



City of Westfield

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

April 4, 2023
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

Vice Chair Crowe, serving as acting Chair, and opened the meeting at 7:00

A. Public Participation (on any matter not subject to a public hearing)

Jessica Britton – 36 Casimir Street - asked what research the Board does to make sure they are accurate, correct and lawful in their decision? She further stated she researched the city's GIS, Assessors Cards, Hampden County Registry of Deeds. She felt the Board was not listening to the people in the neighborhood. Voiced her concerns about the Planning Board being an Old Boys Club. She further stated she is a high performer, she was born and raised in Westfield, family worked, hard honest workers. Live in ward 2, will call everyone out, someone needs to stand up for this community.

B. Review and approval of previous meeting minutes. (3/21/23)

Planner Vinskey stated the minutes were on the shared drive, but since members did not have a chance to review in advance, Acting Chair Crowe stated the matter will be postponed.

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

- Old Stage Road /Saalfrank

Planner Vinsky stated this is a swap of property between neighbors; one of the lots will be larger and one of the lots will become smaller and are staying between the 2 parties. Member Salois MOTIONED, second by Member Magarian to approve the ANR. All in favor.

D. Public Hearings (and possible deliberation and decision)

- Continuation- Definitive Subdivision Plan- Dox Road improvements

Rob Levesque of R. Levesque Associates addressed the Board, felt there is a method to divide the lot and that improvements to Dox Road can be conditioned. Survey crew located all of the portions of Dox they needed. He reviewed the portion of Dox Road that is paved, stated there are concerns with the width leading to the right of way in front of the proposed properties. The road is narrow as discussed, and it varies in width. Mr. Levesque reviewed the plans and explained the darker patched area is where they are proposing to add to the roadway, the lighter gray is what is currently gravel. He is proposing to widen to 19 feet gravel, he mentioned he could not go wider because of a utility pole and other items that would conflict. They are requesting approval based on improvements that would be required that could be conditioned as part of the subdivision approval, the turnaround is still in place.

Member Bowen asked if they are widening the road to 35 feet in front of the 3 houses? The edge of gravel to edge of gravel is 22 feet wide, the right of way is 35 feet. The minimum of 19 feet wide from paved portion of Dox Road to the lots where it would widen to 22 feet. Salois width on existing paved area? Varies it necks down at the very end, probably about 18 feet.

Member Salois to get 19 feet will have to take property on both sides of road? Mr. Levesque stated they will be staying within the right of way line, will not need to go on private property. Salois - do house lots encroach on the gravel road? There are gates will not be impacted, those can stay, there will just be clearing of vegetation and brush.

Member Bowen asked if they would dig road out and fill with gravel how deep? Levesque -12" gravel base topped with a finer material.

Acting Chair Crowe asked if anyone in the room had any questions?

Donna Michel - 237 Dox Road - stated ambulance and fire trucks use her driveway to turn around. She asked if there could be a sign that says no thruway or no exit. Her septic tank is located at the end of her driveway, people pull in and her septic tank has been cracked, is there something that can be done? Asked where does Dox Road end? Easement on property of lot 3.

Mr. Levesque felt the signage was a good idea, where turn-around is. Dox Road continues; they are not changing the right of way beyond the turn-around area, creating a larger right of way also creating more of a right of way for the new lots. He suggested boulders could be placed to deter people from pulling in over her septic tank.

Acting Chair Crowe asked for any for or against comments?

Member Bowen asked about the waivers, most make sense; he also asked about the filing fee. Planner Vinsky noted the Board has typically accepted \$250 instead of \$3,000 where they are not really building new roads like a typical subdivision, but waiving of the fee is up to the Board.

Acting Chair Crowe reviewed the conditions: add sign relating to no turn/dead end/no through traffic. Boulders to be added to protect septic tank.

Member Bowen voiced his concerns regarding the current condition of the road, it is gravel and the proposal is for more gravel, road now in horrible condition adding 3 homes will take toll on the road. He felt 5 years from now the elected officials will be asking to fix the road. Mr. Levesque suggested adding a condition relative to maintenance that might clean things up. He also felt regrading the road will improve the whole area. He suggested a term of 5 years the grantee have a condition of maintenance of a safe private way.

Acting Chair Crowe asked about the condition of maintenance of the road, general requirements? Member Goyette suggested having a condition of the approval. Mr. Levesque noted the road existing now and is in disrepair. He felt they would not be causing a major issue, maintenance requirement would be sense. Mr. Levesque suggested conditioning prior to occupancy of the first home the road should be repaired and regraded as necessary upon completion of the development of each lot.

Planner Vinskey noted a covenant or performance bond would be required before anything can be built. Member Goyette - City Engineer will come up with a number and tell developer how much performance bond is required. Planner Vinskey felt they would probably do a covenant, build road first, then houses. Planner Vinskey noted it's not really possible to enforce subdivision conditions once its built out.

Member Bowen reviewed conditions: Sign, boulder, repair gravel before first occupancy.

Donna Michel- want it written that water won't flow into her driveway. Mr. Levesque stated the plan shows the elevation contours, they are required to adhere to the grades, width of gravel, all items on the plan. Likely be a bond in place to insure that it gets done.

Member Goyette MOTIONED, seconded by Member Magarian to close the hearing. All in favor. The Board reviewed the draft decision

Planner Vinskey added some of the conditions are better as plan modifications (sign, boulders), the condition would be gravel work first before occupancy.

Acting Chair Crowe asked if there was a motion to approve with conditions? With no motion made, Crowe asked if the members would like to discuss further. Planner Vinskey noted the Board can still deliberate, he further noted that Board has until the May 16th meeting before they need to make a decision

Member Salois MOTIONED, seconded by Member Bowen to continue discussion on April 18th. Acting Chair Crowe declared it will be on the next meeting. Vinskey noted it would be under "Other Business."

- Continuation- Site Plan Approval/Stormwater Permit- Self-storage facility - 0 Cycle St. (Parcel 21-32-1A)

Rob Levesque - received a lot of information and conflicting information presented, environmental issues; he would like to focus on the Planning Board aspects of this project. He

apologized for the insults the Board has received. Mr. Levesque noted the reasons they get approvals is because they follow the rules and regulations. The City of Westfield has great volunteers, Councilors, great people.

Planner Vinskey informed him there are only 6 eligible voting members. A majority (4) is required to approve. Mr. Levesque stated they would move forward stating they feel comfortable they meet the criteria of Site Plan approval.

Mr. Levesque stated they addressed the comments from the Planning Board, Planner, and they went through their peer review which addressed stormwater questions or concerns raised.

Mr. Levesque reviewed changes made to the plan. The entrance is slightly different, questions relating to traffic and other environmental related questions. They filed a Notice of Intent with the Conservation Commission, and received a DEP file#, the Stormwater concerns have been addressed. The Conservation Coordinator has done her own review relating to other environmental non-conservation issues. Mr. Levesque reiterated the fact he is here to address the Planning Board's purview, he is not here for to address the environmental questions, those questions are for the appropriate professional agencies. He further stated this is a by right use.

Member Salois asked if they are moving the driveway over so it won't be straight out, they would have to turn left or right which would make the traffic slow down. Mr. Levesque responded they have not moved the driveway, they felt it is not a logical solution to the traffic, it will not slow people down.

Member Salois inquired asked the storage area lot, how far does it go toward the other property? Mr. Levesque replied it goes just east of where the limit of work is, he showed the existing property line and noted they will be doing an ANR for the storage parcel.

Member Salois reiterated the fact he felt part of the driveway could be moved to help to slow down the traffic if they have to stop and turn either right or left as they are leaving the facility. Mr. Levesque felt the right or left hand turns will not slow the traffic down, there needs to be speed changes which would be an appropriate way to slow down the traffic. He mentioned this is a less noxious and more benign use of the property considering other uses which would be allowed in this zoning district. Following discussion they felt something could be worked out to deter the speed such as a speed bump or possibly a speed table.

Acting Chair Crowe asked if Mr. Levesque could show her where the entrance and exit will be? She also suggested moving it down, shift it closer to Lozier to make an entrance and exit. Mr. Levesque felt that would not work to slow people down, he felt that would create truck turning movements that are not necessary. He also mentioned people working there have been communicated with by their employers to slow down. There are 5 stacking spaces at the site.

Mr. Levesque felt the way for controlling traffic would be by logical planning, he suggested speed bumps and speed tables, and the area needs to be regulated and enforced.

Acting Chair Crowe invited public questions and stated there is a 3-minute limit to speak.

Joe Gulsvig - Cleveland Avenue - felt if reducing the speed is the goal they should move the entrance to the middle of Cycle Street. He felt this is a logical request.

Samantha Gulsvig - 25 Cleveland Avenue- did Westfield Housing Authority receive notice? Taken into consideration ¼ have English as second language, were they sent notice in native language? How does his benefit mid to low income residents in Lozierville, such as bringing jobs, infrastructures? Client consider leaving trees on empty lot and Cleveland? Solid gate with no lights? Natural pest control? Plan for pest control for pond and storage units? Before applicant does excavating get soil and groundwater tested by Tighe and Bond in multiple locations to give peace of mind on specific plot of land where land digging up? Clean up the wetlands, they are filthy, filled with needles and shopping carts. Conservation saw this and looked the other way.

Mr. Levesque replied the abutters are notified by the City of Westfield, he was unsure of the languages of the notifications. Considered leaving trees as buffer proposed, significant landscaping is being proposed they will have to grade and regrade property, there will be natural pest control, no pest control with ponds. Wetlands being cleaned, Mr. Levesque has spoken to his contacts Robert Bacon and Keith Saltmarsh and they were not aware of needles they did note they were made aware of homeless people living there and once they found out that was addressed. Tighe & Bond is working on the property and have tested it as well as another company and a law firm that is working directly with them.

Member Bowen asked about the wetlands on the property. They delineated the wetlands they look at soils, hydrology and wetland vegetation, delineated wetland on Gold Street, adhered to wetland ordinance stayed 50 feet away, filed paperwork with NOI which is pending.

Planner Vinskey clarified that all property owners within 300 feet were notified, in English, including the Housing Authority.

Andy Koch- 87 E. Silver Street - Looked at as public safety issue? 500 units a lot of additional traffic, considering people walking, kids and dogs, bike trail. Neighborhood getting disrupted.

Mr. Levesque stated this meets the site requirements, site distance, single least amount of traffic in any use in Industrial A district, looked at other uses that would be allowed- distribution centers, factory buildings, with those come traffic. This would generate a minimum traffic, meet and exceed safety requirements and site requirements, not impacting neighborhood, no physical work to the neighborhood, not increasing water lines or sewer lines.

Member Bowen asked if the lease could include a 25 mph speed limit? How would that be enforced? Mr. Levesque agreed the neighborhood needs to be protected, there are different ways to protect- signage, reduction in speed limit. Councilor Figy is well on his way in communicating with powers to be. How people generate to and from sites make sense, will listen to neighborhood and see if reasonable requests for circulation. Consult with Traffic Commission for speed reduction, signage.

Kristen Mello, At-Large Councilor - sent E mail earlier today about application and procedures, Sec 6-10.3. page 11. Sent deeds to the members. In Existing conditions page 2, fine print read into the record. 2005 restrictive easement, rights and easements.

Mr. Levesque felt that finding a few documents and claiming certain things is dangerous; will defer to proper professionals. If they have a restriction on the property since 2005, significant

amount of work done since 2005, with appropriate agency, and understand number of people working on it.

Easement in 2005 and his review of that, specifically calls out entire property, 2 properties together. "Subject to rights and easements" but nothing spatially specific that needs to be on the plan, it's the whole property boundary. Dealing with what's allowed in zoning, but commend efforts as it is important to have a full picture.

Karen Orell - 8 Cycle Street - Thanked the Planning Board members for their service, she stated she has never felt so condescended on. She stated according to the City website the Planning Board's responsibility, how does this development enhance neighborhood? 30 vehicles a day coming through neighborhoods, 60 one way trips, a lot of traffic. Flood in 1980's; don't want to see destroyed like it was, don't want flood waters coming in from contaminated land. In letter to Don Humason, flood control portions of little River found unacceptable. Since then Flood Commission has been disbanded. Conservation Commission insinuated crazy, 1955 water downtown. Who's liable when river floods house basements?

Mr. Levesque stated this would be done in phases, the contractors will not be there all at the same time. The Board can handle the issues by conditions. The flood study in 1978 and updated 8 years ago, with few changes. The work is not within the 100 year flood plain, most of the houses not in 100-year flood. Not near floodway, but aware of inadequacies in the dike, all of those were taken into consideration with FEMA mapping, showing the area would not flood in the event of 100-year flood.

Monica Melchionne - 14 Gold Street - would like to know how solve issue or exasperate the issue of water encroaching on entire street. Gets deep enough that a low car's hard to get out; how impacted? What was excavator doing out in wetlands for 2 days?

Mr. Levesque stated there are wetlands on Gold Street area and are regulated by Conservation Commission and MassDEP. The Stormwater basin is not in her area. Mr. Levesque noted in that area excavation test pits are allowed to see if that area was feasible for drainage, it was found this area is not suitable.

Kimberly Hatch referred to Councilor Mello's question regarding the application process for listing active easements being included as part of the application process, she inquired as to how this slipped through the cracks? Member Crowe stated the owner would have to know the easements.

Planner Vinskey stated the easements have nothing to do with the City as he understands, he stated if the Board feels the submitted information is not adequate they can ask additional information if needed. Ms. Hatch asked if the Board would consider whether this application was properly completed.

Jessica Britton- 36 Casimir Street - Not sure why the consultant had to make the comments to disparage the people out here and how it pertains to the property. Documents mentioned are articles she researched. EPA Exhibit C , October 3 , 2019. Limited risk to individuals, residential individuals. These are real documents.

Councilor Figy - 3 meetings came up with desire list, not all-inclusive. Councilor Figy stated he has met with the Traffic Commission and most of the requests were denied, he is currently working with the City Engineer to see if Cleveland Street can be moved up on the list for paving and other possible traffic calming methods. Councilor Figy reviewed the list:

- Relocate access point, looked at rear access to the property, there is no frontage that Columbia owns on the back part it is landlocked.
- Agreement between Elm Electric and Columbia for employees to enter work by way of Lozier and leave work Toledo, does nothing control speed or vehicles, indicated parties willing to talk.
- Construction vehicles to use South Meadow Street.
- Around property- 3 foot berm earth and mound and 8 foot vinyl brown fence once fence up like row of 6 foot arborvitae.
- No electric outlets in units
- No contractors allowed or no more than 10% of square footage .
- Queing or idling not allowed on street
- Hours of operation Mon- Sat .- sat 9 - 6, closed Sundays
- Lighting issues, like yellow, use of motion detectors after hour lighting; no sign lit
- Camera 24/ 7, up to 3 months of recordings to be saved on Cloud.
- Construction staggered, no more than 1/2 constructed in one year.
- No climate controlled units, if at some point to be located rear of the building.
- No building higher than 9 feet tall.
- Solid gate to be at entrance, no light pollution.
- Would like hearing continued

Member Bowen inquired about the Traffic Commissions denial of their requests. Councilor Figy stated they approved the 25 mph speed limit. Agreed to put a traffic study to gauge what traffic will be. They denied speed bumps and speed tables, Councilor Figy to work with the City Engineer to come up with other ideas.

Mr. Levesque reviewed Councilor Figy's suggestions.

- The traffic routing is based on a gentlemen's agreement.
- 3 foot berm, 8 foot fence, arborvitae
- no electrical in units
- lighting, electrical, to be clarified with owners.
- talked about contractors, not requesting contractor bays like a tin shop
- self storage only; can't conduct businesses out of units
- yellow bulbs? motion detector ok
- sign not lit, the owners might like a lit sign but felt it would be a show stopper
- work out construction safeguards with Planning Board
- They might like climate controlled units in the future but would like them located closer to the office. Member Goyete mentioned the previous meeting there was no climate controlled units. Mr. Levesque stated he was not sure about restricting them.
- Solid gate? A solid gate may be problematic.

Acting Chair Crowe asked if we received a stormwater sign off? Yes.

Member Magarian asked if the applicant was aware of the easement in 2005? Yes. Mr. Levesque stated there was a restrictive easement in 2005, there has been a significant amount of work done. Mr. Levesque further added a specific amount of environmental work has been regulated by the DEP and the EPA. He further added the easement restriction that is described in 2005 is not germane to zoning. Member Magarian asked what the purpose of 2005 easement? Mr. Levesque stated this is not the Planning Board's purview, its been before the DEP, LSP. He further added if the Planning Board approves this and the DEP or LSP finds something they cannot dig. Member Magarian asked if the Board can still approve? Planner Vinskey stated the easement is outside the criteria of zoning, unless you can link it to a required finding.

Mr. Lévesque felt the requirements of the Planning Board have been addressed and asked if additional information was needed.

Further review of conditions.

Hours of operation. Planner Vinskey stated in his opinion the Board should not regulate a by-right use by operation hours, but noted the applicant seemed agreeable.

Member McEwan asked if there is a limitation on commercial carriers, Amazon, tractor trailers, some people run home businesses, don't want pallets coming in, don't want somebody coming in 25 times a day, no commercial deliveries made to this address other than those necessary for facility to run. The Board felt this should be a condition.

The Board reviewed the draft decision, settling on the following additional conditions:

- No rock salt
- Hours of operation between 6am-9pm weekdays and 7am-8pm Saturdays & Sundays.
- No idling/backup of vehicles beyond the property.
- premises shall not be used as destination address for commercial truck deliveries or bulk shipments
- Not more than 10% of the storage unit space shall be devoted to contractor use/work materials storage. No work to be performed on premises
- No electrical receptacles within the units.
- No climate-controlled storage units are permitted without prior approval by the Board.
- Lighting shall be only on by motion-activation after hours.
- Security cameras shall be in operation at all times, footage of at least 3 months being retained.

Member Bowen MOTIONED, seconded by Member Salois to approve the Site Plan Approval/Stormwater Permit for 0 Cycle St. with conditions discussed. Roll Call Vote:
(Puza ineligible)

Richard Salois	-	yes
John Bowen	-	yes
Jane Magarian	-	yes
Robert Goyette	-	yes
Philip McEwan	-	yes
Cheryl Crowe	-	yes

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

Mr. Levesque gave a brief summary. The access road for Greenmeadow Lumber has been in existence for 90 years, it is a grandfathered use. Mr. Levesque provided a photo of the turning movement of a truck with the same wheel base as a lumber truck has.

He met with the Farnhams and showed them the shifting of encroaching driveway off of their property. The area it will be relocated is within Green Meadow parcel, but the access road will remain in the same general location. Mr. Farnham stated he was agreeable to shifting the driveway. The actual flag lot is 40.02 feet frontage and adjacent to Mrs. Rodriquez is a conventional lot. The flag lot is for the existing house.

Mr. Levesque stated they performed a survey of Western Avenue to the center line Avenue and truck turning movements into the property. The access is not a problem for the Green Meadow trucks.

Member Goyette felt there was an improvement to the right of way as it is getting shifted from the Farnhams to the Oleksak property. Member Goyette also noted he wanted to ensure there will be proper access to the solar field.

Member Salois had issues regarding the easement as it was originally on the whole property now the easement has its own frontage of 23 feet, easements usually are large pieces of property, and these will be 3 lots with an easement. He did not like the idea of creating a third lot with just 23 feet of frontage, the easement goes back and along use easement for access for the solar farm. Member Salois further felt there can be a reduction of frontage it is not for the elimination of frontage, the solar field will have no frontage.

Member Salois stated he would not go along with only 22 feet of frontage he felt the easement has to be part of the main property, can't make part of flag lot because flag lot suppose to stay along. He felt there seems to be a problem with everything he touches, he felt the rules are not supposed to be bent to make things fit. Problem with everything he touches, not suppose to bend rules to make fit.

Mr. Levesque asked if solar facilities need frontage? Planner Vinsky noted the Board has the ability to waive frontage for that use, and the Board can waive it to zero if that is what the Board wants. Mr. Levesque stated right now lumber mill is a preexisting facility no new proposals, not to say couldn't extend, use is there, original proposal, didn't have it broken up this way. Suggested through discussions with Planner it was logical and cleaned up, can continue to do what they're doing. He also stated they could go for a finding from the ZBA which would enable them to expand. Mr. Levesque stated the only thing that will change will be a single family home on lot A which isn't a subject of a special permit.

Acting Chair Crowe asked about the access to solar field? The access to the solar field is generally near the office building. Office will be done on the lumber lot after this is completed, landlock solar field and unlock lumber mill. Acting Chair Crowe asked if there is a fire how would they access the property? Mr. Levesque replied it would remain as it currently is. Mr. Levesque added this is just lines on the plan.

Member Bowen asked if the solar field currently has frontage? Would proposal eliminate that? Planner Vinskey stated for a solar field you can waive the frontage, but should see some legal access easement in considering that waiver. Planner Vinskey stated this would give frontage to the lumber yard, 23 feet, which now has zero.

Mr. Levesque felt that flag lots are good vehicles to avoid subdivision, but could do a 3 or 4 lot subdivision by right here.

Public questions?

Jim Gogal - 1067 Western Avenue -representing other 24 people on easement. Still have 23 foot right of way? When will driveway be moved- soon or after done? Want done before. Levesque-can condition prior to.

Brad Moir - In favor of this, noted his daughter married to Steve Oleksak's son. Mr. Moir read the zoning requirements for the RA district. 30,000 s.f. 125 feet frontage, read definitions of street. Oleksak used Mr. Farnham's land more than 25 years, open adverse possession and everything way beyond statute. Access roadway has been open and public; could be a way in existence before subdivision to allow ANR lots off it.

The Board reviewed the draft decision/3 draft conditions.

Member Puza MOTIONED, seconded by Member Bowen to close the hearing. All in Favor. Vinskey noted the frontage waiver was written into the decision.

Member McEwan MOTIONED, seconded by Member Goyette to approve the Special Permit for the Flag Lot, and solar power frontage waiver.

Member Salois	-	no
Member Bowen	-	yes
Member Magarian	-	yes
Member Goyette	-	yes
Member McEwan	-	yes
Member Puza	-	yes
Acting Chair Crowe	-	no

- Special Permit amendment—larger duplex at 31 Park St (parent parcel 25 St. Paul St.)

Mr. Mosijchuk addressed the Board, purchased the lot at 25 St. Paul Street he would like to make a larger duplex than was conditioned. It was approved for 3,600 and he is asking for 4400 s.f for his duplex.

Member McEwan asked if he applied for this by infill he had to meet the ratio and lot size. Planner Vinskey added the lot has already been created, he is here because he wants something bigger than the size of the house that was conditioned. It also meets the setbacks.

Planner Vinskey added it can't exceed 25% of the lot in any case. The Board wanted to make sure it fits in with the neighborhood, following discussion the Board felt it is big but it meets the setbacks, and Member Bowen also noted it meets the criteria.

Member McEwan asked how many square feet? 400 per side. Planner Vinsky informed the Board they already approved the lot for a 2 family in the prior special permit.

Public questions? None

Member Bowen MOTIONED, seconded by Member Magarian to close. All in favor.

Member Puza MOTIONED, seconded by Member Bowen to approve the Special Permit amendment 31 Park St (parent parcel 25 St. Paul St.). Roll call:

Richard Salois	-	yes
John Bowen	-	yes
Jane Magarian	-	yes
Robert Goyette	-	yes
Philip McEwan	-	no
Bernie Puza	-	yes
Cheryl Crowe	-	yes

- Zoning Amendment (petition of the City Council) to exempt certain fixtures from the lighting standards

Presenting the amendment was Bill Onyski, Ward 6 Councilor. This is to amend Lighting ordinance that was approved in December 2017.

Councilor Onyski explained the reason for the amendment was: In November 2022, the Gas & Electric installed lights at the former Moose Club, a complaint was filed at the building department. The lights installed were out of compliance and removed.

In 2023, a motion was made to review the lighting ordinance and was referred to the Planning Board, Zoning Planning & Development and Legislative & Ordinance for an opinion.

The basis of the revision is the rental lights from the Westfield Gas & Electric. At the time the lighting ordinance was passed the Planning Board and City Council were not aware the Gas & Electric had rental lights and the G&E were not aware of the proposed change. The extent of the number of the lights the Gas & Electric rents is approximate 603 lights across the city, on 300 accounts. He mentioned a few locations of the rental lights: Advanced Manufacturing, 7 B's, Westfield Legion, Heritage Park, St. Mary's.

All lights in city are covered by the ordinance, same issues for private business many of those don't have Planning Board approval, all have lights. He stated there are thousands of lights for businesses, private businesses cannot change to a noncompliant fixture without coming to the board. Wall packs on small businesses, city hall, if had to change them out would need to come to the Planning Board or adhere to the ordinance, with down facing lights. The ordinance was created with best intentions, but all the stakeholders were not called in. The Electrical Inspector was not called in who deals with practical aspect of all of this, big issue if anyone changes light bulb has to rework or get waiver from the planning board, the rework is difficult if a light goes out and creates a hazard, the owner of the light would have to wait to install new lights or come in front of the planning board and request a waiver. These lights aren't LED, 16 foot restriction height of lights in CORE district..

G&E did fix some of the lights, all stake holders here now. Looking for solution to correct this ordinance, drive around take a look, of thousands of lights, only one complaint filed with the building department. Data driven decisions based on non-severity of issue and recognize it effects thousands of lights and businesses should work to be welcoming community to the businesses, something city can do at no cost to the city, be more welcoming to the businesses, allow flood lights in ordinance, and allow private businesses to be grandfathered.

Tom Flaherty- G&E General Manager – attended 3 meetings last year. At the last meeting the Board’s recommendation was to grandfather these (municipally- owned) lights prior to 10/17. One caveat to the recommendation- If they can grandfather everything now in the 5.5 years since, would be easier to track any customer.

Member Bowen asked if the intent is to grandfather to the deadline and have them replaced? Mr. Flaherty stated he was not aware of the ordinance until the complaint was brought to the building Inspector. He would like to move forward and start changing out the parking lights, he is hoping this will get grandfathered. Member Bowen asked if this was grandfathered for 6 months would this be enough time? Mr. Flaherty felt it would take 2 years. Member Salois asked how this would affect businesses? Mr. Flaherty stated they have 8 full line men and 4 apprentice lineman, and do this when they have spare time.

Mike Jasmin – Electrical Engineer - Lights are not designed to work at 16 foot height, when the lights are on the utility pole they throw dark spots in the parking lots, OSHA requires a certain amount of light to hit the ground. New lights on 16 foot poles would require digging up the parking lots.

Mary Biel - Has an extremely long driveway, would like to keep her light.

Bridget Matthews Kane - Felt the motion before the Board is disappointing, she felt it perpetuates the problem. She feels the problem needs to be fixed and that grandfathering is not the solution. There are many areas that are not in compliance. She asked the Planning Board not to recommend the ordinance as proposed.

Carissa Lisee, Building Commissioner - This situation brought to attention recently, zoning ordinance adopted in 2017. The ordinance was adopted because of one issue, since then 2 residents have complaint and 2 councilors, if it were a concern there would be more complaining and there hasn’t been.

Maryann Babinski-Rogers Avenue-felt the ordinance should not be changed. This is a plan for better lighting, better environment, better ecosystem. Light pollution has a lot of effects on wild life. She asked the Planning Board to think this through and make a plan, take a pause and think about it.

Acting Chair Crowe felt we have enforcement now, so it should be kept as is.

Member Bowen felt the majority of the light ordinance is good and the Board should see how Chair Carellas feels.

Member Salois feels the ordinance is good but also needs to be cleaned up and adjusted to fit into the real world. He felt the lights that are out of compliance now need to be looked at.

Member Magarian felt the Board should continue, Member McEwan noted the list contains 600 private locations. P.

Member Magarian MOTIONED, duly seconded to continue to April 18. All in favor.

- E. Other Business. none
- F. Announcements. none

The meeting was adjourned at 11:57.

APPROVED