



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

April 5, 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.

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

Kate Phelon - 150 Hillside Road Westfield- attending on behalf of the Friends of the Rail trail. She appreciates the Board like to having bike racks installed in new developments. She further mentioned the Massachusetts Municipal Resource Guide which includes many useful resources which would be beneficial to the bicyclists.

Dan Kotowicz - 866 Shaker Road- Expressed his opposition to the development on tonight's agenda regarding the preliminary subdivision. Chair Carellas stated it would be revisited during the subdivision portion of the meeting and public comment will be allowed then.

B. Review and approval of previous meeting minutes Member Crowe MOTIONED, seconded by Member Puza to approve the 2/15/22 & 3/1/22 minutes. All in favor.

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

- 109 Apremont Way/Triple Seven, LLC

Planner Vinskey stated the applicant previously came before the Board and split off the back portion of the lot, this plan is similar, they are configuring the lot in a different way to allow

additional frontage to the back parcel. Member Crowe MOTIONED, seconded by Member Bowne to approve the ANR for 109 Apremont Way. All in favor.

- 189 Gun Club Rd./Pezzini et al

Planner Vinsky explained this ANR is different from a typical one. The existing lot with has several dwellings on it were built prior to subdivision control law. As long as the lots contain a preexisting building they entitled to endorsement, each building sits on its own lot (assesors data on share drive); while not a subdivision as defined, they have a number of zoning issues that will have to be addressed separately. He further noted this is similar to the Ponds area lot divisions, they do not require typical frontage. Member Crowe MOTIONED, seconded by Member Puza to approve the ANR. 6-1 in favor (Goyette opposed).

D. Public Hearings (and possible deliberations and decision)

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

Prior to beginning the public hearing Chair Carellas stated member Puza would be the Alternate for tonight's meeting. Planner Vinsky informed the Board he received a revised plan this afternoon.

Presenting the proposal to the Board was Rob Levesque of R. Levesque Associates. The parcel is adjacent to Peoples Bank a 2400 s.f. restaurant the property owner is Brixmor (Mr. Newman was unable to attend). Mr. Levesque showed an overview of the project site.

Mr. Levesque noted the hearing was continued in hopes of addressing impacts to the traffic in the preexisting condition. Mr. Levesque noted at the last meeting there was discussion regarding the entrance and how the site circulation would work. They have done some work on site as well as off site to find solutions for the traffic problem/connection to abutting shopping center, he further noted the on-site solutions would help. He feels he has found a solution to the traffic problem but is not at liberty to disclose at this time as he has not heard back from the abutting property owners.

In the event he does secure the position, it would impact 3 parking spaces, which is minimal, this will straighten things out. He further noted if the other owner agrees the applicant would be willing to affect the changes necessary.

Mr. Levesque then reviewed the changes made to the plan. There was some landscaping added, a landscaped island was added with a one way out. Stop bars were added, pedestrian crossing added, bump out of landscaping, increased width of drive isle, remaining changes related to the landscaping plan, red maples in front, and behind, they didn't want to add too much to prevent from causing visibility issues.

Member Crowe asked where the trees are going to be located? Mr. Levesque reviewed the area of the new trees. He stated they would be willing to accept a condition relating to the approval of the plan if the neighbor could make it work. Member Goyette voiced concerns about placing a condition on something that might not happen. Mr. Levesque said he understood his concerns, as he does not have permission to go onto the neighbor's property, they have not been able to contact the neighbor.

Chair Carellas hoped that it would work and find a solution. Mr. Levesque stated he knows all parties involved and they are fair and reasonable.

Chair Carellas asked if there were any questions or comments for or against.

Member Salois stated he liked the entrance improvements from E. Main Street, he felt there is plenty of turning room and radius, he was fine with the site plan of building, he was hoping the neighbor would agree to the connection improvements.

Planner Vinsky felt another option would be to approve with condition that that plan be implemented or the connection closed off, noting the Board cannot impose a condition the applicants doesn't have control over. After discussion Mr. Levesque stated he would respectfully request a continuation rather than have the Board make a decision they were uncomfortable with.

Planner Vinsky asked about a sidewalk connection, which was not on the received PDF plans but was on Mr. Lévesque's paper copy. It will be added to revised plans.

Member McEwan asked where the bike racks are located. They are in the back. Chair Carellas stated he would like to see a table or 2 put outside if possible. Mr. Levesque to speak to the developer.

Planner Vinsky felt it would be typically more logical to have the bike racks in front, closer to where cyclists might arrive.

Member Crowe thanked Mr. Levesque for holding off. Chair Carellas felt there is a solution. Member Crowe MOTIONED, seconded by Member Magarian to continue to April 19th. All in favor.

- Special Permit-Home based nail salon business – 365 E. Mountain Rd.

Isabel Rivera 365 East Mountain Road - introduced herself to the Board and gave a brief background. She has lived in Westfield for 11 years. She is a licensed nail technician and would like to operate out of her home, part time during the evening, Monday – Friday 5:30 p.m. – 9 p.m. and Saturdays, no work on Sunday. There will be only one customer at a time, it will be one on one interaction, by appointments only. She has a waiver for clients to complete and she follows COVID protocols. The house is a raised ranch, built in 1969, 3 bedroom 2 bath, and 1700 s.f. over acre of land. Ms. Rivera showed a slide show of her home showing the location of the Nail Salon, as well as the entrance and her business plan.

Member Magarian inquired if these hours would work for her, she then voiced her concerns that she didn't prefer clients leaving after 9:00 and suggested the opening hours be changed to 5:00. Ms. Rivera replied she is normally done between 8 and 8:30 but further noted she could move it to 5:00.

Member Salois inquired if there would be any hazardous materials on site? Ms. Rivera informed him the materials are double bagged and thrown out daily. Member Puza thanked her for the nice presentation and asked if she was planning on having any signage? Ms. Rivera replied possibly.

Chair Carellas briefly reviewed the presentation. One client a night, probably 4 on Saturdays, no rental booths, no employees, and she doesn't offer pedicures.

Ms. Rivera stated at some point she would like to expand but not at this time. If she were to expand it would not be at this location as there is not enough room.

Chair Carellas asked if there was anyone who would like to speak in favor or opposition?

Tanya White- 83 Woodside Terrace – spoke In favor.

The Board reviewed the draft decision/conditions and decided on hours: 5:00 – 9:00 Monday – Friday and 10:00 – 6:00 on Saturdays. Closed on Sundays.

Member Crowe thanked Ms. Rivera for a very polished, presentation.

Planner Vinskey asked the signage be clarified, if in the future she wanted a sign, as alluded to, she would have to come back to the Board.

Member Bowen informed Ms. Rivera if she would possibly want a small sign in the future this would be the time to ask the Board. Planner Vinskey noted a 2 x 3 sign max. is possible with special permit is required, a 1 x 1 sign is allowed without permission (in all residential districts). Mr. Rivera said she would stick to a ground sign. Ms. Rivera inquired if signs inside the house are required? Chair Carellas replied that is not something under the Board's purview.

Public questions?

Jane Okscin - 341 Steiger Drive - Inquired if she has clients covered under her homeowners insurance? Ms. Okscin also asked if she had any inspections? Planner Vinskey replied that is not under zoning, any required inspections are handled by a different department though the Board has a standard general inspection condition.

Member Crowe MOTIONED, seconded by Member Bowen to close the hearing. All in favor.

Member Crowe MOTIONED, seconded by Chair Carellas to approve the Home Based Business special permit and conditions, including approval of a 6sf sign.

John Bowen - yes
Bob Goyette - yes
Jane Magarian- yes
Phil McEwan - yes
Ray St. Hilaire- yes
Cheryl Crowe - yes
Bill Carellas - yes

Chair Carellas read the standard special permit instructions..

E. Other Business

- “Nathaniel Hill Estates” Preliminary 20 -lot Subdivision Plan – off Falley Dr. (Parcels 6R-4 & 5)

Rob Levesque of R. Levesque Associates presented the preliminary subdivision plan for a 20 lot subdivision to be located on 2 parcels off Falley Drive. The area was then showed on aerial photo. The curb cut will be through the Pereira property and crosses over the Springfield Water Department line. Mr. Levesque further noted during the review process there was some question regarding who owned the water line property, there is an easement with Springfield Water and Sewer but they don't own it in fee. He explained his attorney could explain the status of the property ownership.

Mr. Levesque reviewed the waivers they are requesting.

1. *Waiver of Section V.C - Contents. The Preliminary Plan must be drawn at a scale of one inch to each forty (40) feet.* The plan as submitted is drawn as a scale of one inch to sixty (60) feet.
2. *Waiver of Section VII.B.# - Design Standards: Location and Alignment. Horizontal Alignment - Minimum radius of center line (in feet) - 250 feet.* The centerline radius is proposed to be 180 feet from the minimum of 250 feet.
3. *Waiver of Section VII. B. 6 .A - Design standards: Road lengths (1000) feet.* Road length to exceed 1000 feet.

Mr. Levesque further stated the subject property has a wetland resource areas to the east. They are currently working with Shaker Village to obtain an easement. The idea is to bring cross country sewer down to the bike trail and tie into their system at Shaker Village, he further noted there may be a separate easement in the process and they are currently working on that. They may come back to Falley Drive or a third option would be to go to septic but that is not something they want to do as it would affect their lot sizes. He was confident they will be able to tie into the sewer.

Mr. Levesque further noted there is a total of 20 lots, 6 internal, the rest would be in the perimeter. All lots are the size or bigger than the lots on Falley Drive.

Member Bowen inquired if they would be coming off Falley Drive? Member Puza asked if it would be 20 homes? Mr. Levesque replied the street would be off of Falley Drive and it would consist of 20 homes. Mr. Levesque further noted if the applicant were to go for a zone change (to RA) and it was approved they would be able to get 23 lots but the proponent wishes to stay with the larger lots which is the type of character they are looking for.

Member Puza felt the length of the road would create a challenge, people will use that road there are 250 homes and there is only one way out, he felt this would be an accident waiting to happen, but understands it is a by-right situation.

Planner Vinskey noted this was not necessarily by right, since they are requesting a waiver for road length and other things, the Board has discretion.

While not a hearing, the Board asked for any Questions of fact from the Public?

Dan Kotowicz Co-Owner of Shaker Farms Country Club - 66 Zephyr Drive - had issues with the preliminary subdivision as there is not a development impact statement, abutters were not notified, this will distract from the value of the country club, the natural beauty of Shaker Farms Country Club. Mr. Kotowicz then asked that Google Earth be put on the screen so that they

could look at the 6th whole of the golf course. Mr. Kotowicz further read the design standards of the roads into the record.

Mr. Kotowicz further noted there is a lot of clearing of land, he would like a description of what will happen to the storm water run-off? He voiced concerns regarding the drainage easement and provided copies of the problems that have occurred with the piping when it fills with water. He encouraged the Planning Board to visit the site.

Nancy Kotowicz - Reiterated what her husband said, if they clear cut another 20 acres, the drainage will fall on Shaker Farms, she has lost so many tournaments because of the problems they have been having.

Jane Okscin - 341 Steiger Drive - she's lived there for 40 years parallel to the property. She further stated she has all the deeds from the area. She gave a lengthy history of previously owned parcels of land, she was surrounded by agricultural land, and she voiced concerns regarding the wetland soils on the property.

Mr. Kotowicz further stated there are a lot of plan details that are not part of this evening presentation. He asked members if they are familiar with the 6th hole which is very wet.

Mr. Levesque stated this is a preliminary plan and abutters don't get notified. Mr. Levesque during the definitive stage abutters within 300 feet would be notified. Planner Vinskey stated that just direct abutters would be notified. Mr. Levesque further stated during the cell tower process there were concerns about leaving trees up. With subdivisions it is difficult to leave pockets of vegetation because of grading, around the perimeter you may be allowed to leave some. Mr. Levesque further noted he would provide the comments from the engineering department.

As far as the access to the Springfield easement they been working with the Water and Sewer Commission, and Norm Guz the counsel for Springfield. Mr. Scully the leading researcher for the Title Search is present him is the leading researcher and is knowledgeable when it comes to land use and he is confident of the ownership.

Mr. Levesque informed the Board there are DEP regulations which don't allow a development to dump additional water on other property, in the definitive plan there will be a Stormwater report based on analysis, it will be designed for a 100 year storm and he anticipates there will be numerous discussions regarding the Stormwater, they will be making sure they do not contribute to the Country Club's problem, this will also give an opportunity to look at the intermittent stream that was looked at by the city at one time.

Mr. Levesque stated they are always happy to look at, soil mapping, and they will work on addressing those concerns.

Member Salois reviewed his concerns for the other Board members. He sees issues through the whole project the entrance does not have not enough room for the road way turn off, the number of waivers being requested is an issue they are major waivers, he further added he has not yet reviewed the radius turns and slope and grade. He felt they are trying to adjust the rules to fit their project.

Mr. Levesque stated the reasons he was requesting the waivers was he was trying to make a better project. Member Salois felt that one waiver may not be a big deal but all the waivers together is a big deal.

Attorney Dennis Scully - Hired to examine titles completed that one of issues came up about water line in Springfield, MA law says in order for property to have easement taking by the city in this case Springfield took in 1906, must state "fee simple" legal term absolute ownership of property, an easement is less than that, easement is a right to use as owned by another.

Chair Carellas noted there are big concerns regarding the water and referenced Angelica Estates. Mr. Levesque further noted they simply can't add water to the neighbor's property.

Planner Vinskey stated there is a lot of information being discussed which is not typical of preliminary filing, this is intended as more conceptual, they are not even required to file for it. Planner Vinskey briefly reviewed the waivers they are seeking. The sidewalk waiver is often granted, the radius at the entrance and curve radius can be discussed further, and he felt the biggest of the waivers of concern being may be the road length which extends to about 1400, feet this might be a concern with emergency vehicles id the entrance were blocked.

Planner Vinskey further noted the Board can approve, disapprove or approve with recommendations though really it doesn't matter, much as preliminary plan is basically an advisory process for the applicant.

Chair Carellas asked if there were any additional comments or concerns?

Nancy Kotowicz voiced concerns during construction adding when people are golfing it should be quiet.

Mr. Kotowicz reiterated his concerns with the water flowing downhill, underground streams that flow down to the golf course and with the removal of the trees there will be additional flow to his property.

Chair Carellas asked if there are houses there now? No. Is there water flowing from up there? Mr. Kotowitz stated it is minimal right now. Chair Carellas inquired if there is ground water to Shaker Farms? Yes. Chair Carellas stated according to Mr. Levesque the water has to be maintained on their own property it cannot flow onto someone else's.

Chair Carellas asked if the Board had any additional concerns or a motion? Member Bowen noted he would like to have more information regarding the water as well.

Member McEwan stated this is a conceptual plan, they have 7 months to come back with a definitive plan. The engineering issues can't be solved tonight. Chair Carellas felt they need another access road to the site and sidewalks on the outside perimeter. Member Crowe agreed, Member St. Hilaire agreed with most of the conceptual plan.

The Board reviewed the draft approval and its conditions:

1. *Sidewalk width, if only on one side, shall be increased to 5'.*
2. *Definitive plan must document/depict the property, including the continuous proposed right-of-way, as being owned by a single fee-interest entity.*

3. *Water and Sewer utilities must be made to comply with the standard specifications of the Westfield City Engineer. (The Planning Board may approve a waiver of any requirements following consultation with the City Council, City Engineer, Board of Public Works, Board of Health and Water Commission prior to a definitive approval).*
4. *No waiver of any Rule or Regulation consented to with this plan shall be considered granted, final or otherwise actionable without a subsequent Definitive Subdivision approval. The plan shall comply with all other rules and regulations.*

Sidewalks to be on the outside perimeter. Agreement as to granting the discussed waivers. Member McEwan MOTIONED, seconded by Member Goyette to approve the preliminary plan in concept only with further revisions down the road. 4 in favor, 3 opposed. Motion passes.

Mr. Levesque asked members if they would like to go on a site visit as they are planning on moving quickly. Member Magarian suggested sending an email to Planner Vinskey to have a meeting set up.

- Notice of Intent to convert land under Ch. 61A-14 North Rd. (Parcels 66R-12&13)

Planner Vinskey informed the Board they recently saw an ANR for this lot, this is a typical notice for conversion to take the property out of Chapter 61A. He further noted the Board can make a recommendation to the Council if they would like or they don't have to. The Board discussed whether in principle they should be recommending acquiring 61 lands generally, from a planning perspective.

Member Crowe MOTIONED, seconded by Member Salois to send a positive recommendation to purchase the land. Motion failed (no recommendation to be made).

- Discussion of potential limitations for accessory building/uses

The Board briefly discussed a possible change to the limitations on accessory uses and the changes Planner Vinskey distributed. He suggested it wasn't quite worked out and would be better waiting until after the summer and budget process to move forward possibly in September. He felt the Board still has some building size discretion under site plan approval and special permit reviews. No action taken.

F. Announcements/Future agenda items

Chair Carellas informed members the Complete Street program is before the Council at their next meeting, he is hopeful they will vote for it; the Board endorsed it previously (2016).

- Master Plan update, consultant contract funding

Vinskey stated that Weston & Sampson has been awarded the contract, and it is being finalized. The hope is they will get under way later this month or in May. Since the funding is in the Planning Board budget, Planner Vinskey asked the Board to formally commit to funding the Weston & Sampson contract (\$124,500). Member Goyette MOTIONED, seconded by Member Crowe to fund. All in favor.

The meeting was adjourned at 10:12.