



City of Westfield

William Carellas, Chair
Cheryl Crowe, Vice Chair
John Bowen
Robert Goyette, Jr.
Jane Magarian
Philip McEwan
Raymond St. Hilaire
Bernard Puza, Associate
Richard Salois, Associate

May 2, 2023
City Council Chambers

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

Chair Carellas opened the meeting at 7:00

- A. Public Participation (on any matter not subject to a public hearing)
Chair Carellas asked if anyone would like to address the Board. None
- B. Review and approval of previous meeting minutes
Member Crowe MOTIONED, seconded by Member Magarian to approve the 4-4-23 minutes. All in favor. 4-18-23 Minutes to be reviewed at the next meeting.
- C. Review of plans not requiring approval under Subdivision Control Law. None
- D. Public Hearings (and possible deliberation and decision)
 - Continuation-Zoning Amendment (petition of the City Council) to exempt certain fixtures from the lighting standards.

Bill Onyski - Ward 6 City Councilor -37 Hillside Road - stated he has 2 amendments from the Board's original recommendation; one is a May 1, 2023 exemption date (vs. 10/2/2017), the other is to change the exception which was originally for just municipally-owned lights; he would like

that changed to all lights. The majority of lights are privately owned, he felt those also need to be incorporated into being grandfathered.

Member Magarian inquired about the process for a person who has issues with a light that is grandfathered in? She referenced the woman who spoke at the public hearing about someone who lives next to the Housing Authority and their lights are bright, how would she rectify something like that? What would the protocol be? Councilor Onyski stated she would have to talk to the owner of property. Will there be someone in the city to control it? She felt a committee should be set up to resolve problems like that. Councilor Onyski replied it would need to be done on an individual basis, if it is a light the city owns someone from the city would have to take care of it, in this case it would be the Housing Authority.

Planner Vinskey added if the light was in existence before 2017 it is an existing situation and arguably no action can be taken. Member Magarian asked about the lights that are grandfathered that are intrusive. Planner Vinskey replied under the current ordinance they would need to come to the board to replace it or comply with the ordinance. Under the new proposal they would be grandfathered and could be replaced with the same type fixture. Member Magarian gave examples of problems regarding lights at Boise Cascade. Councilor Onyski stated this change is not making it anything worse.

Member Crowe asked when the grandfathering starts? She looks at this as a reset button. Councilor Onyski informed her it started on May 1, we did not see the implications back in 2017 when the ordinance was drafted.

Member Salois did not have problems with the grandfather to repair or fix, but he felt there should be wording with the grandfathering so that people are protected from intrusive lighting. People will have no redress for something if it becomes a problem. He stressed that he felt there should be some kind of recourse if something goes wrong with the lights to protect the people.

Councilor Onyski stated currently the Board can grant a waiver. If there is a problem with the current ordinance they can come to the Planning Board and ask for a waiver. Member Salois added something needs to be codified in the ordinance that would address any issues. Planner Vinskey suggested possibly an administrative review for someone who has a complaint, but it's hard to confirm whether something is grandfathered or not.

Councilor Onyski stated there have not been many complaints. Member Salois agreed but there have been some complaints. Member Salois gave an example, if someone who lives by a mall complained about the lights going into their home and complained, the owners of the mall could say too bad, it's grandfathered, buy better coverage for your windows, "Buyer Beware". Councilor Onyski felt people should be aware of their surroundings. Member Salois also mentioned different zoning districts are next to each other which causes issues.

Chair Carellas voiced his concerns regarding grandfathering after an ordinance is in effect, he's struggling with it, in sanctioning a violation of ordinance. Why grandfather post 2017?

Councilor Onyski felt the main difference was at the time the Planning Board and Council did not get all the stakeholders involved who know the technical side of this. Chair Carellas agreed that all the stakeholders were not in the room, he also added all the stakeholders are not here at this meeting, he does not want this coming back 5 years from now.

Councilor Onyski noted some stakeholders were at the previous meeting- building inspector, electrical inspector, gas & electric, commissioners.

Member Bowen felt there is no harm in reviewing the light ordinance 5 years from now. Chair Carellas felt the current lighting ordinance is really good.

Member Bowen felt coming to the Planning Board was a good idea until found out the scope of violations at 600. Councilor Onyski said there are probably thousands and thousands of lights not in compliance. There are 603 lights that G&E rents, those were compliant (grandfathered) when they were installed. When the fixture is changed that is when they come out of compliance. If a business has a G & E light now they can come in for a variance or permission from the Planning Board, in the meantime lights out at the parking lot, it could be a month or more before it gets granted. Can't have a light out a month in a parking lot.

Planner Vinskey stated the ordinance makes an exception to allow for temporary lighting until permitted, there is language in the ordinance that addresses this.

Member Crowe felt the Council will make the ultimate decision and asked if they would consider putting extra verbiage to protect the people. Councilors will make the ultimate decision. Councilor Onyski stated he would welcome it. Member Crowe asked if there could be additional time to work the verbiage out. Right now they would like to move along for the sake of businesses using lights and if they fail and have to be replaced with LEDs. Councilor Onyski stated the discussions have been ongoing since November last year, those discussions weren't formal. Councilor Onyski felt it is time to move on and come back with a better ordinance that is more defined and will take 6 months to a year to do it right.

Chair Carellas opened the discussion to the room.

Councilor Figy stated the City Council has closed their public hearing, they will be taking an in-depth look at the ordinance and asked the President of the Council to set up an Ad Hoc Committee. The ordinance was done in 2017, it was a good job, after 5 years he felt it needs to be tweaked. He further mentioned the Professor from Smith who spoke at the Councils meeting also felt it should be updated.

Planner Vinskey clarified one of the concerns mentioned by the Professor was the lack of regulation regarding the color of the lights, he prefers a more yellow tone. Planner Vinskey also mentioned the Council has closed their hearing and the Board has 21 days to submit their report to the Council or make a recommendation.

Maryann Babinski- 114 Rogers Avenue - asked if they believe in doing something regarding light pollution or not. She felt if the Board wants to do something regarding light the Board would not want the ordinance amended to May 1, when it has already been in place since 2017.

Ms. Babinski further noted this ordinance took place 5 years ago, she reviewed the prior discussions that took place regarding the 2017 amendment. It is evident that the Planning Board members spent a great amount of time working on the ordinance. The Councilor members who were previous Planning Board members supported the original amendment, they spent a lot of time and effort on it.

The discussion now is whether grandfathered lights between 2017 and now because the present problem makes no sense to her personally, familiar with ordinance came to be. The current ordinance is a good ordinance and she hopes it will stay in place, everybody said this is something needed. Why grandfather now?

She felt there were some good suggestions made at the meeting and felt they should keep the current ordinance and grant a grace period. Maybe take 6 months or another year, except already

given a grace period of 5 years. Adopt a light program. At meetings 2017, asked if G & E was involved. Liaisons didn't think about it. Take more time as mentioned rather than pushing through right now, if the Board sees a problem with the ordinance they should take time and not just grandfather everything.

Councilor Bridget Matthews Kane - reason opposed feel like already enough, a light goes out can put in a temporary light, if a light goes out put in compliance or special permit. With these protections people will get notice of hearing, the neighbors can come to the meeting. She mentioned the AMA article she submitted (on share drive) about lights as human health hazard.

Haley Rivers -19 Lockhouse Road, handed out materials. Chair Carellas mentioned her business card she handed out was from Tighe & Bond and asked about her position at Tighe & Bond. Ms. Rivers replied she is a planner ; her role encompasses a lot, code review, writing ordinances. She noted she is attending as a resident, was born in West Springfield, and saw her first shooting star when she was 12, she was delighted by the night sky. In January 2020, she lived in Hawaii until 2022. She held positions affiliated with international dark sky, she helped them to become dark compliant, they are 60% compliant.

Ms. Rivers then addressed the grandfathering issue. Under grandfathering it states they can replace any fixture that is not brighter or more intrusive. In the long term, there will be no change and no progress for as long as grandfathering is in place, which means they will never have to be in light compliance, it does not provide a time frame, which means it continues the status quo. She felt it's the duty of the city to protect natural resources. It would be nice to address the light pollution, similar to cleaning up rivers.

Chair Carellas asked what her recommendation would be. Ms. Rivers felt there should be something that includes enforcement, time frame, to become compliant, temporary lighting until able to fix. She stated the point of a light ordinance is to reduce light not to maintain light pollution.

Member McEwan asked Planner Vinskey about the lighting at Smith College. When that lighting was done, how was the rest of the City? Planner Vinskey stated Northampton's ordinance is a much more extensive lighting ordinance. Regulates Such things as how bright lights must be in a parking lot, on property, applies to single and 2 family dwellings, it is much stricter than Westfield's.

Member McEwan mentioned people don't think about the new technology that is out there and suggested a pamphlet like the one that Ms. Rivers handed out be put in the G & E mailings. Planner Vinskey noted single and 2 family homes are exempt for our ordinance.

Member Salois stated earlier he didn't have a problem with grandfathering, rethought on it, since already grandfathered prior to 2017, 5 year period nothing till now. Newer lights will stand up better, if leave way is, 5 years newer lights and changes something happening furthering down. Can't force nudge in right directions, method for them to get back and running, mechanism. If all 600 went out would end up with 600 special permits, chances of that are slim, there already is a commitment to relook at ordinance next 6 months if leave way is.

The Board also discussed what would happen if there are broken lights in a parking lot, what would be done? Planner Vinskey stated it's up to the Building Inspector to interpret and enforce, but here is language allowing a temporary lighting, it is up to the Building Department.

Councilor Onyski mentioned 187 lights maximum number of special permits, with over 20-30,000 lights stand to be failing more than 187 special permits, 187 number of lights G & E touched since 2017 to January first of this year, talking every light in town, much more than 187 permits that board would have that would come in front of board. Much more than 187 potential permits.

When put pole lights with downward lights, losing parking spaces. He asked to think about the effect of how this will hurt our businesses and nonprofits need to move forward with this.

St. Hilaire retrofit over a time in a 5 year window, then no more grandfather? Onyski stated they would do a reset as of May 1, anything new going in has to be compliant, anything that needs to be replaced has got to be compliant from 5-1-23. Vinskey clarified but not for any existing fixtures. All thought good ideas, true at times it was good, fit what needed to be done, now come to light. It needs work. There are different heights of lights, there are 30 foot lights, 15 feet in the core district.

Chair Carellas noted there were different things to think about regarding the light ordinance, such as reducing the light pollution.

Vinskey mentioned special permit option has been said, but waivers are by a site plan approval process. He also clarified there is a lot of talk about grandfathering but really the issue is exempting more fixtures permanently. The original ordinance was written from perspective protecting neighbors, more than site level or the businesses themselves.

Bowen asked about a deadline? Council has to wait 21 days for us, that's May 11 - but the Board doesn't need to make recommendations.

Member Goyette MOTIONED, seconded by Member Magarian to close the hearing. All in favor.

Carellas- we're talking about a 6 year period allowing us to clean up messes since 2017. The Board's approach was zero at property line, that means could have a brilliant sun in as long as zero out. G & E and other places have chosen to ignore the ordinance, think provide waiver (exception) for 6 years will allow council to act and urge council to act and get all departments together, light specialist, comment about reducing light gets addressed, in favor of passing exemption, even though he knows it brings the Board a step back.

Member St. Hilaire stated he did not like the permanent exemption, he felt there should be a deadline where everyone has to be in compliance with the ordinance. Planner Vinskey stated the current ordinance does not say that, but some communities do require everyone to come into compliance.

Crowe reset, taking 2017 and starting from May 1, 2023 gives businesses time to comply when needed. Vinskey clarified it's really saying they don't ever have to comply. Crowe- city now has a code enforcer.

Carellas providing the waiver does that give someone the right to have five foot candles outside? Yes, way proposed none of the requirements would comply, as proposed all would be exempted. Carellas asked if it could be written in a way zero property line retains but rest is waived or exempted? Carellas felt that would be the ultimate solution as zero at the property line was the Board's original goal.

St. Hilaire some of the biggest issues, been to court and now coming back, confused. Vinskey clarified what is proposed freezes time, anything there now stays the way it is forever. Bowen felt it has to include no light trespass, condition no light trespass. Not sure about zero either.

Crowe could wait, if passed, how long it would take before got in there, put something in there before voting. Planner Vinskey stated that they can't go retroactively back in zoning, they are grandfathered forever.

Carellas recommendation should be exempt except zero at the property line, the Board didn't know about it, he felt it's up to council to write a good ordinance. Council will do what they want to do, they want to know what the Board thinks.

Member Bowen proposed (motioned) exempting the locations that are out of compliance right now up until yesterday, when current ordinance takes effect with exception of light trespass, they must comply with light trespass.

Planner Vinskey read from, suggested language provided no light trespass at the property line in compliance with 4-121.1 line 2. Goyette seconded.

Noted original request was for G & E/city lights, now basically all lighting. Member Bowen changed the motion to all lighting in motion. Goyette confirmed second.

Vinskey asked if that change was significant enough to warrant re-noticing? A significant change to a proposed ordinance as published should be noticed. Goyette mentioned this is recommendation only. Jane includes that in the recommendation to the council, if want to. With some confusion, Bowen withdrew the motion, and Goyette withdrew second.

McEwan suggested the Board should act on the language as proposed, see how everyone feels, when gets down line, Council will do whatever they want.

Bowen motioned a positive recommendation to propose the exemption covering all lighting and having requirement no light trespass at the property line if replaced. St. Hilaire seconded.

John Bowen	-	yes
Jane Magarian	-	yes
Phil McEwan	-	yes
Bob Goyette	-	yes
Cheryl Crowe	-	no
Ray St Hilaire	-	yes
Bill Carellas	-	yes

The Board opted to not weigh in on whether the change (exempting all lights) was significant enough as to warrant re-noticing.

E. Other Business

- Full Gospel Church- 102 110 Union street

The Board had a brief discussion regarding the Full Gospel Church. Members updated one another on the progress they have seen. Planner Vinskey stated there has not been any landscaping added in, no islands but Member Salois stated the curbing at the location of the islands has been added recently. Planner Vinskey to reach out to the church.

- 231 E. Main Street- Popeyes lighting

Originally proposed no pole lights, they have come back with a plan showing 4 pole lights, Planner Vinskey stated it complies with the ordinance. requirements Member Goyette felt it looked good. Consensus to accept the lighting as a minor change.

- Chapter 61A Notice to sell - 170 Loomis Street

Tax program right of first refusal. Member Goyette made a negative recommendation to purchase, seconded by member Salois. Member Salois added it does not seem to abut any land that would make it larger. Consensus to not recommend exercising right to purchase. It was noted the notice may be legally deficient but that would not change the Board's recommendation for the land.

- Dox Road Subdivision decision

Planner Vinskey presented the Board with drafted conditions he had prepared following the Board's last meeting/approval vote. Following his explanation for the generally non-substantive suggested edits, the Board accepted the modifications as prepared and discussed, by unanimous consensus.

- Climate Action Resilience Plan support

Vinskey reported an MVP action grant is coming up, the City will be seeking funding is looking for ask support letters; example on the share file. Planner Vinskey and Consultant for the Master Plan are working on the grant application; by unanimous consensus the Board supported the effort.

F. Announcements

Vinskey announced the Draft Master Plan presentation will be held on May 11 at Westfield High School in the Auditorium, and urged members to attend (but not deliberate there). Discussion among the Board would be at the May 16 meeting.

Member St. Hilaire voiced concerns regarding marijuana dispensaries getting out of hand with their signage- Fly away banners, marijuana plant images; state violation? brought up to enforcement.

Also noted Window World did a beautiful job. Planner Vinskey mentioned he had closed out that project for the Board.

Vinskey noted an ownership change at Cumberland Farms, per special permit condition requiring notice (re: Arm Brook/parent parcel).

Chair Carellas noted Cycle Street under appeal.

It was noted that the Solar Farm on Southampton road removed dead trees. Notice received that plantings would be done mid-May

The meeting was adjourned at 9:08.