



Westfield

City of

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

March 1, 2022
City Council Chambers

X PB MEMBER PARTICIPANTS
MEMBERS ABSENT

STAFF

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

- X Jay Vinskey, Principal Planner
- X Christine Fedora, Secretary

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 (2/1/22, 2/15/22)
Member Crowe MOTIONED, seconded by Member Salois to approve the minutes of 2/1/22. All in favor. (2/15/22 minutes not available).

C. Review of plans not requiring approval under Subdivision Control Law. None

D. Public Hearings (and possible deliberation and decision)

- Continuation - Site Plan/Stormwater Permit-restaurant building -
231 E. Main Street (Westgate Plaza)

Chair Carellas informed members the applicant has requested an extension, they are working towards improving the site layout. Planner Vinskey informed members there are no public hearing scheduled for 3/15/22 - there is a preliminary subdivision filed but it can be put off until April 5th if the Board wishes, as the Board has 45 days to act on it. After discussion the Board continued the hearing to April 5, 2022.

- Zoning Ordinance Amendment - Residential/pet kennels (petition of the Zoning Board of Appeals)

Planner Vinskey gave a brief summary. Currently Westfield allows 3 dogs for a house, 1 dog for an apartment or condo. If someone wants to have 4 or more dogs they need a special permit from the Planning Board.

Recently the Zoning Board of Appeals has been receiving variance requests for people who don't have the 60,000 sf lot size necessary for a fourth dog. the request is to take out the 60,000 s.f. requirement in the ordinance so the petitioner can come directly before the Planning Board rather than have to go before the Zoning Board of Appeals for a variance first, which the ZBA is unlikely to grant.

Another change being proposed is to expand the zone from RR to also Residential A to allow 4 dogs max. with a Special Permit by the Planning Board. He also stated the terminology is suggested to be changed from 'residential kennels' to be 'home kennels.' Also makes kennel language consistent through the ordinance.

Member Bowen inquired how duplexes would be handled? Planner Vinskey replied it is all case-by-case with a special permit. Animal control would deal with non- zoning issues, barking, humane treatment and other issues are dealt with by the animal control.

Member Salois asked if the kennel only deals with dogs? Planner Vinskey informed him cats are in the definition currently, 5 or more cats are considered a kennel, but harder to enforce as cats aren't licensed.

Member Salois agreed with the changes, adding it makes sense to him.

Member Crowe asked if the Planning Board would have more discretion over the s.f. per dog? Planner Vinskey added it would be on a case by case basis. He further noted that they have to make the finding that "Adequate and appropriate facilities are provided. " So lot size can still be considered.

Planner Vinskey stated this will be going to the Council on Thursday and they will be looking for a recommendation.

No further discussion Member Salois MOTIONED, seconded by Member Bowen to send a positive recommendation on the proposed ordinance change. All in favor.

E. Other business

- Potential limitation for accessory building and uses.

Planner Vinskey had forwarded examples from across the county as to how to regulate them, some states say the accessory building has to be smaller or behind the principle building. He asked the Board about their thoughts on updating the ordinance if desire to, or not.

Member Bowen referenced the previous plan before the Board regarding the oil trucks and bays, he asked if the land supported 12 bays, would the Board allow it? He further felt it should be defined as to what an accessory use is, additionally he felt if 12 bays were located next to a residence it would look ridiculous. Should there be a percent area limit?

Member Salois felt based the information received he felt that being smaller than the original structure is really limiting and suggested limiting it to maybe 125 or 150% of original structure building. Member Goyette noted he liked the example of Enfield CT of 600 s.f. unless granted by special permit. The Board discussed different options they felt would work. Member Carellas

agreed with the idea of 600 s.f., if they wanted more they would come to the Board for a Special Permit and explain their reasoning for the request. Chair Carellas mentioned Springfield has a 400 s.f. limit to one accessory structure, he further asked what would happen if the applicant had enough area to have more than one accessory structure? Should it be limited to one structure or limited to s.f.? Chair Carellas noted he would rather have it as a cumulative total.

Planner Vinskey informed the Board that intern Matt Brady had compiled the examples. The Board thanked Matt for his research.

Planner Vinskey reviewed some thoughts and points from the discussion:

- Separate single and 2 family uses from other/commercial uses
- Separate by zones - Industrial A might allow for larger sizes
- Locate behind rear wall of principal building
- Regulate accessory uses occurring in the principal building - for example, if the oil truck garage had simply been attached to the office.
- Garaging/storage of vehicles - requiring being garaged indoors as an accessory use. If they are stored outside it would be outside storage use and would need to be permitted differently

Planner Vinskey also added under site plan approval the Board has the power to require adjustments to building size and scale, but that it is not as broad as special permit discretion.

The Board discussed what number they would like to use for accessory buildings. Chair Carellas was good with 600 s.f. in total for all accessory buildings if they want more they can come for a special permit. If 601 s.f. they would have to come before the Board for a special permit. Planner Vinskey stated currently single family and 2 family houses are typically addressed by the Zoning Board of Appeals, so that may be the best authority. Planner Vinskey informed the Board he would work on the draft language and look at the numbers, as well as clarifying between principal and accessory uses.

- Regulation of marijuana delivery

Planner Vinskey informed the Board the state recently approved new marijuana licenses for delivery operators. When the marijuana ordinance was written that was not thought of. The city has been receiving calls about this new use. Currently it is unclear how to clarify it in reading the ordinance. It would affect were they may be allowed. In the definition of marijuana shop it says "sales or delivery." so he has been interpreting it to classify the same as a retail shop. Planner Vinskey further added the way maybe that was not the intent of the ordinance, and if written today it might have been lumped in with the production operation definition. He is bringing this to the Board's attention to get their sense on how they would define someone opening up a retail sales business that doesn't have people coming to the facility, but rather they are just delivering to their homes. Member Goyette asked the way the current ordinance is written a marijuana shop can do delivery? Planner Vinskey replied yes. Planner Vinskey further noted the new thing is just a delivery-only. They don't have a retail face/storefront, they keep their supplies in the warehouse similar to cultivation or processing facility. They do their delivery and come back for the next delivery, he did not think there is a cap on the number of delivery operators as there is with traditional retailers. Member Bowen asked if they would be held to having the security systems? Yes, still strict state regulations.

Ultimately, the Board agreed the definition of marijuana shop would apply to these facilities, as they are effectively operating as store.

F. Announcements/Future Agenda Items

Member Salois mentioned the problem Holyoke is having with the smell from the grow houses and voiced concerns regarding the number of grow houses in Westfield; felt they should be capped. Chair Carellas noted they can talk about it at a May meeting.

Master Plan update- Planner Vinskey stated there is nothing to report, all proposals have been reviewed and the Purchasing department is organizing. He is hoping the consultant selection will be done by the end of March.

Member Bowen noted the zoning change request for Washington Street had been withdrawn, following the Board's negative recommendation. Vinskey noted technically there was no recommendation given by the Board.

It was confirmed that the Board will not be meeting on March 15th, next meeting April 5th.

The meeting was adjourned at 8:14.

APPROVED