



MINUTES OF LEGISLATIVE AND ORDINANCE COMMITTEE MEETING  
59 COURT ST, WESTFIELD, MA  
TELECONFERENCE  
MARCH 1, 2022 at 5:30 PM

*Pursuant to Chapter 20 of the Acts of 2021, certain Covid-19 protection measures were extended as they relate to M.G.L. c. 30A, §20, the Open Meeting Law. This meeting of the City Council, **Legislative and Ordinance Subcommittee** will be conducted via remote participation. Specific information can be found on the City of Westfield website at [www.cityofwestfield.org](http://www.cityofwestfield.org). For this meeting, members of the public who wish to listen to the meeting may do so by tuning into Channel 15 or Channel 12 or online at [westfieldtv.org](http://westfieldtv.org) or online at [Youtube.com - Westfield Community Programming Channel](https://www.youtube.com/channel/UCqZzBZR2FDRIdNNStQay9vZHFkZz09). No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the City's website an audio recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.*

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1. The meeting was called to order by Councilor Figy at 5:30 PM.
2. Councilor Figy called the Roll. The following committee members were present: Chair, Ralph Figy, James Adams and Michael Burns. Katherine Wippert, Rick K., City Solicitor First Assistant Shanna Reed, City Councilor Kristen Mello, City Planner Jay Vinskey and City Engineer Mark Cressotti were also in attendance.
3. Upon Motion of Councilor Adams, it was VOTED: That the L&O Minutes of the February 17, 2022 meeting be accepted.  
Motion seconded by Councilor Burns.  
Approved by Roll Call 3-0
4. Councilor Figy opened the meeting for public participation.

Ward 4 resident Katherine Wippert addressed the committee with questions regarding the proposed Easement on her property. She understands the Easement needs to be done because of the Culvert but wishes it didn't. She met with the Appraiser and Engineer on December 15th but still has questions. Would the Easement have to stay on the property forever and would there be compensation for taxes? Councilor Figy informed her they would address these questions when the Agenda Item was discussed.

**5.** Upon motion of Councilor Adams, it was VOTED: to SUBMIT a Petition to amend the Zoning Ordinance to allow taprooms and similar accessory uses in Industrial A District, by-right, with a POSITIVE RECOMMENDATION.

Prior to the vote, Councilor Figy informed the committee this was the second time this had come before L&O, the initial petition timed out. There are two Ordinance Amendments, the first adds taprooms to what is allowed, by-right, in Industrial A and the second brings taprooms in other business districts by-right. Mr. Vinsky clarified that only one Ordinance would need to be reported to Council. He stated he wasn't involved in the original draft by ZPD creating a new use, specifically for taprooms, in Industrial A. Since a new use is being created, defining taprooms, he suggested adding where taprooms currently exist in other business zones to add clarification for future years. Councilor Burns asked which Ordinance would be brought forward. Councilor Figy explained there would be two votes on the Taprooms. The first vote would be specifically allowing taprooms, by-right in Industrial A. Because a definition is being created for taprooms, by-right, there would be a second vote, expanding it into where they are currently allowed, by-right. Mr. Vinsky stated he believed it would be easier to report on the second Ordinance only. Councilor Adams asked for clarification. Mr. Vinsky stated the second Ordinance includes the by-right language and supplements what ZPD reported out. Councilor Burns asked if this has gone before all the necessary boards. Councilor Figy informed the committee that it went through the Planning Board twice, first time it was approved (5/2) and the second time it was approved (6/1). This Ordinance before L&O is specific to taprooms, resolving the issues that were previously discussed on the Council floor. Mr. Vinsky stated the original was a broad accessory use and could have applied to other types of uses. ZPD narrowed it down to taprooms and defined it as a new type of use in the City's zoning.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

**6.** Upon motion of Councilor Adams, it was VOTED: to SUBMIT an Order of Taking of Easements at 113 City View Road and 112 City View Road with a POSITIVE RECOMMENDATION

Prior to the vote, Councilor Figy introduced City Engineer Mark Cressotti and asked him to address Mrs. Wippert's questions. Mr. Cressotti informed the committee that the failing Culvert under City View Rd needs to be replaced. It is partially on private property. What has been designed, as far as wing walls, will require permanent incumbrance on private property. The appraised value for the incumbrance on Mrs. Wippert's property is around \$1,500.00. This is a culvert where a brook flows through, it's not property that could be used. It's a necessary taking and to legally construct the culvert, this is the next step. Mrs. Wippert shared concerns that in the past, the City has dropped enormous trees and left them in the yard. Her son has

had to get a bobcat to move them off the sides of the road. She asked if there would be excavators in her yard and if more stuff would be dropped and left. Mr. Cressotti wasn't sure which Department left the trees behind but suggested pursuing it with her Ward Councilor to go through DPW. He assured her that the Culvert project, which is under the Engineering Department, would not leave any mess or destroy the property; they should be able to execute the project from the roadway. Mr. Cressotti offered his phone number for follow-up during the project in case anything was to occur during the project. Mr. Cressotti reiterated contacting the DPW to follow up on the trees. Councilor Burns stated he would stop by Mrs. Wippert's property. Mrs. Wippert asked if the Easement could be taken off her property. Mr. Cressotti stated that the Easement allows the City to be on the property, without an Easement they would be trespassing; it will have to stay. Mrs. Wippert asked if there would be any change to her taxes. Mr. Cressotti suggested approaching the Assessor's office to inform them of the incumbrance on the property and pursue a reappraisal. Mrs. Wippert asked if this was a one-time payment. Mr. Cressotti confirmed a one time payment for the rights to the property, once it's taken, it's taken. Mrs. Wippert asked if this was an exclusive right, specifically if it was still her property. Mr. Cressotti confirmed it was still her property. Mrs. Wippert asked if there was a start date. Mr. Cressotti stated they needed time to fabricate the materials but believed the groundbreaking would be in late spring, wrapping up by late summer. Mrs. Wippert expressed her appreciation that the City might be able to help with the clean up. Mr. Cressotti offered his information again.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

At 5:52PM, and upon motion of Councilor Burns, it was VOTED to ADJOURN.

The vote on the foregoing was as follows:

James Adams	Yes
Michael Burns	Yes
Ralph Figy	Yes

Respectfully submitted,  
Kaitlyn Bruce, Scribe for the Legislative and Ordinance Subcommittee