

City of Westfield

ZONING BOARD OF APPEALS

Richard Sullivan III, Chair
Sofia Bitzas, Member
Christine Webster, 1 st Alternate
Kathleen Hogan-Friguglietti, 2nd Alternate

March 3, 2021

The meeting was called to order by Chairman Sullivan @ 7:15 p.m.

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 Zoning Board of Appeals will be conducted via remote participation. Specific information can be found on the City website at www.cityofwestfield.org. For this meeting, members of the public who wish to listen to the meeting may 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 will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the City's website an audio recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting. Access information for the meeting is as follows:

To View the Meeting:

Tune to Local Cable Channel 15 or 12, or go online to:
westfieldtv.org or youtube.com (Westfield Community Programming)

To Join the Meeting by Internet:

Go online to zoom.us/join with Meeting ID: 890 4904 1578 & Passcode: V8Y!4Rt^

To Join the Meeting by Phone:

Call 646-558-8656 with Meeting ID: 890 4904 1578 & Passcode: 82504385

1. *Call to order:* Chairman Sullivan called the meeting of the Zoning Board of Appeals to order at 7:15.

By Roll Call Vote:

Richard Sullivan, III Chair	-	present
Sofia Bitzas, Member	-	present

Kathleen Hogan-Friguglietti - present
Christine Webster - present @ 7:39 p.m.

Members present Staff
 Members absent

Richard Sullivan, III Chair Jay Vinskey, Principal Planner
 Sofia Bitzas, Member Christine Fedora, Clerk
 Kathleen Hogan-Friguglietti, Alternate
 Christine Webster, Alternate

Instructions for Participation:

Application/hearing materials can be inspected at:
www.cityofwestfield.org/applications

The hearing can be viewed live on local cable Channel 15 or online at westfieldtv.org

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

Chair Sullivan called the meeting to order at 7:16. Member Bitzas recused herself from the Pequot Pond hearing as well as a new application before the Board to be accepted.

Chair Sullivan further noted there are 3 public hearings scheduled for this evening. Chair Sullivan stated he would all a brief recess in order to contact Member Webster to see if she would be attending the meeting.

1. Public Participation (on any matter not subject to a public hearing)

Chair Sullivan called the meeting back to order at 7:18. And asked if there was anyone for the public participation portion of the hearing regarding items not currently before the Board for a public hearing. There being no one heard Chair Sullivan proceeded to the next item on the agenda.

The Board members proceeded to introduce themselves.

2. Public Hearings (and possible deliberation and decision) on the following petitions:

Instructions for Participation:

Application/hearing materials can be inspected online at: cityofwestfield.org/applications
Comments will be accepted during the hearing by teleconference (see access information above). Public comment may also be submitted in advance, for receipt by 4pm on the hearing date, by mail to: Zoning Board of Appeals, 59 Court St. Westfield, MA 01085 or by email to: j.vinskey@cityofwestfield.org

- (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

It was noted there are not enough members eligible to vote on this application. Planner Vinskey noted the time will run out on this application on March 10th or March 12th at that time the applicant can take the application to the Clerk for her to sign off stating no action had been taken. Chair Sullivan added the next meeting is scheduled for April 7, 2021 and asked if members had any issues with this. There being no discussion Chair Sullivan MOTIONED, seconded by Member Bitzas to continue to April 7, 2021.

By Roll Call vote:

Richard Sullivan	-	yes
Kathleen Hogan Friguglietti	-	yes
Sofia Bitzas	-	yes

Member Friguglietti inquired if the Board could get a legal opinion from the Law Department regarding the fact members that attended the public hearing are no longer on the Board. Is there something the Board can do to allow them to vote? Chair Sullivan stated the Board could make a decision but it could turn into a legal matter. Planner Vinskey noted in order for the Board to vote they would need the votes of the permanent members. After further discussion the Board felt they would let the time run out and let the Planning Board decide.

By Roll Call vote:

Chair Sullivan	-	yes
Member Friguglietti	-	yes
Member Bitzas	-	yes

- Nicholas Roy for a special permit per 4-30.2(f) & variance relief from 4-30.1(d) to allow an accessory structure with reduced side yard and exceeding 25' height at 312 E. Mountain Rd., zoned Rural Residential

Presenting the application was Nicholas Roy. The application is for a special permit to allow for an accessory structure to be located on 312 E Mountain Road. The structure would consist of a garage, part of the hill will have to be removed. The lower level will be the garage and the upper level will be used for storage space.

Chair Sullivan asked if this structure would be similar to the one next door to him. Mr. Roy stated his structure would be 24 x 40 while his neighbors is 24 x 60. He further noted the location of his garage has to be in a different location because of the septic system.

Member Bitzas stated she was not sure if she recused herself from this project. Planner Vinskey stated that Levesque's office had done the field work. Member Bitzas stated she is comfortable with this. Member Friguglietti asked why they needed 12 feet for the garage for the cars. Mr. Roy stated it would be because it will be tucked into the hill.

Member Bitzas stated she had no questions. Chair Sullivan stated he is comfortable with conditioning the building not be closer than 7 feet to the southern lot line and in general conformance with the plan as submitted.

Chair Sullivan MOTIONED, seconded by Member Bitzas to close the hearing.
By Roll Call vote:

Chair Sullivan	-	yes
Member Friguglietti	-	yes
Member Bitzas	-	yes

Chairman Sullivan opened the deliberations portion of the meeting, stating there will be no public input during this portion of the meeting.

Chair Sullivan stated he is in favor of this application as it conforms with the neighborhood, there is no detriment to the neighborhood, and it is almost the same as the abutter next door. There are residential and businesses located on this stretch of the road he also felt this will not derogate from the intent of the bylaws by granting this relief.

He felt this is an appropriate location for the garage as it will not adversely affect the neighborhood and it conforms to all the rules and regulations except for the setback, he further noted it should be in conformance with the plan as submitted.

Chair Sullivan MOTIONED, seconded by Member Friguglietti to approve.
By Roll Call vote:

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

Chair Sullivan reopened the meeting at 7:38.

Member Webster joined the meeting at 7:39.

- Angie & Richard Rios for variance relief from 3-170.8(1) to allow a dwelling on a lot less than 2 acres at 89 Pequot Pt. Rd., zoned Residence A & Water Resource

Chair Sullivan asked the petitioner to present the proposal to the Board.

Richard Rios

52 Vadnais Street

Springfield MA 01104

Mr. Rios the land owner of 89 Pequot Point Road is seeking a continuance of a previously granted variance. He stated when he went to get a building permit he was informed the previous variance had lapsed. He is before the Board seeking a continuance of that variance.

Chair Sullivan asked if the original permit was granted in 2011 and it was never renewed, are you seeking an extension of that ruling or looking for different relief. Mr. Rios stated he would like to get the approval extended so he can move forward with the building process. Planner Vinskey noted this would be new consideration as the original was split into 2.

Planner Vinskey felt it was unclear as to what the building inspector was looking at. The variance was never executed, this is not an extension of the previous variance, and this is a new request for a variance. Chair Sullivan noted the ponds area had a lot of work done to try and clean it up, adding a lot of the changes to the lots were done under the prior members of the Board, Chair Sullivan further added he was a member during some of this, this was a part of the Big Picture for the ponds area, a lot of the lots were traded to get more lots developable, in order to do that lots had to be combined. He felt this would be a reissuance of the previous variance.

Member Webster noted she has no objection to this. Member Friguglietti noted she is very concerned with this as she was not involved in the previous applications, she felt there are monstrous houses going on small lots.

Planner Vinskey noted in contrast there were several houses that were taken down as part of the scheme. Chair Sullivan explained what had happened some lots were in general

conformance while others were not. Some of the lots were traded to make new lots, there are no density increases they are the same amount of homes and buildable lots, the locations have changed, some of the lots were deemed unbuildable to make some buildable.

Chair Sullivan asked if Member Webster had any input. Member Webster stated she was fine with it. Member Friguglietti stated she would concur with the lawyers on the Board. Member Friguglietti noted she was not feeling good about this 9 year variance with 2 people removed from it. Chair Sullivan noted a lot of time has been spent on this he would hate to see the effort be undone. The Board has done a lot of work in this area and he would hate to see one area regress.

David Weise

Gave a brief explanation of the work that had been done on the property.

Chair Sullivan asked if there was anyone in favor or opposed.

Chair Sullivan asked if the Board was comfortable to close.

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

By Roll Call vote:

Chair Sullivan	-	yes
Member Friguglietti	-	yes
Member Bitzas	-	yes

Chair Sullivan stated this is a public meeting for deliberations no public participation is allowed during this portion of the meeting.

Chair Sullivan stated he is in favor of this application, he felt this is appropriate relief considering the shape and area of the lot, appropriate relief was previously granted, there will be no detriment to the neighborhood, it will improve the neighborhood, the plan was previously approved and it won't nullify from the intent of the zoning. Conditions should be in conformity with the plans as submitted,

Chair Sullivan MOTIONED, seconded by Member Webster to approve with proposed conditions added.

By Roll call vote:

Chair Sullivan	-	yes
Member Friguglietti	-	yes
Member Bitzas	-	yes

Chair Sullivan informed the applicant they will be receiving instructions from the Planning Department regarding their next steps.

3. Review and acceptance of new applications & scheduling of public hearings

Members Webster left the meeting at 8:06.

Malone Avenue

Robert Cree

Mr. Cree addressed the Board he would like to build a 24 x 24 building addition on the side of his house. Chair Sullivan asked if the addition would be in conformance with the plans submitted and if they would stake out where the extension would be on the property. Mr. Cree stated he would do so. Planner Vinskey noted this will not need a variance as it is not closer than 10 feet.

Chair Sullivan MOTIONED, seconded by Member Bitzas to accept the application.

43 Union Street

Rob Levesque addressed the Board. His client would like to build a 2 story structure at the location of Tangles, it will be an addition in the rear of the existing building. He further noted the addition is for storage and garage for the second story, the addition is not related to the commercial use.

Chair Sullivan MOTIONED, seconded by Member Friguglietti to accept the application.

Planner Vinskey noted there should also be a variance request in regards to the business use. Mr. Levesque noted he would be happy to adjust the application to include the variance request.

Chair Sullivan MOTIONED, seconded by Member Friguglietti to accept the application,
All in favor.

Planner Vinskey informed the Board the Planning Board has decided to move forward with their zoning amendment. The Board had a brief discussion and noted they would like the discussion continued to their next meeting on April 7.

All in favor.

Member Friguglietti asked if there is any way to suspend the rules for voting when there are not enough members present to vote. Is there anyway for a suspension of the rules?

The rules are MGL which can't be changed. Planner Vinskey noted this is another reason why there should be 5 members.

5. Review and approval of previous meeting minutes

Member Friguglietti MOITIONED, seconded by Chair Sullivan to approve the minutes.

Chair Sullivan MOTIONED to adjourn at 8:25. All in favor.

APPROVED