



MINUTES OF LEGISLATIVE AND ORDINANCE COMMITTEE MEETING
59 COURT ST, WESTFIELD, MA
CITY HALL - ROOM 315
JUNE 29, 2021 at 5:30 PM

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WESTFIELD CITY CLERK

1. The meeting was called to order by Councilor Onyski at 5:30 PM.
2. Councilor Onyski called the Roll. The following committee members were present: Chair, William Onyski, James Adams and Michael Burns.
3. Councilor Onyski opened the meeting for public participation. There was no one present to speak.
4. Upon Motion of Councilor Burns, it was VOTED: That the L&O Minutes of June 15, 2021 meeting be accepted. Motion seconded by Councilor Adams. Approved by Roll Call 3-0
5. Upon motion of Councilor Adams, it was VOTED: to SUBMIT Petition for Zoning Amendment submitted by the Zoning Board of Appeals for an update on non-conforming situations at Article II/4-10, Article III/3-91.2 and Article III/3-92.2 with a POSITIVE RECOMMENDATION.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
William Onyski	Yes

Prior to the vote, Councilor Onyski informed the committee that this was proposed because the ZBA more clearly wanted to define the purview of the changes to pre-existing situations which don't apply to current zoning regulations between the Building Department (which has the by right changes) and the Zoning Board of Appeals (which has changes that require a special permit and generally allow more flexibility by right). It also locally codifies the state "grandfathered" lot protection and adds a buildability route through special permits for undersized lots that may fall into common ownership. It allows a house completely destroyed by fire or voluntary demolition to be rebuilt by-right. The current ordinance doesn't allow rebuilding of non-conforming structures. It is more permissive and should result in small scale projects like additions, sheds, garages, not having to go through the time and expense for a special permit. This has gone through the City Council Zoning Planning and Development Committee and been vetted through Councilor Flaherty and his committee.

Community Development Director, Peter Miller added that the ZBA has been aggressively trying to figure out how to make things more customer friendly for people to do things that aren't controversial. About 75% of things that are brought before the ZBA are non-controversial such as a building a shed within 8 feet or rebuilding a house burnt down by a fire. He noted that this only pertains to rebuilding a house as long as you're not increasing the nonconformance.

6. Upon motion of Councilor Burns, it was VOTED: SUBMIT the Petition for a Zoning amendment submitted by the Zoning Board of Appeals to update the definition of family and related/affected residential living arrangement matters at Sections 2-20, 3-40.3 (1) and 3-50.3 (1) with a POSITIVE RECOMMENDATION.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
William Onyski	Yes

Prior to the vote, Councilor Onyski explained that this also came before City Council and was vetted by City Council Zoning, Planning and Development Committee. This doesn't change what was proposed, but the word *household* was switched out with the word *family*. The word family is no longer defined under Zoning. This was the result of a complaint that 4 unrelated people were living together, currently prohibited by the Zoning Ordinance because they weren't family and would be defined as a lodging house which is prohibited in most areas. The proposed Ordinance change would allow for this. The ZBA feels this Ordinance is not responsive contemporary land use regarding how people live today and results in it being unenforced or unenforceable. It also seeks to expand the definition of people living together to include non-blood/marriage living arrangements similar to that found in other communities' zoning definitions of family such as West Springfield, Amherst, Northampton, Springfield and Holyoke. Four unrelated individuals is a common limit; the ZBA uses that number as a factor for determining density and parking requirements which should be valid interests governed by zoning. This would also be applied to sober homes which currently have an unlimited cap of residents. The proposal is more permissive and does not alter current regulations affecting related people living together such as a traditional family. Councilor Onyski read through some of the new definitions being added:

Bed and Breakfast. A single family dwelling which lodgings are, intended to be left for transient occupancy as a commercial venture utilizing a common entrance in which may include furnishing of meals.

Dwelling.

Single Family - A building, on a lot; designed and occupied as a residence for one household

Two Family - A building, on a lot, designed and occupied as a residence for two households living independently of one another in separate units

Multiple Family/Multifamily or Apartment. A building(s), on a lot, designed and occupied as a residence for three or more households living independently of one another in separate units. Three or more dwelling units on the same lot, even if occurring in single family and/or two-family dwelling structures, shall be considered a multi-family dwelling use.

Household. Persons living together in one dwelling unit and consisting of either: members of a common occupancy; or any number of persons related by blood, marriage or similar domestic partnership, legal adoption or guardianship. In the case of the latter, domestic help, caregivers or up to 3 roomers may be considered accessory to a household for the purposes of this ordinance.

Councilor Onyski stated these changes have been vetted through our Law Department as well as the Building Department. Mr. Miller informed the committee that this has been an ongoing discussion. The City has received numerous complaints that they have been unable to act upon. He shared a case that was settled about 8 years ago in Worcester where neighbors sued a landlord who had been stacking tenants. The result of the case was that it made most of these Ordinances that define family unenforceable. It was deemed unconstitutional to keep the

definition of family to such a small definition. This Legislation is more modern and takes into account how people live. It also cleans up definitions of dwellings and multi-family homes for when people purchase investment properties. Councilor Onyski asked if anyone from the audience would like to speak. Daniel Tenero from 38 Claremont Street, spoke on behalf of himself and wife Sheila, in support of the proposed Ordinance changes. Sheila Tenero spoke to inform the committee that she and her husband Dan, filed a complaint relative to college students living in a house on their street. She said the case that Mr. Miller referred to didn't depend on family, but tenants that hold the lease versus those that do not and in that case the Ordinance spoke for itself. There was not a definition of family in the Westfield Ordinances so when they contacted ZBA, elected officials and attorneys they could not get anywhere because there was nothing to enforce. She is thrilled to see these definitions. Mr. Adams asked if these changes were in place, would it have changed the situation. Mrs. Tenero said yes, if it is the law, then you accept it. Councilor Burns asked for clarification if the definition of family would have any effect on a multi-family home. Mr. Miller explained that each unit within a multi-family would be considered a household. The Health Code has a regulation that places occupancy limits based on square footage. These definitions are secondary to the Health Code and help give enforceability to the Building Department. Councilor Burns extended his appreciation for their hard work on this Ordinance.

7. Upon motion of Councilor Adams, it was VOTED: to SUBMIT a Motion of Councilors Figy and Adams," to revise Sec 2-256-c to allow C O A meetings to be held at the Senior Center," with a POSITIVE RECOMMENDATION.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
William Onyski	Yes

Prior to the vote, Councilor Onyski informed the committee that this has gone through Legal and they proposed a change to the Ordinance to add that Council on Aging (COA) meeting may be held at the Westfield Senior Center, 45 Noble Street. Council on Aging Director, Tina Gorman, shared that she and the other COA board members support this Ordinance Amendment for several reasons: accessibility, transparency and staff resources. Holding the meetings at the Senior Center presents less of a challenge for the staff and community members to attend the meetings and she believes it will increase participation and attendance. Councilor Adams served on the Board for two years and echoed that there weren't many people who attended the meetings, most likely because of the location. Councilor Burns agreed on the transparency and thanked Mrs. Gorman for bringing it forward. Councilor Onyski noted the importance of the accessibility this will provide to the people who the COA directly affects. Mrs. Gorman added that in addition to an increase in participation she believes this will give the Senior Center members a glimpse into what the staff do and how hard they work on behalf of the seniors behind the scenes. Council on Aging meetings are held the second Monday of the month at 1:00pm.

8. Upon motion of Councilor Burns, it was VOTED: to SUBMIT a Resolution of the City Council of the City of Westfield authorizing approval of the Mayor to sign a Host Community Agreement (HCA) with Lucky 7 Cannabis, Inc., a Massachusetts corporation to be operated at 0 Timberswamp Road for a Marijuana Production Operation with a POSITIVE RECOMMENDATION.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
William Onyski	Abstained

Prior to the vote, Councilor Onyski informed the committee he would be abstaining from this agenda item because he works for and with employees who are principals of another cannabis operation in Westfield and did not want to give an impression that he was being unfair in any way.

Motion made by Councilor Burns to nominate Councilor Adams as Chair Pro Tem, second by Councilor Onyski.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
William Onyski	Yes

At 6:04PM, Councilor Onyski exited the meeting.

Community Development Director, Peter Miller informed the committee that over the past 5 months they have been working with Lucky 7 on a Host Community Agreement (HCA) for a Tier 1 Cultivation License at 0 Timberswamp Road (corner of Timber Swamp and Medeiros Way). This is the same property that was taken out of 61A from the Tomasko Family. There have been some modifications to the Host Community Agreement that City Solicitor Shanna Reed has been a part of. The Mayor has been asked to put this forward. They are looking to do 5,000 square feet of cultivation with 2,500 additional square feet of operational space and potentially expand in the course of the next couple of years to about 10,000 square foot cultivation. They have a business background and have built a successful business in office furniture. Attorney Blake Mensing, a former Municipal Attorney and current Cannabis Attorney introduced himself to the committee. For context of the size, he noted it takes ten thousand square feet of Cannabis to supply a brick and mortar store for a year so their initial tier would be enough to supply half of the needs of one store. The Cannabis Control Commission regulations require security regulations and protocols beyond what banks and pharmacies have to hold. There are detailed restrictions on becoming a nuisance due to odor but this parcel is under 28 acres so there is plenty of space to select where the facility can be put in terms of screening it from a public site. The facility will not be open to the public and there won't be exterior signage. Attorney Mensing stated The Host Community Agreement will be the springboard which Lucky 7 will jump from to apply to the State. Mr. Miller added that Lucky 7 had their Community Outreach Meeting a month ago but they have not been to the Planning Board yet for Special Permits and Site Plans. They're looking before they invest the money to make sure they have the ability. Councilor Adams asked if they were taking all of the land out of 61A. Alan Anthony Wong, III, introduced both himself and Jeffrey Daniel Maxon. Mr. Maxon explained to the committee that they have done a significant amount of surveying including their Wetlands Survey and Delineation as well as marking out boundaries. He said because there is a perennial stream that cuts through the property, the usable land would probably be 10 acres of space, towards the front corner. Their Engineering Team is preparing to record all of the documentation with the appropriate departments and approach the Planning Board for Zoning Determination forms, if they receive a HCA with the City. They have spoken to the Mayor and would love to

become productive members of the Westfield Community. They pride themselves on being a community involved business and for how they maintain their current business properties in Connecticut. Mr. Wong shared the strong support their company shows for Veterans; in addition to donating furniture to local veterans, last year they donated 600 Walmart Gift Cards to the Rocky Hill Veteran Home. Attorney Mensing informed the committee that the state requires as a functional licensure a positive impact plan. There are 29 areas of disproportionate impact where the state ran the numbers and said people of color and white people consume cannabis at almost the exact rates but convictions and severity of punishment is harsher for people of color so try to give back. The New England Veterans Alliance has outposts where they do educational work in some of those 29 areas of disproportionate impact. In addition to what they do locally, Mr. Wong and Mr. Maxon are involved with Veterans through this State program as well. He informed the committee prior to this, he was an Environmental Attorney and Conservation Commissioner so he was willing to dig deeper into the Wetlands issues. Councilor Adams pointed out that 10 acres of land was plenty for this project.

Mr. Miller highlighted their commitment to organic growing and their commitment to the environmental stewardship they had in their proposal. Attorney Mensing stated treating it like a plant instead of an industrial product, will get better end results. Mr. Maxon stated that they're recyclers by nature, and in their other business venture, they recycle and refinish furniture similar to what's in the meeting room. Being green minded is something that has been a core tenant of their business for almost 30 years and is something they are committed to. He explained that he's already connected with Mr. Nathan at 360 Recycling for soil and has discussed selling locally at Cannabis Connection. He expressed his love for Westfield and his hopes to work with other businesses within the City. Mr. Miller noted that this HCA would provide new growth for Westfield. Councilor Burns asked if Westfield would receive a 3% tax on this. Mr. Miller explained that there is a three percent excise tax only on retail licenses; in this agreement there is a three percent community impact fee, up to, the community impact fee is something that needs to show there's been an impact of some sort. They will pay property tax on the land. Attorney Mensing added having a wholesale customer like Cannabis Connection would generate the retail tax. Councilor Burns asked if the land was zoned Agricultural. Mr. Miller informed them it was zoned Industrial. Attorney Mensing added the State decided the legal definition of agriculture could not include Cannabis because of MGL Ch. 40A, Section 3. Councilor Burns asked what kind of building would be built. Mr. Maxon informed the committee that the plan is to construct a greenhouse that will look like a steel building from the outside, metal walls or white black white polycarbonate siding so it's completely opaque with a clear roof. Photos of examples were provided to the Councilors. Attorney Mensing noted another environmental impact was the clear roof, allowing for use of the sun opposed to artificial lighting. Mr. Wong added that the tree line would not be taken down and that the building would look like a faint greenhouse through the wood line. Councilor Adams asked how much water a facility like this would use. Mr. Maxon answered that it is probably between 400-600 gallons per day but as part of their green minded plan, they would recycle rain water and could use a catch basin. He said that other grow facilities produce around 30% waste run off but they are striving for zero waste. Attorney Mensing noted that Massachusetts prohibits the use of pesticides on cannabis. Councilor Burns asked if chemicals had to be taken out of the City water. Mr. Maxon explained that their property sits over an easement for a reservoir of non-portable water which doesn't go to the City's water treatment plant. Mr. Miller explained they would not be able to use that without an Intermunicipal Agreement. After hearing that, Mr. Maxon explained the alternate process they would be taking and said they would have to use some filtering systems to make sure the ph. levels were correct. Councilor Adams asked if they were aware of other facilities that were getting ready to also open in Westfield. Attorney Mensing said that they're targeting a higher standard of quality, a 'Top Shelf' type of product, something the other cultivators aren't doing. Mr. Wong added that as business owners they are very passionate about what they do

and Mr. Maxon loves the science behind this. They hope to have a few greenhouses in a few years. Councilor Adams asked why they chose Westfield. Mr. Maxon said he has been coming to Westfield for years, it seems business friendly and he started his search here because he knew Cannabis Connection was already here. Mr. Wong added that their other businesses operate out of smaller communities as well because they like the feel of community. Mr. Maxon added that he was familiar with many of the businesses coming and that collaborating with them would be ideal. Shopping locally is 10 times more important to them than getting a better deal. Councilor Burns asked if either of them would be working at the facility and Mr. Maxon said he would be at the facility every day. Mr. Miller said this would be our 8th HCA; 30,000 sq. foot grow facility on Falcon Drive, four that are retailers, Clean Technique, Sativa Lab and if passed, this one. Attorney Mensing, Mr. Wong and Mr. Maxon gave their appreciation to Mr. Miller for all of his help. Councilor Burns thanked them for their hard work on this as well as their dedication to Veterans. Councilor Adams read an email from former City Councilor, Mary Ann Babinski (see attached) and accepted it into the record. Mr. Maxon informed the committee that Conservation Coordinator Meredith Borenstein, has walked the property with them and is in constant contact. Councilor Burns asked when they saw their business opening. Attorney Mensing said if they are able to get a HCA, they will hopefully get the application to the state by the first week of July. The State will likely sit on it for a few months then send a Request for Information, he anticipates a provisional licensure within the six to nine month range and then however long the build out time is; probably early 2022. Councilor Burns confirmed that the property was already purchased. Lucky 7 was informed by Councilor Adams that this would be brought to the Council on Thursday. Regardless of the outcome, Mr. Wong asked them to remember Transfer Enterprises if they need help with Veterans. Councilor Burns and Adams commented on how fantastic our Director of Veterans Services, Julie Barnes was and suggested connecting with her.

At 6:38 PM, and upon motion of Councilor Adams, it was VOTED to ADJOURN.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
William Onyski	Absent

Respectfully submitted,
Kaitlyn Bruce, Scribe for the Legislative and Ordinance Subcommittee