



City of Westfield

PLANNING BOARD

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Raymond St. Hilaire
John Bowen
Bernard Puza, Associate
Richard Salois, Associate

January 3, 2023
City Council Chambers

<input checked="" type="checkbox"/> PB MEMBER PARTICIPANTS	STAFF
MEMBERS ABSENT	
<input checked="" type="checkbox"/> William Carellas, Chair	<input checked="" type="checkbox"/> Jay Vinskey, Principal Planner
<input checked="" type="checkbox"/> Cheryl Crowe, Vice-Chair	<input checked="" type="checkbox"/> Christine Fedora, Secretary
Robert Goyette, Jr.	
Jane Magarian	
Philip McEwan	
<input checked="" type="checkbox"/> Raymond St. Hilaire	
<input checked="" type="checkbox"/> John Bowen	
<input checked="" type="checkbox"/> Bernard Puza (Associate)	
<input checked="" type="checkbox"/> Richard Salois (Associate)	

Chair Carellas called the meeting to order at 7:00.

- A. Public Participation (on any matter not subject to a public hearing)
Chair Carellas asked if anyone would like to address the Board. None.
- B. Review and approval of previous meeting minutes (12/6/22, 12/20/22)
Member Puza MOTIONED, seconded by Member Crowe to approve the 12-06-22 minutes. All in favor.

Member Puza MOTIONED, seconded by Member Crowe to approve the 12-20-22 minutes. All in favor.
- C. Review of plans not requiring approval under Subdivision Control Law. None
- D. Public Hearings (and possible deliberation and decision)

Prior to opening the public hearings Chair Carellas read the procedure for public hearings. He stated Member Puza would be serving as the alternate on tonight's public hearings.

- Special Permit - Home-based dog boarding business - 119 Valley View Dr.

Crystal Hope and Connor Hope, 119 Valley View Drive, were present. Planner Vinsky informed the Board only has 6 members present at the meeting. For a special permit 5 affirmative votes are required to approve. Carellas asked the applicant if they wished to proceed with the public hearing tonight or continue to another date when 7 may be present. The applicant with the hearing.

Ms. Hope stated she would like to move forward, informing them she is before the Board seeking a home based dog boarding business. She is currently working in the health care field and she would like to be home more often. They plan on repurposing a 500 sf detached garage to be used as a kennel for the dogs. They also plan on having an area outside with secured fencing and outdoor kennels. They are looking for a small operation, they own 2 dogs. and are asking for a total of 5 dogs at one time, so there would be 3 overnight boarders at one time. They have almost 5 acres of land, there is a wood buffer along the property line there are no close neighbors. The dogs will be housed inside overnight and outside in secured kennels only when they are home. She further noted she has spoken to direct and immediate neighbors and they had no objections, they have signed and supported the project.

Chair Carellas asked if it is overnight there would be no set hours? Ms. Hope replied there will be overnight boarding from typically 1-2 overnights, there is no intention of day care facility, there will be no interaction with other dogs, and they will be the only caretakers of the dogs.

Member Salois asked if there would be a run for the dogs? They would have a run and a fenced in area to play ball, there also will be a double gate fenced in area, a floor decking as well so they will not be able to dig. Member Salois asked where the waste would go? Applicants stated it would go in the trash as required by law.

Member Puza asked if this is the start of a business to grow down the road? Ms. Hope stated at this point this is their only intension. Ms. Hope stated there is a wooded buffer

Public questions?

Resident - 152 Valley View- asked about noise control. Ms. Hope replied there is a significant wood buffer between the neighbors and feels the noise will be minimal, she also mentioned when they are not home dogs will be inside the garage. She further added the intention is to have the dogs housed at night. She further stated they are planning on being selective with the dogs they take in, they don't want to have any problems with the dogs, if they are a nuisance they will not have them back. The intention is to have a safe space.

Member Crowe inquired about the kennels and how they would prevent the noise outside? Ms. Hope informed her the garage is currently unfinished, they are planning on sound proofing the garage when they finish it off. Crowe inquired as to the hours of operation. The intention is to have boarding overnight with everything scheduled. Signage? No intent.

Member Salois asked if there would be any restriction on the size of the dogs? Ms. Hope informed him there would be no restrictions on the size of the dogs.

Carol McGuill - 320 Valley View Drive - asked how many dogs would be allowed? A limit? Chair stated the permit would set 5 and must have. When would they be opening? Time line would be 9 months to a year.

The Board reviewed the draft decision.

DRAFT Conditions

1. *This Special Permit is non-transferrable and shall expire upon the sale/transfer of the property (unless a listed Applicant, as principal practitioner, continues to reside on the premises).*
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. *Not more than 5 dogs, inclusive of those owned by the Applicants, may be kept on the premises at any one time. (this permit dose not also authorize a "residential kennel")*
4. *No associated signage is permitted.*
5. *Hours of operation (human clients on premises) are limited to between ___AM & ___PM*

DRAFT Findings

(1)the specific site, at nearly 5 acres, is an appropriate location for a small-scale, home-based dog boarding/kennel business as described; (2) the use will not adversely affect the adjacent neighborhood, as the subject area is uniquely hundreds of feet from abutting homes; (3) adequate and appropriate kennel facilities will be provided for the dogs and for proper continued operation of the principally residential use; (4) the proposal conforms to all other rules and regulations; an outdoor kennel/run area, rather than being considered an area in which the business is conducted, is found to be subordinately accessory and not atypical of a residential situation.

Member Salois suggested providing water service to the garage. Following discussion regarding the draft conditions the Board decided to set hours of 7AM-9PM. Based on testimony, Planner Vinskey suggested adding "*Clients' dogs must be maintained indoors whenever Applicant is not on the property, and outdoors only in fully enclosed/fenced areas or on hand-held leashes.*" Crowe asked about fence height? 5' minimum; kennels are fully enclosed. It was agreed there would be no conditions necessary to limit to boarding only (vs. daycare), soundproofing or water service.

Member Crowe MOTIONED, seconded by Member Puza to close the hearing. All in favor.
Member Crowe MOTIONED, seconded by Member Puza to approve the Special Permit with conditions discussed.

Roll Call Vote:

Member St. Hilaire	-	yes
Member Bowen	-	yes
Member Salois	-	yes
Member Crowe	-	yes
Member Puza	-	yes
Chair Carellas	-	yes

Chair Carellas read the standard instructions for filing of the permit.

- Special Permit – Flag lot – 994 Western Ave.; includes request for frontage waiver for existing solar power generator

Robert Levesque of R. Levesque Associates stated he is here representing the petitioner Steve Oleksak, also the owner of Green Meadow Lumber. He is proposing to create 4 parcels. Lot A will be a conventional lot that will have the required frontage and area, lot B the proposed flag

lot will consist of 40 Ft of frontage and exceed the minimum of 4 acres, 23.15 feet of remaining frontage will be utilized to accommodate the access road which leads to the Lumber parcel which will be combined with Oleksak's land. The solar farm will be on its own parcel and does not require frontage under zoning.

Member Salois inquired about Parcel D. Mr. Levesque informed him that is the access strip. He further asked if parcel D was the sawmill? Mr. Levesque replied the sawmill will be combined with parcel D. Member Salois asked if the access to that would be the roadway that is currently there that is only 23 feet? Mr. Levesque informed him the roadway exists at 23.15 frontage that is left over, the roadway will be as it has been. Member Salois asked if they are taking 40 feet out of the lot and creating a 23 foot flag lot off that. Mr. Levesque informed him they are making it more conforming, it is a currently a nonconforming preexisting parcel where the sawmill is. Planner Vinsky noted the landlocked parcel sawmill has no frontage; this plan trades land and adds some frontage to landlocked parcel to unlock it. Member Salois voiced his concerns that there is not 40 feet of each lot. Trying to create a 23 foot right of way, he voiced his concerns regarding that. Mr. Salois reiterated his problem with this referencing the flag lot states you need 40 feet for a flag lot. Mr. Vinsky informed him that it is not really a flag lot but a movement toward more zoning conformity. The alternative is to continue to have zero frontage. Mr. Levesque informed him they are increasing the frontage on the commercial piece, they only are trying to create the flag lot for the existing home.

Member Salois asked if there is a deeded right of way for the road? Mr. Levesque noted it's been recorded at the Registry. Mr. Salois stated he needs to know what the deeded access is as well as the width of the easement. Mr. Levesque noted an easement is independent of lot lines; it won't change, all the lots are subject to the easement. Mr. Salois added there cannot be 2 driveways on a flag lot. Mr. Levesque stated they are not proposing doing what is alleged.

Public?

Steve & Robert Farnham - 988 Western Avenue - 23' Access road is on a portion of their abutting property - about 9 feet of the road going back 225 feet from Western Ave. He voiced concerns regarding the possibility of putting a 40 foot road next to it. Talking about house up front and one in back what down below hill?

Mr. Levesque explained the portion of driveway on Farnham's parcel doesn't have effect on the Flag lot B; new access would go through a 40 foot strip. He showed the existing structures, one house to be built, and showed the existing home, no plans for residential structures within rest of the property. Levesque stated at greatest point is 9 feet of existing gravel road on Farnham property. Chair Carellas asked if Mr. Farnham wants to take their 9 feet back, could they? Mr. Levesque they own it in fee. Levesque would want to look at that closer, understanding any easement that encompasses the whole area.

Jim Gogal - 1067 Western Avenue - One of 23 people that shared the original family farm by Green Meadow Lumber. They received a right of way from Mr. Oleksak and in turn he received a right of way from them. The 40 foot from the flag lot is a problem if something happens with 23 feet - goes bad then he won't have right of way to his fields; consider possibly shifting everything to the west. He also voiced concerns regarding problems getting to their fields at the bottom. Mr. Gogal showed him how they get to their property.

Mr. Levesque stated he would like to confirm Mr. Farnham's 9 foot strip, like to clarify understanding easement encompasses that will confirm that. Mr. Gogals' easement is recorded, that will continue to be that way, unless it's rewritten. Vinskey noted he added the easement document to the share file; just references the existing road.

Mike Roeder -1046 Western Avenue - stated Mr. Oleksak had not spoken to the neighbors as supplication says. Understands that there are no plans for a solar farm or transmission tower but voiced concerns regarding more homes being built in that residential area which will cause septic issues. He is opposed to flag lots on Western Avenue as well as the concept of them. Is it possible could apply to expand solar farm or cell tower on that property?

Mr. Levesque stated he can apply for anything he wants, but doesn't think there's any interest in it. No plans to expand solar field , no one discussed with him. Planner Vinskey noted that solar fields can't be expanded toward Western Avenue due to a zoning district line.

Doreen Rodriquez -1014 Western Avenue - Access road now goes to Sawmill and Solar field and his property that parcel now 1. Looking to make 3 or 4 lots, and use 1 road?

Chair Carellas explained what the applicant is proposing. Levesque clarified - Lot A will have its own new driveway, Flag Lot B its own new driveway; existing roadway to remain for serving Green Meadow Lumber and the solar field and for Gogal's property access.

In favor, opposed?

Mr. Farnham stated he is against this project at this time giving reference to the 9 feet. Chair Carellas asked if the encroachment issue was resolved would he be OK with it? Mr. Farnham indicated he would be.

Doreen Rodriquez - bought her property 10 years ago and at that time she was told the land could never be built on, that is one of the reasons she purchased it. She felt this would set a precedent. Mr. Levesque informed her the reason someone can built there is because of the new flag lot ordinance.

Jim Gogel - Opposed until he knows what is happening to Farham property and if he will be able to continue to access his property.

Mike Roeder - Opposed for reasons mentioned earlier.

Mike Burns -Ward 4 Councilor - Respect Oleksaks' right to their property, but was opposed to flag lots at the beginning, City Council did what they wanted to do. If the Board approves this he asked they look at conditions.

Mr. Levesque requested a continuance to next available meeting to clarify 9 feet strip and legality of how that works. Crowe MOTIONED, Member St. Hilaire seconded to continue to January 17, 2023. All in favor.

E. Other Business

- . 280-282 E. Main St. (Starbucks) – review of site plan modification (drive thru)

Mr. Levesque was representing the Colvest Group requesting a change to the drive through. The circulation pattern and ordering kiosk, are the same they will add 5 additional stacking spaces. Currently the plan has 1 lane coming in and out at the kiosk they would like to have 2 lanes in the back and have it cut down to 1 lane. Planner Vinskey informed the Board it's up to them to determine if this is a minor change or should it be considered a major change and require a public hearing/amendment. Chair Carellas felt it's a minor change. Mr. Levesque added there is no change to the tenants or parking. Member Salois asked about the original drive through on the other side- coffee shop and bank? Mr. Levesque informed him the bank is currently vacant, but traffic flow from that has been accommodated in the plan. Member agreed this is a minor change.

By roll call as a minor change:

Cheryl Crowe	-	yes
Ray St. Hilaire	-	yes
Bernie Puza	-	yes
Richard Salois	-	yes
John Bowen	-	yes
Chair Carellas	-	yes

F. Announcements/Future agenda items

- . Master Plan update

Planner Vinskey informed the Board they had received 614 surveys responses, which was impressive.

The meeting was adjourned at 8:42.