



# Westfield

# City of

## PLANNING BOARD

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

February 2, 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.

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

**STAFF**

- |                                   |                                  |
|-----------------------------------|----------------------------------|
| X Philip McEwan, Chair            | X Jay Vinskey, Principal Planner |
| X Peter Fiordalice                | X Christine Fedora, Secretary    |
| X William Carellas                |                                  |
| X Jane Magarian                   |                                  |
| X Carl Vincent                    |                                  |
| X Raymond St. Hilaire (Associate) |                                  |
| X Cheryl Crowe (Associate)        |                                  |

**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?

There being no one heard the Board proceeded to their next item on the agenda.

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

Fiordalice MOTIONED, seconded by Carellas to approve the January 5, 2016 minutes.

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

- 101 North Road 0 Boisseau/St. Onge - Boisseau  
Vinskey stated the plan has adequate frontage.  
Fiordalice MOTIONED, seconded by Magarian to approve the plan as submitted.  
All in Favor.
- 10 Arnold Street - PVT/ City of Westfield- Vinskey noted the application was not yet complete for the Board's review.
- 0/345/355 Little River Road - Healy/Bajurny  
Vinskey informed Board members the plan has already been recorded, cleaning up the language on the deed, and will be part of the closing documents. Owner was looking for a Board endorsement anyway. Carellas MOTIONED, seconded by Magarian to endorse the plan. All in Favor. McEwan signed a prepared letter for Mr. Bajurny.

- D. Posted Public Hearings (and possible decision)
- Continuation - Special Permit/Site Plan/Stormwater Permit -110 Airport Road Barnes Airport - new hangar (a requested continuance has been received)

Chairman McEwan informed the Board the applicant has requested an extension to March 15, 2016. Fiordalice MOTIONED, seconded by Magarian to approve the extension to March 15, 2016. All in favor. MOTION passes.

- Definitive Subdivision (single lot) - Parcel 71-1 end of Fairfield Avenue

Chairman McEwan read the notice into the record for:

The Westfield Planning Board will conduct a Public Hearing on February 2, 2016, at 7:00 P.M. in City Council Chambers, Municipal Building, 59 Court Street, Westfield, MA on a Definitive Subdivision Plan submitted by Sviatoslav Pylypenko in order to create a residential lot at the terminus of Fairfield Ave. The property is known as Parcel 71-1 and contains 3.8 acres. The application is available for public inspection during regular business hours at the Planning Department and at [www.cityofwestfield.org](http://www.cityofwestfield.org).

Chairman McEwan asked the petitioner to present the proposal to the Board. The petitioner Sviatoslav Pylypenko addressed the Board informing them he has a purchase and sale agreement but there are a few issues that need to be solved before he moves forward he indicated there is not enough frontage. One possible solution he came up with is to create a T turn around adding the current location is unsafe now for trash pickup, emergency vehicles, and people playing on the street. He felt a T turn around will help with these issues.

McEwan inquired if there is a steep hill at the end of the pavement? Mr. Pylypenko replied where the pavement is going to be it is flat adding he would be creating more than 125 feet of frontage which will enable large vehicles to turn around.

Magarian asked about a driveway down the end of street? Pylypenko replied it's a private way and the owner doesn't want anyone parking there.

Vincent asked if the issues from the Conservation Commission have been addressed? Mr. Pylypenko replied the issues are still pending, it has been continued until the second week in February.

Fiordalice inquired about the turn around, is the proposed driveway going to be the turnaround? Pylypenko replied where the street ends now will be a turn around.

Vincent asked where the frontage would be coming from? Vinsky replied Fairfield would be modified extended, there will be additional frontage created when the turnaround is put in place. Vincent asked if it would be possible for another house to be built having the same amount of frontage? 2 houses? Vinsky showed where the public way ends on the GIS, indicating he currently has 50 feet of frontage which isn't enough; by modifying roadway creates 125 feet or so of frontage to create a building lot. Vincent asked if there is the potential for 2 building lots? Mr. Pylypenko informed him there are wetlands around the lot and there is a buffer zone, would have to go through. Vinsky informed Vincent there wouldn't be enough frontage for 2 lots.

Carellas asked if he's looking to purchase the lot or if he already owns it and if there are any structures on the lot? Mr. Pylypenko replied he's looking to purchase it and there are not structures on the lot. Fiordalice asked if there are wetlands there why build there? Mr. Pylypenko replied the area he wants to build on is 1.5 acres which is usable land but in order to use it they have to access it by the wetlands. He informed the Board he did investigate to use the paper street on Berkshire Drive but was told it's been assumed by the abutters on each side so he cannot use it. McEwan informed the room he looked at the strip of property and also looked at the value of the property as well. There was a subdivision in the 50 and 60's and lots were created and that is the way they were conveyed with frontage on the streets. Vinskey believed this subdivision predates subdivision control law. The accepted public way goes to the end of the pavement, the remaining piece is a private way defaults to ownership to the abutting parcels.

McEwan asked how we know where it ends? Vinskey informed the Board he did research in the Clerk's Office which lists the length of the accepted way. McEwan asked if there is no map how do we know if frontage on the road? Vinskey replied we are relying on the surveyor's plan and his research.

McEwan voiced concerns that there was an approved subdivision and now you're coming in with changes to the subdivision and voiced his concerns as to whether this was allowable. He also mentioned there were a number of waivers being requested. Mr. Pylypenko replied he's tried to get a waiver to keep the 49.5 feet of frontage, but he did not get it so he's here applying for a subdivision plan but it's not really a subdivision plan he's just putting one lot, one house. McEwan added the street length is in excess of 1000 feet, adding he didn't think that waiver would be a problem. He mentioned he has seen plans like this prior but doesn't remember approving one; he voiced his concerns regarding other plans coming in like this. Water commission still has to approve the extension of water line. Mr. Pylypenko replied the water department has received the plans but he has not heard back from them yet. McEwan said he understood the additional waivers of the sidewalks, curbs and street trees. Mr. Pylypenko engineering commented they could not locate the man whole, adding it has been located since then.

McEwan informed the Board this is a definitive plan and as such the Board has 135 days to decide, he further asked the applicant if the Board could have permission to look around on the property? Mr. Pylypenko replied absolutely, adding everything is staked you can see where everything will be located questions board?

The Board further discussed Fairfield Avenue built late 80, or 90s not sure if part of parcel at one time either. Vinskey informed him those lots came to the board, the last time it came to the Board was to extend Fairfield to where it is now, and it would be similar to that as it would be extending it by putting a turnaround in the end. Vinskey added it was a definitive filing similar to what is currently being proposed. Magarian asked how far extended last time? 2 houses back approximately 200 feet. Vinskey produced the original subdivision layout, dated 1914.

Vinskey said he could dig out the older plans and approvals. Magarian asked if there is a statute of limitation as to when the plan expires? Vinskey informed her it (the old plan)

hasn't been acted on and zoning has changed. Vinskey informed her currently there are plenty of paper streets throughout the city, and generally those properties revert on to the lots either side.

Fiordalice asked where would his trash and recycling go? Mr. Pylypenko down to T. explained how trucks would be able to make a turn around. Explained process how trash pickup would work. Fiordalice felt the T would make it safer than now.

Vincent noted he was making a lot of I statements will you be living on this property? Yes.

Vinskey added the standards call for a cul-de-sac at dead end streets, the idea is this is compromise, one more house and improvement of street, the Board's only discretion is with those waivers. Mr. Pylypenko added a turnaround wouldn't impact wetlands, but a cul-de-sac would.

McEwan asked if a subdivision creates 10 lots and that is recorded as 10 lots, how get to one lot without coming through here? Vinskey replied there is a merger doctrine, when lots don't conform to zoning and they are under common ownership they are deemed to merge into one. McEwan asked without an ANR? Yes. McEwan how come right of way not taxed? Vinskey felt it probably should be, it should show what the surveyor shows as one property adding he felt it was not being as a building lot.

Carellas asked if we have 135 days to make decision. McEwan replied they have 135 days from the filing date.

Room questions of fact?

Ryan Dunfy ~ 147 Berkshire Drive

Purchased his house from the person selling the lot. The house is located on the end of the cul-de-sac. He inquired if that is a right of way access that cuts through his driveway or property that would be sold with this lot? Vinskey informed him it's got nothing to do with this lot, it was originally a right of way but never got accepted, the city's acceptance goes up to the end of pavement, and the private right of way reverts to abutting properties. Dunfy asked if it's sold to as the current proposal would they have rights to build or do anything on that strip? Vinskey replied he didn't believe so. Vinskey informed him not knowing deeds, other residences might have rights; but it effectively becomes private property between the 2 houses. Dunfy then asked if he were to sell the property right now would it become an issue? Vinskey replied he doesn't give legal advice but he has seen plans where property line is drawn to center of the street, absorbing the right of way McEwan asked if half of the parcel would go to 2 abutters on each side. Generally, yes.

Christopher Kastenaero ~ 151 Berkshire Drive

Reason developer stopped in 50? Will the wetland be addressed? McEwan replied they would have to go through conservation, adding the Board can't deny or approve an application based on conservation issues. Reason may not build back there not done yet? McEwan replied he couldn't tell him why but his suspicion is because it's wet. Vinskey

added also the lack of frontage. Mr. Kastenaero inquired if there are other locations to build a home on 4 acres.

Julian Gamache ~ 65 Fairfield Avenue

Voiced her concerns regarding the wetlands, as well as the impact on the houses below, water in homes, water table, impact on the wetlands and cellar.

Mr. Pylypenko informed the Board that on the right corner there is a pipe which is not being maintained which he felt is causing the problems; he added he would be maintaining it which would help with the water issues.

Virgina Hibert ~ 50 Fairfield Avenue

Gave a history of the area to the room, when the land was owned by the Goodreau's they never wanted anything built there, in the spring they are inundated with water. She also mentioned after the pipe work was done on Western Avenue it elevated the water, she voiced her concerns regarding the additional construction would cause more of a problem, she asked the Board to delay their decision until the work on Western Avenue is completed.

Margaret Judd ~107 Berkshire Drive

Lived there over 50 years, concerned about water issues as well.

In favor?

Opposed?

Statement in opposition?

McEwan asked members if they have anything new to add?

Vincent asked as to when the Conservation was continued? Mr. Pylypenko informed the Board it is continued until the second week of February adding the Commission hasn't had an opportunity to check the wetland, adding they wanted to make sure exactly where the line for the wetland. Vincent felt that some of the abutters might like to attend.

A brief discussion regarding the culvert pipe. Mr. Pylypenko showed the area of the culvert pipe to the members. Carellas asked whose approval is that subject to? Mr. Pylypenko replied it would be the conservation commission. St. Hilaire inquired as to the water issues and the driveway. Vinskey noted under subdivision control, the layout of the driveway and the house is not the Board's purview, the focus in on the roadway itself and not the lot.

Carellas inquired if the city doesn't take possession of the T will it be the petitioners duty to maintain it? McEwan said he would rather see a reduced size culdesac rather than a T turn around adding he felt it would be more functional. Vinskey informed him he spoke with the Engineering Department, and they felt this was a compromise good solution. McEwan mentioned the side streets along Western Avenue those cul-de-sacs are smaller than modern cul-de-sacs, not crazy about T turn around area, he felt that is creating false frontage. Fiordalice said he would like more time and permission to walk that area, better lay of land to speak. Mr. Pylypenko informed him there are pink flags and stake in middle of the driveway.

McEwan read into the record an E Mail.

**From:** [bdmd156@comcast.net](mailto:bdmd156@comcast.net)

**To:** [j.vinskey@cityofwestfield.org](mailto:j.vinskey@cityofwestfield.org)

**Subject:** 2/2/2016 Planning Board Hearing

**Date:** Monday, February 01, 2016 7:39:40 PM

In Re: Definitive Subdivision Plan submitted by Sviatoslav Pylypenko

Jay - My husband and I, Michael and Barbara Davenport, own 97 Fairfield Avenue, Which abuts the property known as Parcel 71-1 at the terminus of Fairfield Avenue. We understand that Mr. Pylypenko is seeking an extension of Fairfield Avenue for a turnaround in order to meet the frontage requirement to build one home. We are not in agreement with this proposal due to the following issues and would appreciate it if you would bring this to the attention of the Planning Board:

1- The end of Fairfield Avenue is currently a very small area with 4 driveways and many cars. Often our driveway is blocked enough to make it difficult for emergency vehicles like a fire truck or ambulance to enter our driveway quickly, compromising our safety. Access to our mailbox has been blocked in the past. If another driveway is added, access to the existing properties will be diminished and more cars and traffic will be added to this small area.

2- Snow plows currently plow snow into the edge of the woods at the end of Fairfield Avenue because there is no other place to leave it without interfering with access to driveways. If the turnaround is allowed, the snow, with salt and chemicals, will be dumped farther into the woods and wetlands, harming the wetlands.

3- Currently the end of Fairfield Avenue is not adequately cleared of snow due to cars in the way and the shade of the woods. This is a big problem already with snow, ice, and ruts on the road all winter once it snows. The turnaround will cost the town more money to maintain a longer road for one house and will probably cause more issues for parking than now due to more cars and traffic.

4- Children play on Fairfield Avenue at the end of the street at the woods. Due to the small but steep hill, when driving up the hill, it is difficult to see the children. More than once I have slowly driven up to find kids not far from my car in the middle of the road playing. With more traffic and with the road extended, cars will move faster there with less caution because the end of the street goes farther into the woods.

5- When we purchased our home and in 2013 when a State Forest Plan cut trees on that property, we were told by the Wetlands Commission that that land is not buildable due to the wetlands there. The plan is for a 12' x 90' wetland crossing for a driveway. How will the wetlands be protected? If the flow of water in wetlands is allowed to be moved, our concern is how will abutting properties be impacted by that.

The removal of trees has already impacted the land value by diminishing privacy to homes and will continue to diminish value with more trees removed and affect wildlife.

6 - When we purchased our property, also abutting wetlands, we were told that we are not allowed pave our driveway. We are concerned that paving the turnaround and/or the driveway to the house will have a negative impact on the wetlands. The paving and removing of trees for this proposal will also negatively impact wildlife that live there and is protected there.

7- Mr. Pylypenko mentioned perhaps not paving the driveway, but using gravel instead. From experience, we know that when you plow a gravel driveway, most of the gravel is plowed off the driveway and needs to be replaced every year. The gravel from this driveway will be plowed into the wetlands and surrounding area, impacting the quality of the land there.

Thank you for taking the time to consider what we have sent you.

Barbara and Michael Davenport

Mr. Pylypenko addressed some of the concerns: He felt the trash being picked up now the trucks will be able to maneuver better than previously; they will be able to turn around safer.

There is 55 or 60 feet to wetland which leaves plenty of area for the snow to be pushed to not damage wetlands.

Vinskey informed the Board March 1 is a primary so there will be no special permit public hearings but the Board can meet for a subdivision hearing on March 1 if it wants. In regards to Conservation Commission concerns, Vinskey informed the Board the decision on a subdivision has to be done by someone first, independently, but has to be satisfactory to both.

McEwan announced that public comment was going to end, the public participation portion was an opportunity for questions, if additional material or further questions are needed submit the new material or further questions directly to the City Planner and not the board members directly. Vinskey reminded the Board this is not an adjudicatory decision like a special permit. It's not discretionary, the Board is looking at the plan and deciding if it meets regulations; if it meets them you have to approve, the Board's only discretion lies in the list of waivers that are being requested.

Carellas asked if the T cut out has to meet the regulations. Vinskey informed him that it doesn't meet the regulations so that is a waiver. Carellas brought up how the engineering department felt this is a good solution.

Vincent MOTIONED, Fiordalice seconded to continue the hearing to March 15. Discussion? None. All in Favor.

#### E. Other Business

- North Field Estates (Bent Tree Estates)

McEwan read the letter from City Engineer Mark Cressotti into the record:

As per your request this office has reviewed the referenced project with regards to **Interim Retainage Release**. The following items of concern are offered for your consideration:

1. Essential systems have been achieved with the installation of fencing around the detention pond currently underway.
2. Substantial import or movement of fill material poses challenge to improved facilities.

In consideration of the above the value of **\$241,158** as presented in the attached spread sheet is recommended at this time. I trust this information will be sufficient for your needs. Thank you for your consideration.

Vincent MOTIONED, Fiordalice seconded to approve the release of the covenant of exchange for a performance guarantee in the amount \$240,000.00. Vincent noted he rounded off the amount. All in Favor.

- Review of the report of the Bicycle & Pedestrian Planning Advisory Committee & Complete Streets Policy draft

Vinskey informed the Board the Committee that was tasked with looking at Bicycle & Pedestrian Planning Advisory Committee & Complete Streets Policy Committee met 8 times and compiled a list of 7 recommendations.

1. **Adopt a “Complete Streets” Policy.** The Committee drafted a policy document (Appendix A) which it believes, if adopted by the Mayor, will sufficiently meet state standards, thus allowing access to funds from MassDOT’s new Complete Streets program. It will also help to set a new tone for transportation infrastructure projects going forward.
2. **Undertake a formal Bicycle and Pedestrian Master Plan.** The Committee understands that a comprehensive study of this type exceeds necessary resources currently available, and such effort may most effectively be performed by a specialized professional consultant.
3. **Amend the sidewalk ordinance prohibiting bike-riding** (Sec. 16-135. - *Driving on sidewalks*). A bicycle prohibition should only apply to the downtown area, not City-wide as currently in force. The Committee believes that allowing bikes on areas outside the central business district is often the only safe and convenient accommodation available.
4. **Increase access to bicycle parking.** The Committee anticipates adequate bicycle parking facilities to become an increasing need, especially downtown as the Rail Trail progresses. This can be accomplished through the responsibilities of both the City and private developers:
  - a. Work with Downtown merchants to coordinate locations and install (City) bicycle parking facilities, possibly as an art display.
  - b. Require new private development projects to accommodate bicycle parking, by zoning amendment.
5. **Close Sidewalk Gaps.** Gaps in the City’s sidewalk/pedestrian network should be eliminated, with a priority focus on those areas close to schools.
6. **Adopt an ordinance specific to the Columbia Greenway Rail Trail.** As this resource lies somewhere between a park and a roadway, policing and enforcement challenges have been identified, and a dedicated ordinance is suggested.
7. **Expand City outreach and education efforts.** The Committee identified a need to better educate both drivers and cyclists on the rules of the road (through school programs, signage, website, etc.). Especially as the Rail Trail expands, a need to accommodate more bicycle traffic on City streets is expected.

Vinskey informed the Board the major one is the adoption of a major “Complete Streets” policy. He informed the Board the MA DOT has funds for municipalities that adopt this type of policy, if the states’ standards, these funds could be accessed.

The group also thought tasking more of a formal group with or professional undertaking a bicycle and pedestrian plan beyond the ability of the committee suggested an outreach effort for more of a formal plan.

It was discovered that sidewalk bicycling is illegal in Westfield and thought that restriction should apply only to the downtown area, an ordinance change for that would be required.

Talk regarding bicycle parking as well he mentioned how it often comes up during reviews by the Planning Board. One change would be a zoning change to add bike parking in addition to car parking, look at downtown area more of a city role in increasing the bike parking working with merchants.

Closing sidewalk gaps to make pedestrian traffic safer.

Greenway Rail Trail doesn't fall into the realm of park ordinance it doesn't apply to roadway. Officer Hall found challenges in enforcing it, something specific in regards to the bike path should be considered.

Expanding outreach education for cars and bicyclists.

Fiordalice thanked Planner Vinskey for all the time spent on this, he commended him on a job well done, he felt this was a real eye opener as far as the increased traffic goes as well as the fact of the pedestrians, the public should be aware there are other modes of transportation besides just cars. He also felt Westfield State and Professor Bull and the students should be recognized for their input as well.

Crowe also commented on the work the Planner put into this adding he spent a lot of time on this attending meetings, writing up the notes, it has been an educational experience and has opened up new avenues. She hopes this will expand the businesses downtown to help people spend money and enjoy new activities.

Vincent also added he appreciates the work Professor Bull and the students at Westfield State have done. He felt there is more that the city can do. He read from the report. More can do as city, engineering department, implementing several things. He proceeded to add the city is reworking Western Avenue meeting. He felt the "Complete Streets Program" is more of a council and engineering department realm, he feels the complete streets goes beyond the realm of the Planning Board.

Vinskey informed him this is what the committee reported to you, if you want to take actions you can take actions, if you want to send it somewhere you can send it somewhere. Carellas felt the conditions of the road are a concern for bicyclists. He thought the effort was fabulous.

Carellas made a recommendation to accept report; he also suggested if they should recommend it be sent to the Council as well? Fiordalice agreed. Carellas MOTIONED, Fiordalice seconded to accept the report and hand off to the Council to review and accept "Complete Streets Program". Vinskey informed the Board members he was not sure on the legal process for adopting a policy, but that can be worked out with Council, Mayor.

- Election/Designation of Officers & Representatives
  - Chair - Fiordalice MOTIONED, seconded by Carellas to nominate McEwan. No further nominations. All in favor.
  - Vice/Chair/Clerk - Magarian MOTIONED, seconded by Crowe to nominate Fiordalice, no further nominations. All in favor.
  - CPC Representative - Fiordalice said he would like to continue. All in favor.
  - Alternate CPC - Crowe said she would like to continue. All in favor.
  - PVPC - Magarian said she would like to continue. All in favor.
  - ANR signers - Fiordalice and Magarian to continue. All in favor.

#### F. Announcements/Future Agenda Items

Carellas felt that Aarons' has done a great job taking care of the outstanding issues. Motion to adjourn at 8:30. All in favor.