



City of Westfield

PLANNING BOARD

William Carellas, Chair
Cheryl Crowe, Vice Chair
Robert Goyette
Jane Magarian
Philip McEwan
Raymond St. Hilaire
John Bowen
Bernard Puza, Associate
Richard Salois, Associate

January 18, 2022
City Council Chambers

PB MEMBER PARTICIPANTS
 MEMBERS ABSENT

STAFF

William Carellas, Chair
 Cheryl Crowe, Vice-Chair
 Robert Goyette, Jr.
 Jane Magarian
 Philip McEwan
 Raymond St. Hilaire
 John Bowen
 Bernard Puza (Associate)
 Richard Salois (Associate)

Jay Vinskey, Principal Planner
 Christine Fedora, Secretary

Chair Carellas called the meeting to order at 7:00. Prior to opening the meeting to public participation Chair Carellas noted the City mask mandate, but stated people may remove their mask while they are speaking.

A. Public Participation

Chair Carellas asked if anyone would like to address the Board during the public participation portion of the meeting regarding any matter not subject to a public hearing. None.

B. Review and approval of previous meeting minutes of 12-21-21.

Member Crowe MOTIONED, seconded by Member Goyette to approve the minutes of 12-21-21. All in favor.

C. Review of plans not requiring approval under Subdivision Control Law

None.

D. Public Hearings (and possible deliberation and decision)

- Site Plan/Stormwater Management Permit-retail building and drive-thru restaurant - 0, 212, 230 Southampton Rd.

Presenting the application for Sardinha's & Constante realty, LLC was Robert Levesque of R. Levesque Associates. Mr. Levesque presented the site plan of the project which is located northwest corner of Southampton Road and Sunset Drive. The application before the Board is a 7700 s.f. retail building along with a 2380 S.F. drive thru restaurant (Dunkin).

Mr. Levesque reviewed the site plan for the restaurant: 10 stacking spaces shown and additional spaces that continue on thru the parcel; 2 pick- up windows shown but they are not sure if they will be using the two of them; Kiosk, refuse areas, parking in front of the retail area and parking in the rear for employees.

Mr. Levesque stated comments were received from Planning and DPW in regards to the Stormwater. Those issues have been addressed, there were also minor comments which have been resolved, such as bike racks, sign adjustments.

Member Goyette asked if there were any architectural building elevations. Mr. Levesque replied he does not have them right now, it will be standard proto type, he further noted they do not have anything for the larger retail building.

Member Crowe inquired about the amount of entrances and exits (4), why are there so many? Mr. Levesque stated it was for convenience, this gives Dunkin more options.

Member Puza asked about the entrance only from Sunset will the customers leaving Dunkin want to take a right onto Sunset? Mr. Levesque noted there are 2 Do Not Enter signs and a stencil to exit by Southampton Road.

Member Salois voiced concerns regarding the 10 foot wide bypass lane, he felt 10 feet is not wide enough. Mr. Levesque stated he could accommodate that to 12 feet. Planner Vinskey noted he didn't share the same concerns regarding the pavement width.

Mr. Salois further voiced additional concerns regarding the exit located onto Southampton Road, he felt the exit is too close to the entrance on Sunset and would cause a problem. The Board further discussed the traffic in that area of Southampton Road. Mr. Levesque stated they would eliminate the curb cut exit on Sunset, and leave the curb cuts located on the northerly portion of Sunset as two-way. Member Crowe noted this would be similar to the County Road site. Chair Carellas agreed with the change.

Member McEwan voiced his concerns regarding the cars being stacked after the kiosk with those entering from Sunset (to be 2-way). The Board and applicant further discussed the stacking as well as the different lanes coming from different directions. Mr. Levesque felt that is something they could do and would also add a sign to please alternate and suggested a condition could be added to look at again if an issue arises.

Questions from the Public?

Patricia Banas - owner of Latka Printing - stated this will make 3 Dunkin Donuts on Southampton Road and there is a lot of traffic on Southampton Road with the other businesses located in that area. She noted the housing located by the Turnpike, kids walking to school, her concerns regarding pulling out of Sunset.

Mr. Levesque stated the Sunset entrance will now be eliminated and there will be an in and out at the western end, he also mentioned this Dunkin will be replacing the current one on Southampton Road. He also mentioned they still have to submit the plans to MassDOT for their review.

Maryann Babinski - 114 Rogers Ave. -inquired what the hours of operation would be? She also voiced concerns regarding the number of children walking to school and getting on and off busses. Will this be a drive up only?

Mr. Levesque noted the hours 5:00 - 9:00, at the latest. It will be a full service Dunkin with a patio out front. The bike rack has been relocated per planner. There is a sidewalk along roadway. Chair Carellas suggested a larger single entrance at the front of building might make more sense similar to the Big y entrance at their gas station on E Main Street, and put the main entrance at the front. Mr. Levesque replied the reason they didn't do that was because most of the customers will be utilizing the drive up.

Lauren Jones - owns the house next to the property, voiced concerns regarding traffic and children walking thru, hard to turn left and lighting. She further noted there is a fence between the 2 properties but there is a large gap toward the street that does not have anything.

Mr. Levesque stated the lighting will be shielded away from their property it will be lit for security purposes. The Sardinha's would give her their number they are very good to work with. Levesque added if the fence is stopped short, additional fence could be added up to the right of way.

Patricia Banas -Asked if this is going to be a single or double story? Mr. Levesque informed her they do not have a tenant yet but anticipates it will be a single store retail building.

Maryann Babinski -Asked if there was any way to block access to Alessio's Pizza and Lucky Mart to not be able to cut thru to this project? She further asked why there are so many parking spaces? Mr. Levesque replied the reason for the parking spaces is because the requirement is 46 and they also anticipate additional storage will be needed for snow, he further noted they do not have any contact with the neighboring businesses and they want to be able to keep this as functional as possible.

Chair Carellas inquired about the number of trees? Mr. Levesque replied there are 11 trees.

Member Salois asked if he was addressing the lighting issues? Mr. Levesque noted there are 16' lights and they are included in the revised set. Also discussed was the ground sign issue, claiming it is 3 separate lots now. Planner Vinsky noted this is being considered a shopping center then just one sign would be allowed with all the tenants located on the same sign; the existing parcel lines are not being utilized as lot lines Member Salois agreed this would be one big sign with a Dunkin sign being a part of it.

Discussion regarding whether the applicant wanted to have their own sign and if so how would they go about it. If the applicant wanted their own sign they would have to potentially do ANR and to create a separate lot. Planner Vinsky noted currently the plan is a shopping center if they were to split the parcel, each building would be on its own parcel, each would need own parking and cross easements, might be something board have to look at, that would be the only way to get around to create 2 different signs without a variance.

Vinskey stated that regardless the intent of the ordinance is just to have one. Chair Carellas agreed with Planner Vinskey this is a complex project, it is no longer 3 individual parcels, it is 3 being treated as 1 property.

Patricia Banas added that with 2 separate signs it would be compounding the visibility of people entering and exiting the property.

Maryann Babinski - Stated she hopes this is continued for discussion, she further voiced concerns regarding traffic and people getting stuck at Sunset and then crossing in the back to go out Woodside. She also noted noise, emission, traffic are things that need to be considered.

Ralph Figy - Speaking as a citizen and city councilor - 53 Brookline Avenue - stated he's worked with the Sardinha family and they have been a pleasure to work with, they bend over backwards, they have held multiple neighborhood meetings for their projects.

Planner Vinskey noted it was stated the bike parking had been moved but it's in the same location as it was before, he felt it might be more desirable up front, but not a big issue. He also noted there are 5 employee spaces blocked by stacking lane, the ordinance does not say that employee parking can be blocked, he left that up to the Board to interpret if that is allowable. He also noted several of the drawings submitted show the older layout of the lighting labelled 18', the Board should confirm the stated revisions superseded that. Finally, he noted the ATM lighting is less than 1 foot-candle and most banks might like it quite brighter, so maybe expect them to come back for a minor change to increase what's shown.

Mr. Levesque stated they do have a tenant for the ATM, it is Berkshire Bank. Mr. Levesque reviewed changes the Board would like revised. An update to the bike rack, update on the lights, widening of the 12 foot by pass lane. Southeastern entrance close off of Sunset, 2 way into southwestern entrance, extending the fence to the right of way if not already.

The Board further discussed the employee parking and felt the spaces should be marked strictly employee parking. Member Puza was fine with parking, but some members had concerns that access to those spaces would be difficult.

Chair Carellas asked where we are on the signs? Mr. Levesque stated they would like to have 2 signs. Member Goyette also noted he would like to see a set of plans with the signs as well as elevation. Planner Vinskey asked if they would be coming back with a 2-lot plan showing the? Goyette thought so. Technically can't approve 2 signs if showed on one property. Vinskey noted there maybe issues of parking/access if separated lots.

Chair Carellas asked if each parcel would conform to parking if it is separate parcels? Planner Vinskey added as long as they are owned together no, but if they were ever separate they would require a special permit for cross parking, they would have to make sure it's all covered. Member Magarian asked if they are intending to sell off? Their intent was not to sell it off, but they were not sure.

Member Crowe inquired about the idea to split them to have 2 different parcels. Mr. Levesque noted it would generally be the same lay out, the property line would be bisected, still operationally act as one site similar to East Main Street. Property lines used for submission of pylon sign.

Chair Carellas agreed Member Goyette he would like to see it cleaned up. Member Crowe asked about the fence? Mr. Levesque added if the fence doesn't extend to right of way, the applicant would extend it to the right of way.

Mr. Levesque stated he would coordinate with Planner Vinskey and have ready for the Board's meeting in 2 weeks.

Member Goyette MOTIONED, duly seconded to continue to 2-1-21 (in person). All in favor.

- Zoning ordinance Amendment - Taprooms in Industrial A

Presenting the proposal to the Board was City Councilor Ralph Figy. This ordinance change was previously before the Board but timed out in one of the Council's committees.

This amendment would allow for the on-site consumption of beer manufactured on the site. There will be no other consumption allowed on the site, the ordinance amendment is to expand this use to IA. He felt this change would have the least impact on homeowners. He further noted the City currently has 3 such facilities (none in industrial zones).

Though by-right in zoning, the process (taprooms) would involve a License Committee public hearing, the abutters would be notified of the public hearing, the License Commission has to follow the required guide lines of the public hearing and its noticing. Following the License Committee's public hearing it would move on to the next step which is the ABCC application. They would require approval from the Building Inspector as well as the Health Department.

Members Goyette, Carellas and Crowe were in favor of this last time it came before them and supported it and would support if again. Chair Carellas noted this is only for beer and not for the consumption of marijuana, which has its own regulations.

Member Salois supported this on the previous application but wanted a special permit to allow it. He felt tap rooms should be kept away from RR. zones. Controls need to be added to make sure they go in the right area. Councilor Figy stated he was hoping the License Commission would take that into consideration.

Public comments

Maryann Babinski -feels check and balances should be kept, she felt this is not something that should be allowed near residential areas. She mentioned there are residential areas that abut IA zone giving examples: Sabrina Brook, Root Road, and Bailey Dive. She further added people aren't against them but they want to be able to voice their concerns, she feels they should have a special permit. People don't come to these hearings because they think they are not listened to.

Planner Vinskey added if there is an increase of traffic of more than 25% it would trigger site plan approval hearing before the Board, though still by-right.

Chair Carellas stated the Board has always welcomed participants to speak their mind. The Board does listen and has never stopped. Ms. Babinski said she was relaying how the public feels.

Councilor Figy stated the License Commission also gives the public an opportunity to speak, they take comments very seriously.

Member McEwan MOTIONED, seconded by Member Magarian to close the hearing. All in favor.

Member McEwan MOTIONED, seconded by Member Puza to send a favorable recommendation. Member Salois MOTIONED to amend the motion to consider making a Special Permit. Member Crowe seconded that motion.

Chair Carellas felt it should be as right, he felt we need to make it easier on businesses this way they will know what they are up for, it will make it easier to attract businesses.

Member Crowe asked if she understood it correctly, will the License Commission be the ones who will have the final approval and decide where it will be located, she further noted this is a recommendation only, the Council are the ones who decide.

Member Salois when you're saying by-right everything fits, the License Commission does not look where they are going, it is not their normal purview, the License Commission doesn't look at zoning as part of their criteria, and the Planning Board does. Member Goyette felt it should be by right. Member Crowe agreed. Member Goyette reiterated this is just a recommendation.

Planner Vinskey asked Member Crowe if she was rescinding her second? She confirmed so.

Chair Carellas noted there was a motion on the floor and a second to send a favorable recommendation for the zone change as drafted.

Member Salois	-	no
Member Puza	-	yes
Member McEwan	-	yes
Member Magarian	-	yes
Member Goyette	-	yes
Chair Carellas	-	yes
Other business		

E. Other Business

- Mullin Rule Policy

Planner Vinskey drafted a policy for the Board regarding the Mullen Rule which he felt would be useful to the Board specifically because the Board does have alternate members.

1. The Mullin Rule will not be invoked where such would result in the exclusion of an Associate Member's vote (where the Associate was not absent from any part of hearing).

2. Prior to voting, a member invoking the Mullin Rule shall submit written certification to the Chair that he/she has viewed a live broadcast, full recording or transcription (not just meeting minutes) of the missed hearing and examined all evidence received, and the Chair shall declare that the Mullin Rule is being used.

3. No member is required to utilize the Mullin Rule, and any member absent or expected to be absent from a hearing should inform the Board as soon as possible that he/she intends or does not intend to invoke the Mullin Rule such that the Board and applicant may best plan hearing continuance and vote schedules. However, such notice shall not be binding.

Chair Carellas further noted he felt this was well written and that he and the Board appreciates Member Puza's and Salois's opinions. He felt the Board should keep their roles in mind.

Member Crowe MOTIONED seconded by Member Mullen to adopt the Mullin Rule Policy for the Planning Board. All in favor.

F. Announcements

- Master plan update

Planner Vinskey noted the RFP for plan consultants has been sent out and are due back on February 9. The committee will review, select and likely start in the spring.

Chair Carellas briefly discussed an E Mail he sent out regarding Petaluma CA scenario where they are banning any additional gas stations, he felt it was an interesting article.

Member Crowe MOTIONED, seconded by Member Crowe to adjourn at 8:44. All in favor.

APPROVED