



City of Westfield

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

January 17, 2017

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
 Peter Fiordalice, Vice Chair
 William Carellas
 Jane Magarian
 Carl Vincent
 Raymond St. Hilaire (Associate)
 Cheryl Crowe
 Robert Goyette

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?

Maryann Babinski ~Roger Avenue
City Councilor and liaison to the B.A.P.A.C. proceeded to read a letter into the record from BAPAC which addressed their concerns regarding the Roots project and the fact there are many critical pieces of information that is lacking in their information- such as the well locks were not there, no quality assurance information, the sampling was done by the property owner not by a laboratory, they remain concerned regarding the crumb rubber material and the potential of harming the aquifer.

Chair McEwan asked if there was anyone else that would like to address the Board? There being no one to address the Board, the Board proceeded to their next item on the agenda.

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

Magarian MOTIONED, seconded by Goyette to approve the Minutes of 12-20-16. All in Favor.

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

There being no 'ANR's" the Board preceded to the next item agenda.

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

- Continuation – Special Permit/Site Plan/Stormwater Permit-aviation museum at Barnes Airport – Airport Rd.

Chair McEwan informed the Board we received a letter requesting a continuance to March. Magarian MOTIONED, seconded by Goyette to continue to March 21, 2017. All in Favor.

- Continuation (without prior discussion) – Special Permit-Home Based Business – 197 Loomis Ridge

Chair McEwan noted this is a continuation for a home based business; there was no discussion at the original meeting as the applicant was not present. He proceeded to read the notice into the record for:

The Westfield Planning Board will conduct Public Hearings on December 20, 2016, at 7:00 PM, in City Council Chambers, Municipal Building, 59 Court Street, Westfield, MA on the applications of:

David Procopio for a Special Permit per Zoning Ord. Sec. 3-40.4(17) to allow for a home-based metalsmithing business at 197 Loomis Ridge, zoned Rural Residential.

The applicant David Procopio of 197 Loomis Ridge addressed the Board. Mr. Procopio informed the Board he would like to run a black smithing business from his home for approximately 6 – 8 months. He noted he recently found a location he would use as permanent location but he needs to do some work in it before he can move in; his home would be temporary while the new property is getting completed.

McEwan inquired if this is an existing building? Mr. Procopio informed him he would be doing the work out of a separate shed in the back of the property. The work he will be doing is architectural mill work and forge work, he brought a sample to show the board, it is handmade forged material. Employees? No, signage? No. noise pollution? The noise that would be heard would be the same thing as a hammer in shop at a home. There would be some UPS deliveries, there wouldn't be any heavy equipment. Discussion regarding the type of tools he would be using. Picture of forge? No, 36 x 36 free standing with air duct can be supplemented. Carellas asked about emissions? There would be standard side vented, similar to a metal flue pipe. Coal emissions? None, adding it would be similar to a charcoal grill in the back yard; small working with same amount of material and charcoal but it is coal.

McEwan asked about chemicals? There will be no chemicals, charcoal, hammer and grinder. No ground water contamination? No. He informed the Board when he's done for the day he dampens the fire and they go out quickly. The dimensions are 14 x 18. Magarian asked about safety precautions? He informed her there is a block on the wall or terra cement based on the product. The hours would be 7:30 to 5:00. Monday – Friday? Saturday Sunday? No. Bill 8 months? 8 months get business property ready? In Westfield.

McEwan asked if he would want the special permit for one year? Magarian inquired if he has any certifications? Mr. Procopio informed her he's attended schools as well as having metal working skills, aircraft experience with riveting and forming material, as well as experiencing high temperature work with welding and a construction company as well.

St. Hilaire asked if he is teaching a class? Mr. Procopio replied no, there are different standards that have to be met in order to teach, his concerns right now are for his business and for the sake of his

family. Magarian asked if there are emergency contingencies in place in case something were to happen. He noted if something were to happen he would call 911. He explained the shed he will be using will have an overhead door the smoke would be directed out, he would also be wearing safety clothing.

He also presented some of the tools he makes.

The Board asked what the closest home was? He noted the closest home was about 120 feet.

Open questions from the room?

James Billips - noted he is a resident of Loomis Ridge as well as a member of the Conservation Commission. He voiced concerns regarding the water quality of wells. He also inquired if this area is zoned for business operation? Opposed. James Billips.

The Board inquired if there would be any chemical residue? There is no real chemical residue even as by product, pounding on metal with hammer, he noted at the end of the day they pick up the metal and put in a bucket. He also noted a lot of product can be reused, don't use chemicals in process, as far as burn off. If there are concerns with well he noted he has a well also and it would be self-defeating if he were putting something into the well.

A resident of Loomis Ridge addressed the Board stating she's lived there for 30 years and read the Loomis Ridge Brochure into the record. She also noted there are covenants that run with deed and proceeded to read the covenants into the record. She further voiced her concerns regarding carcinogens, odors this business might produce, endangered salamanders; there is no water in the neighborhood for fire response.

She also voiced concerns if there was a fire and how it would be put out? Mr. Procopio replied he is not melting or smelting the metal down, it's a softening process to be able to form and fuse the material. The subdivision covenants can be restrictive he also felt the fire departments issues should not be brought up. Further discussion regarding the metal tank.

Mary O'Connell City Councilor -Inquired if he received a c.o.o for the building? No. Councilor O'Connell further noted that it is needed and inquired if he has filed a DBA with the City? Yes. Councilor O'Connell inquired if he has done the work so far? Mr. Procopio noted the samples he brought to the meeting were done during classes he attended. Councilor O'Connell inquired about the deliveries and how they would be coming? The deliveries would be made by UPS with a potential of a few customers coming to the house, he noted this is a work in process. The Board further inquired how many deliveries trucks would be coming in?

Mr. Procopio noted one of the reasons why he wanted to start this now is because his new location won't be completed until approximately 6 - 8 months and he needs this income to support his family.

Councilor O'Connell inquired if he was aware of the fact there is no water if there is a fire in the neighborhood she also asked if it would be fair for the residences in the neighborhood, to have 8 hour day of hammer banking. Mr. Procopio noted people use hammers in their houses he also noted he

was fully aware of the fact regarding the fire department issues and he was told the tanker trucks in Westfield could handle a house fire. Councilor O'Connell suggested he speak to the Chief.

Lived there for 19 years, concerned about carcinogens, neighbors have respiratory problems; wood fires have to stay inside, a lot of people on ridge nice supply of birds up there. How affect birding and conservation property?

Propcopio only thing have to say no more burning processes, or outside burning practices?

In favor? Opposed?

Dawn Thomas ~183 Loomis Ridge - She understands the applicant has to make a living but noted this is a residential neighborhood, this is conservation land, there is water back there, residential neighborhood, if there is a fire there is not water to put it out. She felt this was not the place to have this business, she too voiced concerns regarding the covenants that were placed in the neighborhood and how they are not being complied with. McEwan reiterated those covenants, have nothing to do with the Planning Board that issue would be a land court issue. She noted she does not want a business coming in.

Opposed?

Mary O'Connell - In opposition, this is a lovely neighborhood; don't think appropriate location for a home business.

Joanne Fortin -Read letter into the record, opposed in residential neighborhood, some of the items noted were the noise, environmental concerns, fumes, noise level, and increase in traffic.

Christine and Paul Risoluski ~ opposed.

Maryann Babinski - She felt this goes against the grain of the neighborhood, what happens more regrets down road, food for thought, hope can find other place for business, keep like invested in neighborhood.

Jeff Alonti ~ 36 Loomis Ridge -Feels this would be a great business but it is a residential neighborhood, small kids, children playing out there a lot, fact don't know traffic will be, a lot of activity, increase traffic, setting precedence come in, small business hate to see increase in traffic in area. Fire concerns as well.

Mr. Procopio stated he has children too, his goal is not to provide a dangerous environment, and this is only in the interim. Set up show room at other properties to present, bulk to other business, and appreciate input and concerns.

Magarian asked if he purchased the shed with the intent of putting a business there? Mr. Procopio noted the shed was already there, it was used as storage. Mr. Procopio reiterated the intent is only to be temporary until the new location is ready to be utilized.

Carellas inquired if he's done any modifications to the shed? Mr. Procopio noted he has put in approximately \$2000 - 2500.

Goyette MOTIONED to close, Carellas inquired about insurance? Mr. Procopio noted he is currently working on that.

Magarian suggested if we could hear something from the fire chief to alleviate concerns of the neighbors, more information? Carellas agreed. Vinskey informed the members the Fire Department was notified of the application and we have not heard anything back. McEwan mentioned the Home Business idea was to allow businesses if they can't be seen, heard, traffic increased, smell.

Mike burns 175 Loomis - Opposed, this is a community; he felt this would open up the door to further businesses.

McEwan felt the discussion should get away from community and get back to the zoning. Mr. Procopio said he understands the concerns but added there already are Fed Ex trucks and UPS trucks that come up to the neighborhood.

McEwan provided an example as far as the ordinance regarding homes businesses. If someone stated they wanted to knit hats, no one would know, it's up to the applicant to prove no one would know. Can they smell? See? Hear? Can you hear a hammer? Yes, no way then suppress a carpenter, hammer during day light in shed , enclosed shed, time frame winter months and early spring doors and windows closed, ventilation make up air in system. Bill conflicted don't want to deny right feed family, but he felt that Article 5 was very clear.

Carellas seconded the MOTION to close. All in favor.

McEwan read the draft findings into the record.

DRAFT Findings

- (1) the specific site is an appropriate location for such a home-based business, being a relatively large lot with distant neighbors;
- (2) The use as developed will not adversely affect the neighborhood given the restrictions established in the ordinance (Section 5-100.2);
- (3) Adequate and appropriate facilities, including an indoor work area, will be available for the proper operation of the use;
- (4) the plan, as approved, conforms to all other rules and regulations.

Any Discussion on the findings? None.

DRAFT Conditions

1. *This Special Permit is non-transferrable and shall expire upon the sale and/or transfer of ownership of the property (unless the listed Applicant, as principal practitioner, continues reside in the home).*
2. *The Planning Board, and/or their designee, reserves the right to inspect the premises through the first year of the use of this Special Permit.*

3. *No associated signage is permitted or was proposed.*

4. *Hours of operation shall be limited to between 7:30am and 5:00pm.*

The Board proceeded to discuss the Special Permit findings and conditions. McEwan felt a number 5 should be added that the special permit is only one year from the date of approval.

The Board then proceeded to discuss disagreement with the findings. Magarian didn't agree with finding #2. She felt the site was not appropriate for such a use; she also felt the site was not appropriate. Carellas also noted the Board heard from neighbors who state such.

Carellas MOTIONED, that finding # 2 would adversely affect the neighborhood with increased hammer noise, burning odors and the permit not be approved (Yes vote to deny). Magarian seconded.

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

Special Permit was denied for the reasons discussed.

- 710 Southampton Road Zoning change, notice:

Notice is hereby given that Public Hearings will be held at 7:00 P.M. in City Council Chambers, Municipal Building, 59 Court Street, Westfield, MA on

January 17, 2017, by the Planning Board & on
January 19, 2017, by the City Council

to consider a petition of Sandra and Kenneth Boyd (owners) to amend the zoning map at 710 Southampton Road (Parcel 257-27), expanding an existing Business A zone and rezoning the remainder from Rural Residential to Residence A. The full petition and map is available for public inspection at the City Clerk's Office and Planning Dept., 59 Court St., Westfield, MA and at: www.cityofwestfield.org/applications

Presenting the application to the Board was Rob Levesque of R. Levesque Associates. Mr. Levesque informed the Board this parcel was previously before the Board requesting it be rezoned to IA. The Council did not approve the change. Since then they have met with the ward councilor and hopefully have come up with a solution. The revised plan is as follows: Omitting the IA from the application, and expanding the Business A, they also noted they would like to create a buffer along the southern side to allow for a strip along the RA.

The Board inquired as to what type of opportunities they were looking for? Goyette inquired if this was originally a contractor yard? Opportunities, rob looked at different ideas, retail, restaurants.

Magarian inquired about the dimensions of a RA strip back? 200 feet. Armbrook front area with it.

Meredith Salois -Meadowbrook Road- Voiced her frustration regarding the fact she was not made aware of this, no one was made aware of it, reached out to neighbors. What is goal? Get approved? Special permitting? She reviewed the proposal. And disagrees that it matches the general areas, as well as the GIS. There is a great mix of real estate there. She inquired as to why they want to change the zoning from Rural Residential to RA? She voiced concerns regarding buffers, security and safety, traffic, the fact she doesn't know what their intentions are. McEwan informed her this is for a zoning change the Board makes a recommendation to the Council and they're the ones who approve or deny the application, he further added if it does get changed and they decide to build they would have to come back for the Planning Boards approval. Ms. Salois had a petition signed by some residences; McEwan informed her she should bring it to the council meeting.

Lévesque noted RA is contiguous with the way it is zoned, contiguous, still provided same level. RAstrip above and beyond buffer. Bill why RA? Rob 50 feet away to provide buffer. Endangered species on property; been thru that already, comfortable staying within work area.

The applicant informed the Board currently his office is located in his home, the plan is to rehab move his office from his home and have that come to this location.

In favor? Opposed?

Maryann Babinski - Informed the Board she did meet with the applicant and felt that making the adjust rom RR to RA was the best way, she agreed with changing it from RR to RA and felt that would be good and was disappointed more abutters hadn't shown up.

In favor? Opposed?

Vinskey mentioned this is a peculiar way to use zoning to create supposedly unbuildable buffer strips; usually this is dealt with at the site plan level. Further discussion regarding the way the plan was drawn. Vinskey noted it is still possible to have building occur in this buffer.

Carellas MOTIONED, seconded by Magarian to close. All in favor.

Magarian MOTIONED, seconded by Carellas to send a positive recommendation. All in favor. Jane motion positive recommendation. Bill seconded.

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

E. Other Business Roots

- Roots Athletic Center- Partial use

Frank Demarinis addressed the Board. He informed the Board he doesn't have a presentation to make but rather he is seeking a partial building use. He needs to finish the landscaping in the spring, adding is nothing more complicated than that. McEwan informed him as far as authorizing the building inspector to issue a partial CO there seems to be some disagreement as to whether things would get done.

Magarian inquired as to what needs to be completed as far as the partial release? Would that be the indoor fields in back of the building? Frank yes. What portion of the building? About 78000 s.f. of the rear of the building. Magarian inquired if there is access to the bathrooms in that part of the building? Demarinis replied there is access to bathrooms in the rear of the building. Are they usable? Demarinis replied currently they are not but will be asks for the partial release from the building inspector, probably in a couple weeks. Magarian asked if he could be more reassuring than that? Demarinis replied it should be 2 or 3 weeks. Demarinis voiced his concerns why that would be relevant for site plan approval on the outside of the building. He further added he was not going to ask people to go in there without bathrooms aren't ready. Magarian also inquired about the buffer construction portion of the area that is not completed? Demarinis replied there is a wall built between areas that are still under construction, similar to Holyoke Mall. Magarian asked if there are any doors that have to be opened? No.

McEwan noted the board is considering authorizing the building inspector to proceed with partial occupancy allowance before site and building are total complete? Building itself or all of them? Magarian inquired as to the ventilation in the building referencing the chrome rubber on the indoor fields as outdoor fields? Demarinis replied he gave the information to the building inspector, noting it is limited to what is required by the building code, adding there are no fumes that the product puts out. Magarian noted she has done research as well and that is not what she has found.

Carellas inquired if the work has been roughed out? Frank everything finished except turf, electrical roughed? Frank electrical, wrapping up, electrical rough is done, handful of electrical wiring.

Demarinis voiced his concerns that he has an unfinished building with no CO, receiving tax bills from the city and feels he's being backing in the corner by the city. McEwan noted the building inspector handles construction and safety aspects.

Magarian felt the cart is coming before the horse everything done half way confused don't seem to be done straightforward, may not have been intention but it seems that way to her. Frank welcome to come and look at other parts of the facility, the most safe facility in New England. Felt he's being attacked.

McEwan noted this is getting too personal and the board should move forward. DeMarinis left.

McEwan asked if there was a motion or not? Magarian MOTIONED, not to authorize the building inspector to move forward. No second, motion

St. Hilaire MOTIONED, seconded by Crowe to authorize the Building Inspector to move forward with the inspection for a partial use. Vinskey reminded the Board it needs 5 affirmative votes, per their condition.

Cheryl Crowe	-	yes
Ray St. Hilaire	-	yes
Phil McEwan	-	yes
William Carellas	-	yes
Robert Goyette	-	yes
Jane Magarian	-	no

Five (5) one in favor, one (1) opposed. Motion passes.

- 1056 North Rd. Dunkin Donuts – Closeout, bond release.

Vinskey noted he received an e mail from the storm water staff indicating there are some minor issues with the system as well as the spill isolation valve, otherwise OK. Levesque replied he is working through the process with the Building inspector. He also addressed the outstanding issues those being changes from the approved lighting, plantings and buffer. Levesque addressed those issues indicating lighting changes to have them directed downward.

Cheryl concern going through stop light, and the fact there was no sign stating no left-hand turn, island as the Board had required. Levesque informed her they will be addressing those issues.

The Board noted the building looked nice. The Board decided it would revisit the outstanding issues later in the spring. The Board was comfortable with the lights, as installed.

Carellas MOTIONED, seconded by Magarian to release the bond. All in Favor.

Carellas MOTIONED, seconded by Magarian to authorize the Building Inspector to issue a final CO. Vinskey noted again a vote of 5 members is required to approve this condition.

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

F. Announcements/Future items? The next agenda will have the election of officers.

Crowe voiced concerns regarding the Roots turf issue and if there was anything that could be done in relation to the fact they put it down before they showed the sample to the Board, she wondered if the law department could be asked if it was a violation of the permit by putting it down? She also inquired if there was anything under the turf before they put it down? Vinskey suggested putting this on the Board's next agenda and; McEwan suggested confirming with the law department if this is appropriate or not, given pending litigation.

Vinskey also asked if the Board would like the BAPAC letter that was read earlier to be on the agenda for discussion. Yes.

McEwan briefly addressed the Board regarding the meetings, he felt the meetings have been running too long and suggested the comments from abutters possibly be limited to 2 minutes. He also suggested if there are any additional conditions rather than the normal conditions that just those are read into the record, rather than all. Vinskey mentioned there is no requirement that everything be read, as long as the Board knows what its voting on.

Motion adjourn at 9:18. All in favor.