



# 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

May 4, 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](http://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](http://westfieldtv.org) or online at [Youtube.com](http://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 (04-06-20 & 04-20-20)

Member Crowe MOTIONED, seconded by Member Magarian to approve the 04-06-20 & 04-20-20 minutes.

By Roll Call Vote:

Bernie Puza - yes  
Ray St. Hilaire - yes

Philip McEwan	-	yes
Robert Goyette	-	yes
Jane Magarian	-	yes
Cheryl Crowe	-	yes
William Carellas	-	yes
Richard Salois	-	yes

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

D. Public Hearings (and possible deliberation and decision)

Chair Carellas read the instructions for joining the meeting.

- Continuation – Site Plan/Stormwater Permit – parking lot construction – 91 E Mountain Road.

Jeff Squire of Berkshire Design Group was representing Western MA Hospital on this project. Revised plans have been received this afternoon. Chair Carellas stated that Member Salois would be filling in as the voting member in Member Bowen’s absence.

Mr. Squire reviewed the changes made to the plan per the Board’s request: Parking lot generally remains the same, but bike racks have been added, additional tree plantings, and due to the narrow width, traffic markings will be added to designate as one way.

The revised stormwater has been submitted to the city engineer, adding with late submission he understands they might not have had an opportunity to review.

Public comments, questions? For or against? None.

Chair Carellas asked if anything further is required. Planner Vinskey further noted we have not received a sign off from engineering yet. Member Magarian MOTIONED, seconded by Member Crowe to continue to May 18<sup>th</sup>.

By Roll Call Vote:

William Carellas	-	yes
Philip McEwan	-	yes
Raymond St. Hilaire	-	yes
Richard Salois	-	yes
Jane Magarian	-	yes
Cheryl Crowe	-	yes

- Definitive Subdivision Frontage Waiver - City View Blvd. (a.k.a. 66 Butternut Rd. / Parcels 27R-22, 20)

Presenting the application to the room was John Masuck of R. Levesque Associates on behalf of the applicant and owner Joseph Zelez. Mr. Masuck proceeded to share his screen showing the plan.

The reason for the application is because prior to this application being filed the applicant submitted an A.N.R. for this property and was informed by Planner Vinskey that prior to filing an A.N.R., a C-1 Frontage waiver would be advisable. There was a variance issued in 2016 and they believed it took care of this.

There currently is a building permit issued and there is a house under construction at this time. Member Salois inquired about the frontage they currently have? Mr. Masuck informed him they currently have 142, the requirement is 150 feet, he further noted the proposed house would be accessed through the right of way on Butternut Road, not City View. Member Salois inquired about the house that is on the lot that states this is not a building lot. Mr. Masuck replied the building he is referring to is a barn and not a residence, so it would not be considered a dwelling unit. Mr. Zelez would like to continue using the barn. Member Magarian inquired what the frontage is from Butternut for those lots. About 50 feet, it's not off the right of way for the frontage? No.

Mr. Vinskey asked him to review the frontage on Butternut? Mr. Masuck replied it's included in Parcel A, that line should not be going through right of way? Masuck diagonal line across cul-de-sac. The actual building lot they are talking about doesn't have frontage on Butternut. Member Magarian asked if the house is still under construction. Planner Vinskey informed her they didn't need the Board's approval for the house, this is before the board showing the parcel was split between the 2 pieces. Magarian asked why splitting if owned by same person? Mr. Masuck informed him it was part of a divorce settlement. Planner Vinskey stated from the physical stand point this is something no one would notice, it is not creating a new house or road. Originally submitted as an ANR but has a building on it and states "not a building lot." The "Lot" doesn't distinguish what type of a building it is. That is why would require a frontage waiver. Magarian inquired if the owner could come back and ask for a house on the lot. Planner Vinskey noted as it stands now it's not a building lot.

Member Salois also voiced concerns regarding the fact the access is not being through the frontage. Planner Vinskey replied that is a zoning issue which they have received relief from with the variance. Vinskey further cul-de sac extensions like this makes it a complicated issue; he further noted in 1979 this lot was permitted to have 2 houses on it.

Chair Carellas inquired about the chances for a subdivision (extending Butternut)? Planner Vinskey noted if Butternut is over 1000 feet they would need a waiver, he further mentioned the wetland issues.

Member McEwan why 2 house lots with no frontage and one arm with inadequate frontage, why not extend the road another 100 feet to add frontage to all 3 lots. Mr. Masuck felt the intent of 1979 was to allow for this use as shown, will end up with the plan, and would be 2 houses under the 1979 variance. He further noted the expense to add a turn around cul-de-sac would be costly. Mr. McEwan felt this situation has been ongoing for years and years, this doesn't solve anything.

Planner Vinskey stated most of these issues are zoning issues. What is before the Board is to allow them to record the plan. The zoning issues have all been resolved with the variance. Chair Carellas asked what would happen if the Board doesn't go forward and if they don't agree. Then they can't record it? Planner Vinskey informed him they wouldn't have a plan to record they could possibly have a narrative description of it. Member Goyette inquired if they could do a hybrid to allow the barn be razed. Planner Vinskey replied because they are requesting a waiver it allows the Board to impose conditions, he suggested "not a building lot" be added or the barn be razed. Mr. Masuck was comfortable with not a dwelling lot but he was unsure about razing the barn, he would like to speak to his client first.

Mr. Masuck intent of not building lot was to insist it wouldn't be used for dwelling unit, which was intent all along. Planner Vinskey once it was all owned by one person, so barn went with that house was on a separate lot, but agricultural uses are permissible.

Member McEwan noted a previous application on Fairview where the applicant created a turn around. Planner Vinskey noted that was not given a variance. Member McEwan voiced his concerns regarding this plan. Salois felt 50 foot right of way for 3 properties which causes his problem, he further sked if this was covered under the 50 foot? Planner Vinskey felt it covers it although he felt it wasn't the intention of the variance. Member Salois felt no dwelling purposes, and lot A as access, rather see the road extended but understands that would be costly.

Mr. Masuck noted he doesn't control all of the property which causes issues regarding cul-de-sac.

Public comment?

Joe Zelez - Didn't realize he could be at the meeting. Mr. Zelez informed the board he uses the barn for his tree farm. Carellas asked if he would be willing to continue Butternut Road. Mr. Zelez noted it would break him. He further noted he would like to get into Chapter 61. Not asking another building lot.

Member Magarian asked how long barn there? Permitted in 2008. Magarian asked about not to be built on issue? Vinskey explained the "not a buildable lot" is added because it doesn't have adequate frontage. Issue now it's on its own parcel. The label could be changed to not a dwelling lot, nothing really changing. Vinskey all 3 lots were commonly owned now going to 3 separate owners. Board of health had no comments.

Salois if change Parcel 1 to no dwellings think that should cover so applicant gets what looking for and won't be able to use as building lot and 50 foot right of way to the 2 properties of the 2 sides.

Further discussion regarding the possibility of the applicant extending Butternut further. Mr. Zelez further noted he has no intention of building anymore, his intention is to leave it to his children.

Mr. Masuck noted Butternut Road is already in excess of dead End Street for the City of Westfield, would possibly be making that problem worst.

Member Crowe asked about the precedent something like this might set with the 3 areas going into that one outlet. Member McEwan felt this situation would not be making the current status any better or worse.

Member Magarian nothing new will be going on there? Planner Vinskey will look the same as it currently is.

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

William Carellas	-	yes
Cheryl Crowe	-	yes
Jane Magarian	-	yes
Philip McEwan	-	yes
Raymond St. Hilaire	-	yes
Richard Salois	-	yes
Bernie Puza	-	yes

After discussion the Board voted on the following conditions.

The Board reviewed a draft decision and decided on the following conditions/plan modifications:

1. *The City Clerk certification/signature block shall be added to the plan.*
2. *On Parcel 1, the "not building lot" notation shall be changed to read "not to be used for dwelling purposes"*
3. *On Parcel 1, notation shall be added that "no additional structures are permitted without Planning Board approval"*
4. *Notation shall be added that the depicted "Right of Way" shall not be considered to satisfy frontage requirements.*

Salois motion to approve the plan/frontage waiver as discussed. Crowe seconded.

Jane Magarian	-	yes
Bob Goyette	-	yes
Ray St. Hilaire	-	yes
Richard Salois	-	yes
Philip McEwan	-	yes
William Carellas	-	yes

- Zoning Amendments (petitions of the Board of Appeals)
  - Definition of family

Planner Vinskey read the current definition of family into the record. He further noted one of the reasons for this change was because of an appeal that was filed in the fall. The appeal

was denied because both the building inspector and the law department felt it was not enforceable the way the current ordinance reads.

One of the changes is to expand the definition of family to include a group of 4 people living together would be considered a family as it relates to the density purposes. Chair Carellas agreed with the proposed wording.

Planner Vinskey noted if additional people were to live there the additional spaces for would be required. Vinskey noted the Board wouldn't specify the way or where they live. Member Crowe was fine too.

Dan & Shelia Tenero - People who filed the appeal and the fact of definitions should be changed, she felt this was a good change. Currently the city has an old definition that isn't being enforced, the new definition takes people who choose the way they want to live and gives structure to the college rental community.

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

Bernie Puza	-	yes
Philip McEwan	-	yes
Robert Goyette	-	yes
Cheryl Crowe	-	yes
William Carellas	-	yes
Jane Magarian	-	yes
Raymond St. Hilaire	-	yes

Member Magarian MOTIONED, seconded by Member St. Hilaire to send a positive recommendation.

Bernie Puza	-	yes
Philip McEwan	-	yes
Robert Goyette	-	yes
Cheryl Crowe	-	yes
William Carellas	-	yes
Jane Magarian	-	yes
Raymond St. Hilaire	-	yes

- o Various definitions/reorganize existing regulations

Planner Vinskey informed the Board the ordinance has regulations buried within the definitions of the ordinance some of the revisions he is proposing are antiquated definitions like Public garage/Parking garage, Buffer plantings, strips, Motor vehicle service stations. Also adding a building height definition.

He further noted the proposal would be deleting and reorganizing/moving sections around, no real substitutive changes.

Chair Carellas asked if there were any questions from the Board or Public.

Member Magarian MOTIONED, seconded by Member Goyette to close the hearing and make a positive recommendation.

Robert Goyette	-	yes
William Carellas	-	yes
Cheryl Crowe	-	yes
Jane Magarian	-	yes
Philip McEwan	-	yes
Ray St. Hilaire	-	yes
Richard Salois	-	yes

o Non conforming

Planner Vinskey stated there has been inconsistency with non-conforming interpretations, the intent here is to have less minor things come to the Zoning Board of Appeals and allow the building inspector to issue permits. Generally, just more precise, and more defined. Court Street/Broad street use as well as grandfathered lots were discussed.

Public Questions or Board additional questions?

Member Goyette MOTIONED, seconded by Member Crowe to close and send a positive recommendation to the Council.

Bernie Puza	-	yes
Ray St. Hilaire	-	yes
Philip McEwan	-	yes
Jane Magarian	-	yes
William Carellas	-	yes

E. Other Business

- Discussion to strengthen buffer regulation for marijuana establishments

Member Magarian felt the ordinance should be changed to not allow within 300 feet rather than the current definition. She further noted it's hard for the Board to distinguish between which ones should be allowed and which one's should not be allowed. She referenced how someone would come in with an application and they would reference the fact the Board approved one application while not approving their application, she felt it's hard for the Board to distinguish between the 2, she felt it would be more clear and cut and dry. St Hilaire felt it would take it out of the Boards hands. Vinskey noted it still would be before the Board as a site plan rather than a special permit. Crowe if took within out and put not less than 300 or 500 feet, would that strengthen it so it's cut and dry? Magarian think saying the same thing, she felt it would make it clearer for both the applicant and the board. Planner Vinskey asked if just for retail or for any establishment? Vinskey noted the Board has allowed them within the 300 feet and reviewed the non-retail ones that were issued, under the new regulations this would say they wouldn't be allowed. Crowe would have more a problem with retail, when it comes to others different scenario. Puza noted grow facilities have the odor issue.

Carellas if do not less than 300 feet, he can envision parts of BB that are perfect for retail they are not within 300 feet of residential , already business storefronts that are occupied along East Main Street possibly. Member Magarian also voiced her concerns regarding kids. Salois felt they should look at the area and how they fit into the area.

Planner Vinskey noted that when the original application went to council, 500' from schools was prohibited and they and changed that to a special permit.

After discussion the Board ultimately decided to leave the ordinance as is.

- Standard hours home based business hours.

Chair felt the Board should set hours, if the applicant wants different hours they should ask the Board. The Board discussed possible hours. St. Hilaire suggested putting the hours on the application. Planner Vinskey informed the Board he already advises applicants to be ready to present their hours and signage; maybe should put hours in the ordinance or consider some of the uses by right, set parameters that would allow people not to invest \$500 for uses that are benign, some communities allow by right options, but there would be clear parameters. Members felt they should have their hours stated on the special permit application so the Board's aware of the hours they are looking for.

- 1090 Southampton Road

They are moving forward and progress has been done. Kevin Bard (police) will be following up.

- Valley Bike Share

Chair Carellas explained what Valley Bike are electric assist bikes for rental, you pay for the rental of these bikes. He felt this would be great in Westfield with the college, he also has spoken to Councilor Matthews Kane, and she agreed this would be a great idea. The cost is significant but there are grants out there. He felt his would be a home run. Member Magarian inquired where the rental money goes to. The fee goes to the company that rents them out.

Johnathan McHatton -42 Arnold Street- Member of the Columbia Greenway and felt it would be beneficial and would be willing to assist the City of Westfield.

Paul Cacoline-Westwood Drive- He felt the Westfield University Planning and Geography department would be interested in participating.

The Board suggested something should be put in front of the Mayor as this is budget season. Members were favorable to the idea and Chair Carellas further noted he would like to take the next step.

#### F. Announcements

The meeting was adjourned at 9:23