



# City of Westfield

## PLANNING BOARD

*Philip McEwan*  
*William Carellas*  
*Peter Fiordalice*  
*Jane Magarian*  
*Carl Vincent*  
*Cheryl Crowe, Associate*  
*Raymond St. Hilaire, Associate*

January 5, 2016

Chairman McEwan called the regular meeting of the Westfield Planning Board to order at 7:00 pm in the City Council Chambers, 59 Court Street, Westfield, MA.

**PB MEMBERS PRESENT**  
 **MEMBERS ABSENT**

### **STAFF**

Philip McEwan, Chair  
 William Carellas  
 Peter Fiordalice  
 Jane Magarian  
 Carl Vincent  
 Raymond St. Hilaire (Associate)  
 Cheryl Crowe (Associate)

Jay Vinskey, Principal Planner  
 Christine Fedora, Secretary

### A. **PUBLIC PARTICIPATION**

Chairman McEwan asked if there was anyone in the room who would like to address the Board during the public participation portion of the meeting regarding items not currently before the Board?

Henry Warchol

Inquired how the request for a continuance was made for the hangar project located at the airport and when it would be rescheduled? Chair McEwan informed him the Board received a letter from their representative Rob Levesque requesting a continuance adding it would probably be continued to the first meeting in February.

### B. **REVIEW AND APPROVAL OF PREVIOUS MINUTES**

Fiordalice MOTIONED, seconded by Magarian to approve the minutes of 12-15-15 as submitted. All in favor.

### C. Review of "Approval Not Required" Plans

- None

### D. Posted Public Hearings (and possible decision)

- Continuation -Zoning Amendment-City Council (Figy) – eliminate special permit requirement for alcohol sales/service within 500' of a church or school

Chairman McEwan opened the discussion by briefly reviewing the Board's previous meeting regarding this application. Some Board members felt they needed more time to research this matter prior to making a recommendation to the Council.

Chairman McEwan asked Board members if there was any discussion? Vincent felt this should remain in the zoning ordinance as a review for the Planning Board as discussed at the prior meeting regarding the zoning issues the Planning Board looks at during its review process. He also mentioned it was previously thought this ordinance came to light in 1990 but after doing research it was referred back to February 1958. He didn't see any indication that it was inappropriate for the Planning Board to review and he feels the Planning Board acted in good faith.

Fiordalice said he wouldn't mind if the Planning Board were given notice if possible, he felt it appears to be redundant based on Mass General Laws to have the Planning Board and License Commission both review the applicatio . He reiterated he felt a notification would be a good suggestion. Chair McEwan informed him there is a public notice in the paper.

Vincent then voiced his concerns if after it's approved and they go out of business, is there a time frame when another business can move in? Does it trigger another review within a certain time period? Would there be another public hearing? He reiterated he felt that it should initially be approved by the Planning Board and then forwarded to the License Commission. Chair McEwan noted if there is a change of ownership the liquor license has to be transferred adding there is a review process. Vincent voiced his concerns regarding the effects on the neighborhood.

Crowe felt after reviewing the material provided she is in favor of reducing the redundancy for the applicant. She has faith in the Licensing Board and feels they do a good job, even though at first she may not have agreed. The Planning Board might be in the way of License Commission doing their job in light of what the state says.

St. Hilaire agreed with Crowe.

Chair McEwan asked if anyone from the public had any questions of fact. In favor? Opposed?

Magarian also felt after reading the material it was redundant, felt it doesn't need to be looked at twice.

Vincent felt there is a lot of redundancy not in just this type of an application but gas station proposals how they come to the Board and they also have to go to the Council for the tank approvals, as well as different levels of reviews from other departments such as the Conservation and Engineering Departments.

Magarian felt one redundancy is justified it doesn't mean all have to be. St. Hilaire felt it has to stop somewhere. Fiordalice MOTIONED, seconded by St. Hilaire to close. All in favor.

Fiordalice MOTIONED, seconded by Magarian to send a positive recommendation to the Council.

St. Hilaire	yes
Crowe	yes
Vincent	no
Magarian	yes
Fiordalice	yes
Corellas	no
McEwan	yes

Five (5) in favor, two (2) opposed.

- Continuation – Special Permit/Site Plan/Stormwater Permit – 100 Airport Rd. (Barnes Airport) – new hangar (*A request for a continuance has been received*)

Chair McEwan called on the petitioner/representative having noted a letter request for a continuance. Rob Levesque addressed the Board as the applicant's representative. His client WHIIP City Aviation is leasing property at the airport. He gave a brief history to the Board indicating his client had previously been to the Board with a request for a hangar with stormwater and associated construction. They have approached the Board for an additional hangar recently, but since that time they have changed gears a little, he indicated he spoke with the planner and it was suggested that the current application plan might be able to be amended for 2 hangers instead of the 1. He requested a continuation to 2 meetings in order to provide updated information.

Magarian MOTIONED, seconded by Carellas to continue to February 2, 2016. All in favor.

E. Other Business

- Compliance Review – 64-68 Main St./10 Mechanic Street

Chair McEwan opened discussion noting at they had received a list of improvements that needed to be resolved, he added it looks like they have complied with everything adding there may be one concern, that being the fence and the shrubs in the front. Vinskey informed him the fence was apparently just put up on 31<sup>st</sup> and some shrubs had been planted.

Carellas thanked Mr. Falcone for complying. Vincent referenced his letter of 12-3, one of the things on the letter referred to the handicap parking referencing the striping had been done in a different location than on the plan because the line guy apparently knew the regulations better than the applicant but what he didn't say was the building was different then the approved plan and the parking is different. He then referenced Vinskey's report of 10-1 if you compare the third drawing with the figure 4 drawing there is a bump out there as well as parking to the right he noted the bump out is gone, part of building has been demolished and the entrance way moved as well. They never notified the Board it would be demolished. When striping guy came he knew better about access to the doorway, seems closer to the building. He then referenced CMR 521, he also mentioned the handicapped spot is not where the Board approved it. The box truck Aaron's is on the sidewalk blocking pedestrian way looking for direction do next, he also mentioned the building inspector had inspected Wal-Mart and there are 7 storage containers on the site, hopefully he will be getting enforcement letter out this week.

Aaron's- Vincent feels it is important and significant, part building demolished, parking not in compliance with CMR and not where Board approved it.

Carellas asked if there is a way of fixing this? Aaron's is a viable business, better than being vacant, Mr. Falcone came in stepped up and has done an admirable job, but understand what Mr. Vincent is saying. Vinskey suggested administratively it could be accepted as a minor plan change which would not require a public hearing or decision; the Board could then let the building department know that it complies with your original approval.

Vincent asked if we heard about the Stormwater requirement? Vinskey – no; it's a requirement of the conditions.

Carellas asked if we accept the changes on the plan it would leave the parking as the sole issue? Vincent added the compliance with the Stormwater management is not completed yet, the front fence

is in, shrubbery is in, he felt the Planning Board should have been kept in the process of reviewing and knowing the changes, he also noted the handicapped parking issue.

Vinskey informed him the details of handicap parking is not regulated in zoning; there is a separate code in state outside the board's purview. Vincent added his point was the location of it the handicap spot.

McEwan felt the last 10 or so uses in that building didn't do a thing, they have invested a significant amount of money looks like it belongs on Main Street, he noted the part of the structure they eliminated is not an issue to him. He felt the petitioner has done everything he has been expected to do and more. Carellas agreed adding the ADA compliance issues in regards to parking is not in the Board's purview.

Magarian MOTIONED, St. Hilaire seconded to accept as a minor changes those revisions marked up on sheet S-1.B included with Falcone's letter, and not require them to come before the Board. All in favor.

- Angelica Estates subdivision performance guarantee – request for partial release

Rob Levesque informed the Board they have a request for a release of lots like to place remaining work under bond he indicated that roughly \$386,000 worth of work has been completed which leaves a balance of \$329,624 to be put in a bond.

Levesque informed the Board the numbers they put together are an estimate of work to completed, they have submitted these numbers to the Engineering Department, the numbers are very conservative, the Engineering Department is comfortable and they are accepting this with the understanding these numbers are conservative.

He indicated they still have to go through a winter season, they haven't completed their full set of As Built Plans or surface inspections but he felt comfortable there will be no issues, he asked the Board to release the covenant in exchange for the bond in order that he can sell some of the lots.

Motion?

Fiordalice MOTIONED, seconded by Magarian to release the covenant in exchange for a performance guarantee in the amount of \$329,624. Magarian seconded. AIF.

Vinskey briefly explained how covenants/performance guarantees applied to subdivisions.

#### F. Announcements/Future agenda items

Vinskey informed the Board members we don't have any public hearings scheduled for January 19<sup>th</sup>. so the Board doesn't have to meet on the 19<sup>th</sup> unless they would like to. Vinskey informed members with any ANR's we could wait for the next meeting, unless there is a case where he thought the Board would likely have to deny a plan, then we could call a meeting. It was agreed the next meeting will be scheduled for February 2 unless another meeting is required.

Vinskey circulated the covenant release form to members for signatures.

Carellas asked about Wal-Mart trailers. Vincent read the letter into the record from building department regarding Wal-Mart.

Magarian motioned to adjourn at 7:38 p.m, seconded. AIF.