, which is generally industrial in nature, although residential use/district exists within 300'; (3) Adequate and appropriate facilities will be provided for the proper operation of the proposed use, as the site has been previously approved for the recent facility expansion (4) The plan as approved conforms to all rules and regulations. As previously found in the Special Permit/Site Plan/Stormwater Permit (2017) which remains applicable to this site, (5) the use is in harmony with the intent of this ordinance and water resource district and will not interfere with water resource protection; (6) the use is appropriate to the natural topography, soils, drainage, vegetation and other water-related characteristics of the site, and is designed to minimize substantial disturbance of these natural site characteristics and; and (7) the use will not, during construction or thereafter, adversely affect the existing or potential quality or quantity of groundwater available in this district.

In reviewing the site plan, "Proposed Cannabis Cultivation Facility" (primarily an existing conditions plan) by R Levesque Associates dated 12/20/18, the Board found that (1) The site is in conformance with the intent of the underlying district and does not take precedence over other specific provisions of the Ordinance; (2) All buildings, structures, uses, equipment and materials are readily accessible for police and fire protection, as the plans have been submitted to, and not been objected to, by public safety Departments; (3) Adequate off-street parking and loading spaces will be added to prevent on-street and off-street traffic congestion; all parking spaces and maneuvering areas are suitably identified and designed to address standards specified within this ordinance; and pedestrian and vehicular circulation is sufficiently segregated to ensure safe pedestrian movement within and adjacent to the property. (4) Pedestrian access routes do not create traffic hazards and are: adequate in width, grade, alignment and visibility; are an adequate distance from street corners, places of public assembly and other access ways; and are adequately designed for safety considerations. (5) General landscaping of the site, as it exists, complies with the purpose and intent of this ordinance; no significant tree removal is necessary; parking, storage, refuse containers and service areas are suitably screened during all seasons from the view of adjacent areas and the street by way of location. (6) The lighting of the site will be adequate, but not excessive, at ground level for the protection and safety of persons in regard to pedestrian and vehicular circulation, and any new lighting must comply with Section 4-121. (7) Utility system locations, design and installation are in compliance with, and will meet the approval of the appropriate boards, departments and agencies, and will protect the environment from adverse pollution; a Stormwater Management Permit was previously approved and remains in effect. Additionally, (8) No sensitive environmental land features such as steep slopes, and large rock outcroppings, public scenic views or historically significant features on the property will be impacted. (9) The location, design and size of proposed building as well as the nature and intensity of the uses involved or conducted in connection therewith, are in general harmony with the adjacent industrial park neighborhood.

Further, based on the submitted security and odor control plans the facility will provide adequate and appropriate security measures and is also designed to minimize any adverse or inconsistent olfactory impacts. There will be no inconsistent visual impacts on the immediate neighborhood and the project is reasonably capable of meeting all applicable regulations and permitting requirements of the Commonwealth of Massachusetts.

The Board agreed to 2 SF signage and discussed adding a 1 year review period/expiration.

Member Crowe MOTIONED to disapprove the findings, St. Hilaire seconded. Vinsky noted the last paragraph are the findings specific to this use, including odor impacts.

Member McEwan suggested continuing the meeting, informing the applicant the Board is dissatisfied with the data. If they would like to withdraw their application and come back with more information and data as part of a new hearing.

Chair Carellas asked if the motion to disapprove the findings was going to be withdrawn?

Member Crowe noted she appreciated Member McEwan's suggestion but was not in agreement. She did not want to give false pretense to the applicant, the fact is it will smell, she understood where he is coming from but felt it would not change the fact that it's in that location. On the motion to disapprove:

Crowe	-	yes
St. Hilaire	-	yes
Puza	-	yes
Carellas	-	yes
McEwan	-	yes
Goyette	-	no
Bowen	-	no

Reasons for disapproval (findings not met): the specific site is not an appropriate location for marijuana cultivation, due to neighborhood's residential use; the facility would have an inconsistent olfactory/odor impact on this immediate neighborhood, adversely affecting such residence, abutting soccer fields and a closely abutting business

- 299 E. Main St. (McDonald's) - Site Plan/Stormwater closeout

Vinskey noted there are a couple of shade trees in front that haven't been planted. He noted he has been informed the trees will be installed in the spring and the Board can endorse the final CO issuance prior. The Board decided to withhold endorsing/closeout until the trees are in.

- Discussion of amendment to Marijuana Establishments (Sec 4-90), adding a buffer from parks

Vinskey presented the written text for the Board's review, as discussed at the last meeting. The Board felt the addition of the 500 foot buffer zoning amendment should be sent to the Council.

The meeting was adjourned at 8:12.