



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

April 6, 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.

A. Public Participation

Chair Carellas asked if anyone would like to address the Board during the public participation portion of the meeting not requiring a public hearing. There being no one heard Chair Carellas proceeded to the next item on the agenda.

B. Review and approval of previous meeting minutes (3/16/21)

Member Crowe MOTIONED, seconded by Member Magarian to approve the 3/16/21 minutes.

By Roll call Vote:

William Carellas - no vote - not present at meeting
Ray St. Hilaire - no vote - not present at meeting

Robert Goyette	-	yes
Jane Magarian	-	yes
Philip McEwan	-	yes
John Bowen	-	yes
Bernard Puza	-	yes
Richard Salois	-	yes

C. Review of plans not requiring approval under Subdivision Control Law
None.

D. Public Hearings

Chair Carellas read the instructions for joining the meeting.

- Continuation/revised- Special Permit - Infill/lot size averaging and side yard reduction - 23 Allen Ave.

Representing the petitioner was Rob Levesque of R. Levesque. Mr. Levesque proceeded to share his screen to present the current plan. Mr. Levesque showed the updated plan which included the additional request for relief from the side setback. 32 x 28 foot print, he showed the architectural plan for the proposed home with a single car garage and a proposed front porch, the side elevation, rear with a slider porch and patio or deck, with a 12 x 18 garage. He stated it fits the lot pretty well; the access will be from Allen Avenue.

About 1800 overall square footage depending on jog. Side set back? How far set back? 5.2 feet from street lot line on West School Street. Should be 15 from side? Vinskey stated the side yard for existing house requests 13.9', normally would be 15. Planner Vinskey further noted the garage set back shown is less than required, this Board can't grant the setback they would need to go before the ZBA to keep the garage with the lot lines shown.

Questions from the Public?

John Burris- 19 Allen Avenue - Speaking on behalf of his mom and sisters. Mr. Burris asked how much total yard the applicant gets from the square footage of this house. Mr. Levesque informed him it would be about 6299 sf. Mr. Burris inquired if the garage on their property would be coming down? Mr. Levesque noted that was his understanding. Mr. Burris further inquired about the dimensions. Mr. Levesque proceeded to share his screen showing the different locations and dimensions of the plan.

Mr. Burris further voiced concerns regarding the parking situation as well as the speed on traffic on the street. Chair Carellas informed him the speed on the road is not under the purview of the Planning Board that is something that would be addressed by the traffic bureau or police.

Mr. Burris asked about the space for the back yard. Mr. Levesque informed him the house will be farther back than the existing house and he felt it would fit in nicely. Mr. Burris asked if he could meet with Mr. Levesque for further to discussion. Mr. Levesque said he would meet with Mr. Burris to further discuss.

Chair Carellas asked if there was any further discussion, then inquired about the size of the lot being 6300, what will happen with the rest? is there going to be a proposed additional lot on the other side? Mr. Levesque replied not currently, it is his understanding they want that large side yard for the family. Chair Carellas stated this was much better than the original plan submitted; he further noted concerns further down Allen Avenue regarding the tightness of the homes as far as fire and insurance. Mr. Levesque noted this meets the requirements of the infill ordinance, he further stated he didn't think this was inconsistent with the other lots in the area. He also noted he didn't think this would require a fire suppression wall as it is not as close as the regulations require a fire wall for.

Planner Vinskey added may communities are reducing lot sizes; if this were in Northampton would be a by-right situation. He further noted there were 3 communications received for this application (that were distributed to the members). Chair Carellas read communications in opposition received from Jennifer Dorgan/Edward Barter, 37 Allen Ave.; Cynthia J. Stoops, 34 Allen Ave.; Sarah Tatro, 35 Allen Ave.

Member Crowe voiced her concerns regarding the closeness of these homes. Board members noted most of the homes were built in the 1900's that is the way the neighborhoods were at that time. Member Crowe noted she walked the site and felt they were really close within 5-10 feet of each other and noted her concerns regarding possible fire. She further stated she could possibly see 3 homes in this area she felt just because they were built like this before doesn't mean they can continue, she felt this is something that should be looked at more deeply. Member Puza and Magarian stated they have no problem with it. Member Crowe asked if they would need a fire wall. Mr. Levesque stated he didn't think it would be necessary.

Chair Carellas asked if there was anyone else to speak. then stated its Associate Puza's turn to vote, Member Magarian is not eligible.

Member St. Hilaire MOTIONED, seconded by Member Crowe to close the hearing.

John Bowen	-	yes
Robert Goyette	-	yes
Philip McEwan	-	yes
Ray St. Hilaire	-	yes
Bernie Puza	-	yes
Cheryl Crowe	-	yes
Bill Carellas	-	yes

Member Bowen asked if the Board has the authority to condition that a bush be removed if it is obstructing the view. Planner Vinskey suggested saying there should be no plantings on the corner of the house at the street intersection, adding the ordinance already states there can't be vision obstruction, he further noted if the Board feels it's an issue it can be written in the decision.

The Board reviewed the draft findings, and Chair Carellas read the draft conditions:

1. *The lot to be created shall have not less than 57.60' frontage/width and 0.13 acres area, and in conformance with the most recently presented 'Special Permit Filing Plan' as prepared by R Levesque Associates, dated 1-6-21.*
2. *Side yard setback (from the common lot line) shall be not less than 13'.*
3. *The house shall be constructed in general appearance with the submitted plans "Allen Ave" sheets A-1 and A-2, dated 3-14-21.*
4. *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 the lot along the yards fronting Allen Ave. and/or West School St. Existing retained trees or trees planted in the adjoining street right-of-way (with City approval) shall satisfy this condition.*
5. *The rights granted by this Special Permit are two-fold:*
 - a. *Creation/reduction of the lot, 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.*
6. *The existing garage structure shall be razed (unless side yard relief is obtained from the Board of Appeals).*

The Board wished to add a condition restricting plantings at the corner, as consistent with the ordinance. Member Crowe MOTOINED, seconded by Member St. Hilaire to approve the Special Permit for 23 Allen Avenue with the findings and conditions as discussed.

John Bowen	-	yes
Robert Goyette	-	yes
Ray St. Hilaire	-	yes
Bernie Puza	-	yes
Philip McEwan	-	yes
Cheryl Crowe	-	yes
Bill Carellas	-	no
Jane Magarian	-	ineligible
Rich Salois		not needed

- Continuation - Amendment to Special Permit/ Site Plan – change of use (to insulation business) – 845 Airport Industrial Park Rd.

Prior to beginning discussions Chair Carellas stated he, Member Puza and Member St. Hilaire were ineligible.

Kevin Barbieri gave a brief review of his proposed project. This building is being purchased for storage of safety equipment, staging equipment for his company which performs mechanical installation and metal fabrication in a few of the New England States. The work is done off site, there will be no manufacturing at the property, it will consist of offices and storage. There is not a lot to change on the property, they have no desire to change the footprint of the building.

Member Salois inquired about the vehicles they park and store? There will be a transit 250 van, nothing will be stored outside, there will be 3 or 4 full time people on site probably between the hours of 5 am and off by 4 pm. There will not be any bigger trucks than the transit 250, no material will be delivered to this site, the material is typically delivered directly to the projects by the vendors, and any leftover material comes back here and is used on other projects if possible.

Planner Vinskey informed the Board the 35 day review period for the aquifer district has lapsed. Member Magarian inquired if there were any hazardous materials on site? No hazardous materials are on site.

Chair Carellas asked if there are any questions from the public. None.
Board questions comment?

The Board reviewed the draft findings and Chair Carellas read the draft conditions:

1. *Prior to undertaking any use or activity below, the Applicant shall appear before the Board for its consideration:*
 - a. *Any alteration of the site, as developed, resulting in new or expanded buildings, tree clearing, paving alterations or any increase in impervious surfaces; or*
 - b. *A change from the subject permitted insulation business use, as proposed, to another specific use.*

The Board reserves the right to require a formal amendment to this approval to consider, impose or amend any conditions it deems warranted by the new information.

2. *No hazardous materials, chemicals, paints/coatings, pesticides, engine oils or fuels shall be stored or used on the premises (except in normal household quantities). No synthetic fertilizers, pesticides or herbicides shall be applied to the landscape or stored on the property at any time. Only non-salt deicing materials shall be utilized, which shall be restricted to the minimum amount necessary, with sand and ecologically- and water quality-compatible alternatives utilized.*
3. *No outdoor storage of materials is permitted.*

Mr. Barbieri then noted he was thinking about purchasing a trailer storage box for a bobcat. Planner Vinskey informed him he would have to come back to the Board to present any changes or if this is something he was proposing, the Board could consider it now. Members inquired as to the location. Mr. Barberry stated it would be straight on to the back of the property, he further noted it could be between 20 and 40 feet long, it would be a solid sealed trailer and it wouldn't hold anything but the bobcat and some storage. Members further discussed and felt it would not be detrimental to the aquifer, and they could consider this on the current application and that it not exceed 40 feet to be located on the rear of the parking lot; such to be reflected in the decision's conditions.

Member Crowe MOTIONED, seconded by Member Bowen seconded to approve with the additional condition as read and amended.

By Roll call vote:

Robert Goyette	-	yes
Jane Magarian	-	yes
Philip McEwan	-	yes
Cheryl Crowe	-	yes

John Bowen - yes
Rich Salois - yes

Chair Carellas informed the applicant of the procedural obligations.

- Special Permit- change of use (to retail showroom/office/storage)-975 North Rd.

Timothy Drost- 102 Oakridge Drive – Belchertown, MA - informed the Board he is the owner of Window World of Westfield. He is looking to purchase property next door to his current location in Westfield to be used as an office and showroom. The facility will not include installation, it will have 2 -3 employees, it will be more of a showroom space for customers to see their inventory of different windows and doors, they are looking to improve the look of building and property.

Member Crowe inquired about the trees that are in the vicinity of the pond. Mr. Drost informed her he is not looking to disrupt anything that is close to the pond adding he likes the way the space looks, he did however note the septic will have to be addressed he would have to cut some pines down and clear approximately 25 to 50 feet from the street.

Member Bowen inquired about the heavy brush in the front. Mr. Drost informed him he is looking to remove some of it, the plan is to replicate the building they have in Belchertown, this will improve the use dramatically.

Member Crowe further inquired about the greenery on the side of building and the saplings there. Mr. Drost informed her they have no intention of clearing any of those out. Chair Carellas asked if there was anyone from the public with comments, questions.

Planner Vinskey stated he was unclear of the site changes, the sketch seems to show expanded parking area? Member Crowe thought they weren't going to do a bunch of paving? Mr. Drost replied there currently is a doorway on the side of the building which is already paved, that side will be the front of the building looking to repave area and maybe extend paving a little bit towards the gravel road, and he proceeded to identify the area where the pavement or gravel is already.

Member St. Hilaire mentioned the trucks he's seen in Hampton Ponds. Mr. Drost informed him since the operation in Belchertown there have not been any of their trucks there. Member St. Hilaire further asked if there was going to be overnight storage of trucks. Mr. Drost informed him there would be no overnight parking.

With no public comment, Member St. Hilaire MOTIONED, seconded by Member Goyette to close the hearing. All were recorded in favor.

The draft findings and conditions were reviewed; conditions follow:

1. *This approval is limited to the use and improvements as presented and as depicted on the submitted "Window World" plans, sheets P-2 through P-5, dated 3/31/21. Beyond that described, prior to undertaking any use or activity below, the Applicant shall appear before the Board for its consideration:*

- a. Any alteration of the site resulting in new or expanded buildings, paving alterations or any increase in impervious surfaces; or
- b. A change from the subject permitted office/retail showroom/storage use, as proposed, to another specific use.

The Board reserves the right to require a formal amendment to this approval to consider, impose or amend any conditions it deems warranted by the new information.

2. No hazardous materials, chemicals, paints/coatings, pesticides, engine oils or fuels shall be stored or used on the premises (except in normal household quantities). No synthetic fertilizers, pesticides or herbicides shall be applied to the landscape or stored on the property at any time. Only non-salt deicing materials shall be utilized, which shall be restricted to the minimum amount necessary, with sand and ecologically- and water quality-compatible alternatives utilized.
3. No outdoor storage of materials is permitted.

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

By Roll Call vote:

Cheryl Crowe	-	yes
Bill Carellas	-	yes
Ray St. Hilaire	-	yes
Bob Goyette	-	yes
John Bowen	-	yes
Jane Magarian	-	yes
Phil McEwan	-	yes

Chair Carellas informed the applicant of the procedural obligations.

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

The two hearings proceeded concurrently.

Representing the petitioner was Rob Levesque of R. Levesque, James Channing of Pride, Jason Adams of McMahan Associates. Mr. Lévesque addressed the Board informing them since the last meeting he’s been working with Mark Cressotti and Jeremy Cigal of the Engineering Department as well as Jay Vinskey, he further noted Jason Adams f has also been working with the city with the lay out and revisions. He further noted he has received good feedback from Captain McCabe.

Mr. Levesque informed the Board the site plan has been updated and gave a brief review of the changes. Pride hasn’t changed much, there has been a number of changes to Hot Table and Starbucks location. Mr. Levesque added if and when they receive local approval they will also still need Mass D.O.T. approval.

Jason Adams reviewed some of the changes from the discussion with MassDOT and the City. The access off the jug handle was to the south, that has been omitted, an entrance has been included to the site with a slip lane and entrance to the bypass lane, this should keep the traffic off the jug handle, an exit to Southampton Road has also been added there also has been some angled parallel parking spaces and an additional 4 parking spaces in the back. After the City's approval it would be up to Mass DOT to review and, if necessary, they would come back to the Board with any revisions from Mass DOT's review.

Member St. Hilaire felt they had done a great job with the new entrance looks like it will alleviate issues. He inquired if at the entrance there will be a "Don't Block the Box"? 22 car stacking for the pickup window, but they could include that. Member saolis suggested the bypass land be widened to 12'.

Member Crowe also noted she liked the changes as well, she did voice her concerns regarding the trash by Friendly's and would like the area softened up with possibly some maples and clean up the area a little bit. Mr. Lévesque informed her Mr. Bolduc (Pride) would be more than willing, adding Mr. Channing is here tonight for Pride.

Mr. Channing said they would have no problem with the plantings and added he would like to do all the plantings concurrently. Member Crowe suggested in the front putting some shade trees and possibly even a water feature. Mr. Levesque informed her generally water features cause problems due to maintenance issues. He further noted Stanley Park will be doing away with some of their water features. Mr. Levesque informed her he's met with City Councilor Kristen Mello regarding adding something visual there as this is the gateway for the city, as well as charging stations. It was agreed 8 shade trees be added to north of the access road (along the vacant parcel).

Mr. Channing mentioned there is a gazebo on the south east corner, he felt this would enhance it. They are open for suggestions, if something that would allow maintenance and be consistent with the development.

Member Crowe asked if there is going to be a bond on this. Mr. Levesque informed her typically there is not a bond, there could be a bond from Conservation as well as a bond from Mass DOT. Planner Vinskey noted the Board has sometimes required a bond but typically we would use a hold on the occupancy permit as leverage to correct any issues.

Member Crowe further voiced concerns regarding the trash in the back/undeveloped area. Mr. Levesque replied there is no excuse for not being maintained, he felt with 3 new tenants being on site, trash would not be problem.

The Board discussed hours of operation. Pride to be open 24 hours.

The Board briefly discussed double cue possibilities for the drive ups and asked if they had considered them on this project. Mr. Channing informed the Board they had talked to their clients and single service is what their preference is.

Planner Vinskey reiterated this is 2 separate applications and received their Stormwater sign off today. He further noted that for Starbucks there are not shade trees shown (only smaller trees)

which the ordinance requires; adding that could be a condition of the permit. He also questioned if a right turn (exit) onto Friendly's Way would be useful? Mr. Levesque added shade trees would be no problem, the Do Not Block the Box can be done with the addition of a condition, he further felt the entrance and exits should stay as they are.

Relative to the Pride parcel, the signs were then discussed. Planner Vinskey informed the Board he wasn't sure if a second sign would be allowable on Southampton Road, adding this is technically a shopping center and the intent is to have one ground sign per shopping center. The current "hotel" sign has blank panels, which he felt was for that purpose. Mr. Levesque asked if relief were to be sought for the sign would they would have to file with the Z.B.A.

Further discussion regarding the sign issue and previous filings. Mr. Levesque noted he wouldn't want any sign confusion to hold up the decision and suggested putting something in the decision regarding signage.

Also discussed was moving the order kiosk to eliminate the need for u-turns from incoming vehicles. Mr. Channing stated he has no issue with moving the kiosk to the back.

Member Magarian suggested looking at changing the entrance to the site (to the north side). Mr. Levesque felt that they should leave as many options as possible to get in and out.

Chair Carellas asked for public input.

Kathleen Hillman - 179 Susan Drive - Asked how to get into Starbucks from Holyoke Road/Springdale? Mr. Levesque added there is a crosswalk which will be striped and signed, and demonstrated the access from Friendly's Way.

The draft decision was reviewed; with conditions:

1. *The site shall be developed and maintained in accordance with the approved site plan (as it pertains to the subject parcel), entitled "Proposed Commercial Development" sheets C-1, C-2 and D-1 through D-3 dated 2/10/21, and C-3 through C-7 revised 3/29/21, and D-3 through D-6 revised 3/2/21 as prepared by R Levesque Associates, Inc. (Project #200403), signed and sealed by Robert Levesque, R.L.A. or Filipe Cravo, P.E., and with the submitted photometric plan ("Pride C-Store") revised 11/9/20 as prepared by LSI, and constructed in general conformance (exterior appearance) with the submitted architectural plans prepared by Pride, sheet A1.1 dated 11/2/20 (as may be amended herein).*

Plan Modifications

- a. *ordering kiosk?*

After expiration of the appeal period, a paper and a digital (PDF) copy of the site plans, incorporating any modifications herein conditioned, shall be submitted to the Planning office prior to making application for a building permit or commencing the subject site construction.

2. *Ground signs (including the changing message sign) are approved only as in accordance with the submitted plan (Sheet S-1 by Pride 3/29/21 as may be amended herein).*
 - a. *No new ground signage shall be installed along Southampton Road frontage except where the total number of signs (existing or proposed) will not exceed one (unless variance relief is obtained from the Board of Appeals).*

- b. For the changing sign, different messages may be displayed, provided none is displayed for less than 10 seconds and there is no scrolling, flashing or animation; and the illumination level shall be dimmed during evening hours, as commensurate with diminishing daylight.*
- 3. MassDOT-approved access plans, if differing from this approval, shall be submitted to the Board for consideration (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.)*
- 4. Construction, once commenced, shall proceed expeditiously and without undue delay to completion.*
- 5. No overnight parking of vehicles is permitted, and signs shall be installed with such notation. Dropping, detaching or storage of trailers is prohibited.*
- 6. Prior to applying for a building permit for the "Visitor Center", the Board shall be provided with elevations illustrating the proposed appearance of the structure, and 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.*

Standard Stormwater Permit Conditions

- 7. (Pre-construction) No work shall commence until a pre-construction conference has been held between the applicant/owner, the contractor, City Stormwater Coordinator (DPW) and other appropriate city officials and project personnel. Where applicable, a copy of the Notice of Intent to comply with the EPA's NPDES Construction General Permit and evidence of the EPA's receipt/authorization shall be provided at that conference.*
- 8. (Post-construction) Upon completion of construction, the applicant shall provide the Board with an "as-built" record plan and a written statement from the project engineer, with his/her professional seal affixed, certifying that all work has been done in accordance with the approved plans and applicable conditions of this approval, or otherwise noted, and that stormwater management system is functioning as designed, including any supporting evidence. The Board reserves the right to require a performance bond to ensure that outstanding issues are suitably addressed. Occupation permits will not be granted until corrections to all stormwater practices have been made and accepted.*
- 9. (Maintenance & Inspections) Maintenance of the stormwater management system shall be in compliance with the submitted "Long Term Operation & Maintenance Plan" (Appendix G of the Stormwater Drainage Report prepared by R Levesque Associates, Inc., dated February 10, 2021). Inspection reports, completed not less than once annually, shall be submitted to the City Stormwater Coordinator (DPW).*
- 10. (Administration) This Stormwater Management Permit approval grants no relief from any other requirements of the City of Westfield stormwater ordinance, including performance standards, operation, maintenance, inspections and enforcement. The City Stormwater Coordinator is hereby authorized to serve as an agent of the Board in the administration of this component of this permit.*

With further discussion of the ground signs, the Board was not opposed to allowing what was proposed. Vinskey suggested then that possibly they could interpret the 3 signs to address each of the 3 frontages, as allowed by the ordinance. The existing hotel sign would be for Southampton Rd., the Pride sign (with changing message) would technically be the Friendly's Way sign and the truck fueling sign would be for the Industrial road frontage. He also noted the Pride sign may be larger than allowed for a secondary sign but the Board can allow the larger size by special permit. The Board agreed to these interpretations (draft condition 2a would be deleted)

Member Crowe MOTIONED, seconded by Magarian to close the hearing.

Bob Goyette	-	yes
Jane Magarian	-	yes
Phil McEwan	-	yes
Rich Salois	-	yes
Bill Carellas	-	yes
Cheryl Crowe	-	yes
John Bowen	-	yes

Member Crowe MOTIONED, seconded by Member Magarian to approve the special permit/ site plan approval / stormwater management permit (21-33 Southampton Rd)

Bob Goyette	-	yes
Jane Magarian	-	yes
Phil McEwan	-	yes
Rich Salois	-	yes
Bill Carellas	-	yes
Cheryl Crowe	-	yes
John Bowen	-	yes

(St. Hilaire was ineligible.)

Continuing discussion of 9 Southampton Rd., the Board reviewed the prepared draft decision, with conditions:

1. *The site shall be developed and maintained in accordance with the approved site plan (as it pertains to the subject parcel), entitled "Proposed Commercial Development" sheets C-1, C-2 and D-1 through D-3 dated 2/10/21, and C-3 through C-7 revised 3/29/21, and D-3 through D-6 revised 3/2/21 as prepared by R Levesque Associates, Inc. (Project #200403), signed and sealed by Robert Levesque, R.L.A. or Filipe Cravo, P.E., and with the submitted photometric plan ("Pride QSR") revised 11/9/20 as prepared by LSI, and constructed in general conformance (exterior appearance) with the submitted architectural/sign elevations on sheet S-2 prepared by Pride, dated 3/29/21 (as may be amended herein).*

Plan Modifications

- a. *At least 2 shade trees (selected from the Planning Board's shade tree list) shall be added (or substituted) to ___ frontage.*

After expiration of the appeal period, a paper and a digital (PDF) copy of the site plans, incorporating any modifications herein conditioned, shall be submitted to the Planning office prior to making application for a building permit or commencing the subject site construction.

2. *MassDOT-approved access plans, if differing from this approval, shall be submitted to the Board for consideration (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. *Construction, once commenced, shall proceed expeditiously and without undue delay to completion.*

Standard Stormwater Permit Conditions

4. *(Pre-construction) No work shall commence until a pre-construction conference has been held between the applicant/owner, the contractor, City Stormwater Coordinator (DPW) and other appropriate city officials and project personnel. Where applicable, a copy of the Notice of Intent to comply with the EPA's NPDES*

Construction General Permit and evidence of the EPA's receipt/authorization shall be provided at that conference.

5. *(Post-construction) Upon completion of construction, the applicant shall provide the Board with an "as-built" record plan and a written statement from the project engineer, with his/her professional seal affixed, certifying that all work has been done in accordance with the approved plans and applicable conditions of this approval, or otherwise noted, and that stormwater management system is functioning as designed, including any supporting evidence. The Board reserves the right to require a performance bond to ensure that outstanding issues are suitably addressed. Occupation permits will not be granted until corrections to all stormwater practices have been made and accepted.*
6. *(Maintenance & Inspections) Maintenance of the stormwater management system shall be in compliance with the submitted "Long Term Operation & Maintenance Plan" (Appendix G of the Stormwater Drainage Report prepared by R Levesque Associates, Inc., dated February 10, 2021). Inspection reports, completed not less than once annually, shall be submitted to the City Stormwater Coordinator (DPW).*
7. *(Administration) This Stormwater Management Permit approval grants no relief from any other requirements of the City of Westfield stormwater ordinance, including performance standards, operation, maintenance, inspections and enforcement. The City Stormwater Coordinator is hereby authorized to serve as an agent of the Board in the administration of this component of this permit.*

Additional conditions: add 2 feet to bypass lane width, add sign directing proper route to the Pike, add Don't Block the Box/pavement markings; add Shade trees. Vinsky suggested perhaps the Board should reserve the right to impose the box/pavement markings to determine if it will actually become necessary or useful. The Board concurred.

With clarity requested as to the trees, Vinsky suggested 3 of the flowering trees showing could be swapped out- 2 near the Jughandle/Southampton corner, one near the Friendly's way/Southampton corner; agreed.

Member Magarian MOTIONED, seconded by Member Bowen to close the hearing. All were recorded in favor.

Rich Salois	-	yes
Phil McEwan	-	yes
Jane Magarian	-	yes
Bob Goyette	-	yes
John Bowen	-	yes
Cheryl Crowe	-	yes
Bill Carellas	-	yes

Member Crowe MOTONED, seconded by member Bowen to approve the Site plan/Stormwater permit for Westpark southside (9 Southampton Road).

Rich Salois	-	yes
Phil McEwan	-	yes
Jane Magarian	-	yes
Bob Goyette	-	yes
John Bowen	-	yes
Cheryl Crowe	-	yes
Bill Carellas	-	yes

(St. Hilaire was ineligible.)

- Continuation- Special Permit/ Site Plan/Stormwater - Marijuana Shop - 265 Union St.

Jeff Roblyer addressed the Board. In order to meet comp flood storage requirement they have to take down garages and outbuildings and a house. Mr. Levesque is currently working on the final grading for the conservation commission.

Attorney Moir noted that with the house being taken down was the closest one, although they are still within 300 feet of some of the residentially zoned land. He further noted those dwellings or residences themselves within those zones are over 500 feet away. Member Goyette inquired about the residence across the street or diagonal? Attorney Moir responded there is a house across the street it's the driveway to the house that's within the 300 feet and zoned residential. Discussion as to whether they are 300 feet to a residential district or 300 feet to a residence. Attorney Moir stated they are not closer than 300 feet to a residence any more. Member Bowen felt they were because the people across the street are residences. Member Puza noted the people across the street make picnic tables and it is a residence. Mr. Roblyer noted that 254 Union Street and 157 Woodcliff are across the street, 254 Union Street is almost 700 feet beyond zoning line, 254 Woodcliff is up hill 60 feet and then several feet inside, that zone comes down hill but nothing on it. The adjacent res zone is Golf Acres and there is nothing on it. They are asking for consideration to waive buffer for zone lines.

Attorney Moir stated the ordinance says they need a special permit if 300 feet from a residential district or any lot with a pre-existing dwelling; each dwelling is over 500 feet away; the original plan had a house at 100 feet away that house is being removed.

Mr. Levesque added there in are no residential property uses. There is the Party Plus, Fuller Property, Layaway Property and Golf Acres. Member Magarian inquired if the wooded lot past the Fuller Construction was a buildable lot? Mr. Levesque replied in all likelihood the chances of it being a buildable lot are very slim.

Member Magarian noted the Board had discussed this ordinance giving discussion to cultivation growing and putting boundaries, she felt the Board should be firm as to the buffer.

Planner Vinsky noted the 300' buffer is not hard and fast, it is just the special permit trigger to look at case by case, like the nature of this specific corridor. There is nothing to waive.

Mr. Levesque noted the use is allowed by special permit each application is independent. He further noted each of but 1 of the cannabis applications were permitted and they have had residential property within the 300 foot ranch. Some of the testing facilities were that way and one of the dispensaries, one that did not get approved, given industrial location from the surrounding area it's a hodgepodge.

Chair Carellas inquired about findings that have to be found referencing the adverse effect of flood impacts on everyone on Union Street in that area.

Mr. Levesque noted conservation commission reviews floodplain work, showed the flood zones on GIS to the room. He explained how single floor homes have to meet specific criteria for

building in that area and he didn't think any new construction of single family home in that area would be allowed. DEP regulates the wetland resource area. Comp storage regulations, he further noted the number 2 finding is addressed by DEP and conservation.

Chair Carellas mentioned K.F.C. and Aldi's as well as Home Depot. All years been here, that didn't flood as often as this one location, always wet in there. Richard's Grinders moved the location of their building because of flood zone. Approved small driveway to keep out of flood zone and moved it a few feet. Mr. Levesque noted the Flood Way and Flood Plan are different you can't build in a flood way, this is not a floodway but a floodplain.

Mr. Levesque noted this building was designed by architect to withstand hydraulic standards, and has been submitted to conservation for com storage, don't think have jurisdiction over flood plain or compensation there is no zoning restriction that would be applicable for flood way. Will be reviewed by Conservation Commission and DEP.

A brief discussion regarding kids in the neighborhood from surrounding places such as Powder Mill Village and Golf Acres. Mr. Levesque stated the facility is secure, it has been vetted with the police chief.

Member Salois voiced concerns regarding spot zoning, wetlands, and he felt this is not the right spot for such a facility.

Charles Kielbasa - 342 Union Street - Resident here ask to deny because of location, and had submitted letter to the board. School busses, family oriented businesses, party place to the west site of the property.

Mr. Levesque asked if he could address Missy Keilbasa's questions from the prior meeting regarding their easement. Mr. Levesque informed her there would be no impact by this project.

Chair Carellas read the Kielbasa letter into the record.

Planner Vinsky cautioned about leaning to heavily on an area where another department or commission in the city has expertise over that, such as the flood issue under Conservation Commission.

He further revealed he'd done research into the property's zoning and it's hard to find history of it. Parcels to the west were rezoned in 1966, but he could not find this property specifically being rezoned from residential. It may have been mistranslated into the current zoning map and thought to be Industrial A when zoning was overhauled in 1987. It has since shown up as Industrial A on maps. He noted he had drafted a memo to this affect for the record file.

Attorney Moir stated he would like to continue the hearing in order to address the issues about the flood and the issues that were brought up at the meeting. Attorney Moir asked what members are eligible to vote. Members eligible to vote were: Chair Carellas, Members Crowe, Bowen, Goyette, St. Hilaire, Puza and Salois. Magarain and McEwan are ineligible.

Member Crowe asked if the applicant is seeking a reduction under 300 feet because of rural residential lot line? Yes. She also inquired about the traffic study, what age group did they

look at? The age group that was looked at was between 21 – 70. She also voiced her concerns that West Springfield does not have a facility like this and felt that should be considered in the traffic study, she further noted she is not in favor of dissecting the ordinance. A discussion ensued regarding special permits and the definition of special permits versus site plan/by-right uses.

Planner Vinskey further noted that Westfield does allow marijuana uses by right if it is over 300 feet in a residential zone, if closer than 300 feet it is a special permit. Member Crowe reading ordinance, it says 300 feet wants to stick to it. Vinskey noted the board drafted this ordinance; it should have said these are prohibited within 300 feet if that is what was intended; but its not how its written.

Chair Carellas asked what would happen if the Board doesn't grant a continuance? Planner Vinskey informed him the Board can vote on it if it has all the information it needs.

Chair Carellas noted with the Cannabis Connection the nearest house is 501 feet.

Member Crowe MOTIONED, seconded by Member St. Hilaire for a continuance.

The Board and applicant discussed the continuation date, applicant requested May 18 adding they were hoping this would have been addressed by the Conservation Commission by that time. Vote for the continuation to May 18, 2021.

Chery Crowe	-	yes
John Bowen	-	yes
Bob Goyette	-	yes
Ray St. Hilaire	-	yes
Bernie Puza	-	yes
Rich Salois	-	yes
Bill Carellas	-	no

- Zoning Amendment (petition of the Planning Board) to strengthen enforcement language & extend permit validity times

Planner Vinskey informed the Board this application has gone to Council for their hearing, it was kept open for the Board's recommendation. There being no Board or public comments Member Goyette MOTONED, seconded by Crowe for a positive recommendation on the proposed zoning amendment.

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

E. Other Business

- 303 E Main St. – review of change to approved site plan

Mr. Levesque stated they are requesting to connect 303 E Main Street (KFC) site plan to the D'Angelos site; he apologized ahead of time for not including it in the original filing as Mr. Abdow was in the process of purchasing it, he wasn't sure if it was going to happen. He also would be adding 3 additional parking spaces.

Mr. Levesque asked if this could be done as a minor change. Planner Vinskey noted if the Board feels it is a minor change it could be done administratively if the Board feels it's a significant change the Board could require a hearing. Member Goyette felt it cleans this up and he likes it. Members Carellas, Salois felt it's a good move.

Member Salois MOTIONED, seconded by Goyette to approve the connection as a minor change.

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

- 1090 Southampton Rd. – review of status

Members St. Hilaire and Crowe voiced their concern regarding the pool place and the unregistered vehicles, boats, and junk. Vinskey noted that this is a construction site and it is not sitting idle. After further discussion the Board felt they should ask the applicant for a schedule of completion, as well as having Member Bowen give Officer Kevin Bard a call.

F. Announcements/Future agenda items

The meeting was adjourned at 11:30.