



# 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 19, 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)

Robert Levesque of R. Levesque informed the members he had a site visit to the property they spoke about at the Board's last meeting and if there are any other members who would also like a site visit to contact him.

#### B. Review and approval of previous meeting minutes. None available.

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

- 81 Fowler Road

Planner Vinskey informed the Board this plan is separating lot A & B, frontage is on Fowler Road. Members expressed concern about the lot shape. Mr. Levesque informed the Board parcel is owned by Pastor Wally he would like to build a house on the lot, shape is due to achieving non-wetlands area. Planner Vinskey noted the shape/area is a zoning issue, the ANR frontage is all the Board is looking at. Member St. Hilaire MOTIONED, seconded by Member Bowen to approve. So voted 6-1 (Salois opposed).

D. Public Hearings (and possible deliberation and decision)

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

Chair Carellas informed the applicant there are 6 members available to vote unless the Mullin Rule is used. Planner Vinsky stated this is a site plan, so just needs majority vote. Mr. Levesque introduced Mark Newman of Brixmor.

Mr. Levesque gave a brief review of the previous meeting. At that time they were going to be speaking with the owners of the other parcels (Absak / Abdow/ Colvest Group) in hopes of working out a plan for the circulation problem at the intersection of the 2 parcels. Mr. Levesque updated members on their conversation with the Colvest Group's Peter Lapointe and showed him the two plans the Board had reviewed at their last meeting, neither of the plans were amendable to the abutter. He further noted at some point they are interested in looking at the overall development of the plaza. Mr. Levesque further noted they did mention to them they would be willing to pay but they were not interested.

Mr. Newman of Brixmor addressed the Board informing them he's addressed their neighbors numerous times and they have no sense of interest in working with them, they don't see an issue. They would rather look at their entire property. They are not inclined to work with Brixmor right now. He asked the Board to uncouple the hands of the third party that does not want to work with them.

Mr. Levesque addressed the Board showing them a print out of the changes they were proposing which includes stop bars and stop signs on their side of the property. He anticipates the neighbors will not be changing their parcels for them, he further noted the Colvest Group asked him if he was aware of any accidents occurring there? Mr. Levesque stated he was not aware of any.

Member Magarian asked if after Brixmor makes their changes to their property will Colvest be able to make their changes without having to disrupt what work they have already done. Mr. Levesque said there is nothing that they will have to do on their side.

Mr. Newman stated the crosswalks and the landscaping added, and picnic tables looked at. He further noted he did make additional changes to the pad for the self-contained drive thru.

Member Crowe voiced concerns regarding the traffic issue at the intersection area where the 2 properties meet, she felt this is a potentially hazard it is not a safe passage for traffic flow. Mr. Levesque added they cannot control the adjacent property. There is no signage on their property. Member Crowe was hoping there would be some way to straighten it out. Mr. Levesque stated the owners of the property are not interested in fixing at this time, they do not want to fix it piece meal. They will continue to try and work with the neighbor. It was noted that the Popeyes is a self-contained pad site.

Mr. Newman stated the intersection which is causing the concern is located deep in the site, generally when there are concerns regarding accidents they genuinely occur at the entrance to the site rather than in the deep part of the site. He felt it is not dangerous right now.

Member Crowe disagreed she felt this is a problem waiting to happen once Aldi's opens up along with Popeyes. Mr. Levesque brought up some history of the site, it used to be busy with other successful businesses that operated there. He understands her concerns. He felt there is a simple solution to the problem when and if they decide to remedy the problem, currently that intersection needs some type of definition.

Chair Carellas noted that the conditions of the road at the intersection also cause problems with the pot holes located there. He further felt Mr. Levesque did the best he can and hopes the neighbors will come before the Board with their ideas. Mr. Levesque further noted he cannot say for sure what they will be doing.

Mr. Newman also stated their neighbors don't have any will to at this time to move forward. He mentioned the disrepair of the parking lot in their area.

Chair Carellas likes what they did with Popeyes itself, entrance but felt the other section was still a mess.

Member Salois liked the Popeyes site also, the whole corner has been good, biggest concern is the other side, he is disappointed the something cannot be worked out. He understood they are limited to what can do based on the ownership of the property.

The Board reviewed the draft approval and did not require additional plan changes.

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

Member Magarian MOTIONED, duly seconded by approve the application.

Philip McEwan	-	yes
Ray St. Hilaire	-	yes
Jane Magarian	-	yes
Rich Salois	-	yes
Cheryl Crowe	-	no
William Carellas	-	yes
(Bowen ineligible)		

Planner Vinsky noted the approved site plan reference will include the plans plus the sketch that was submitted and circulated tonight. Agreed.

- Special Permit/Site Plan/Stormwater Permit - Marijuana cultivation facility - 0 Timberswamp Rd. (Parcel 69R020-1A)

Michael Schafer, of Huntley Associates and Jeffry Baska of Lucky 7 Cannabis were present to present the proposal to the Board. They proceeded to hand out materials to the Board for their review.

Mr. Schafer began the presentation. This is a 25 acre parcel located at the intersection of Timberswamp Road and Medeiros Way. Mr. Schafer briefly reviewed sheet 1 of the plan,

pointing out the area of the wetlands, he noted they will be staying far away from the wetlands. He then reviewed the area where they will be putting their facility.

There will be a 10,000 s.f. building which will include 3 compartments, 2 of which will be grow facilities and one will be a small office, some storage and a bathroom. The area of the growth will be 6600 s.f. There will be gates surrounding the facility and will be locked up. There will be 2-3 regular staff employees, with a maximum of 6 every 3-4 months for 1 week during the harvest season.

Mr. Schafer further noted due to chlorination concerns with the existing public water there will be a separate well which will be drilled on the property, it will be used for non-potable water for plant irrigation purposes only. There will be downcast lighting only. There will not be any bright lights on the site, there will also be a downcast light added at the entrance gate so people will be able to unlock the combination.

Mr. Schafer further noted he is aware the Board cannot vote on this tonight as it is located in the aquifer zone. He reviewed maps showing 500 foot radius in relation to schools and residences, the 500 foot does not come close to the property. There will also be a green slatted chain link fence so it will not draw attention to the site.

Mr. Schafer further added they worked with Conservation Commission regarding an incident that occurred with a logger because they took logs out that were within 100 foot of a buffer zone. The Conservation Commission has approved their mitigation plan, once the development takes place they will begin the mitigation plan.

There will be a 20 foot tree buffer. He reviewed the greenhouse, it is not a typical greenhouse however, and there will not be glass on all sides. The roof is the only glass piece, it comes with a black screen to limit any light going out. From the outside it will look like a steel structure.

Member Bowen inquired about the sides of the building and asked if people would be able to see through them? Mr. Jeff Baska informed the Board according to the Cannabis Commission the building itself cannot be seen into. The only translucent surface is the roof.

Mr. Jeff Baska the primary of the company gave a brief history. He's been in business in CT and runs an office supply business, it recycles and is a family run and operated company.

Mr. Baska then gave a description of the facility he is proposing. It will have 1 maybe 2 people there, little impact on space as possible, they will follow the odor control requirements set by the CCC. Inside the greenhouse there will be internal carbon scrubbers to filter the air. The company they are working with is one of the oldest in the company, Fogcoat, they are nationally known for their work in odor control. Mr. Baska reviewed how the odor control would work. Once an odor is detected the system generates a vapor and mist which is sprayed, once the mist targets the item there is no odor after that point. The mist is a non VOC Chemical. There also will be no light coming out of the facility as well.

Mr. Schafer addressed the Board regarding questions regarding the driveway. There was grading contours in the wrong place and that has been resolved. Contour on the back side of the building. Should there be any run off it will come down to a swale. Parking changes were made, showing 6 parking spaces which is excessive anyway, wanted to make sure enough

space. One of the big changes on the new plan, is there is no asphalt pavement, don't want to pave whole area. Plenty of room for maneuverability. He briefly explained the floor plans. The overall floor plan is divided into 1/3's. The greenhouse vendor is currently working on the floor plans once they are completed they will be given to Mr. Schafer and he will design everything on the inside of the building.

Members inquired if there would be any additions? Mr. Schafer stated there is potential for future expansion, they have taken that into consideration in utilizing their space; of course, would come back to the Board for future expansions. Everything that will be done is outside of the wetlands except one area. With potential expansion addressed possible Stormwater detention basin with a possible detention pond. No signage. He gave a brief description of the lighting on the building. Baska explained the type of cameras that are required from the CCC. Anywhere cannabis is located there has to be a camera on site and no one under 21 will be allowed, he further added they would give access to the police station as well as the CCC. Member Bowen inquired as to the difference in security in regards to a grow facility versus a retail security? Retail has to have an officer on site, a grow facility does not allow anyone under 21 years of age on site. There are back ground checks, ID readers, driver's license readers.

Discussion regarding the stormwater. Mr. Schafer informed the Board there is discrepancy to whether or not a Stormwater permit is required. Mr. Schafer noted the land is superabsorbent and felt a detention pond was not necessary if the water would not get to it. Mr. Schafer asked if Mr. Vinskey had an opportunity to speak to the Engineering Department. Mr. Vinskey stated he hasn't seen any further information and he can bring it up again and noted the Board does have the authority to waive the Stormwater requirement, usually the Board looks to the Engineer for his recommendations, but technically triggers the permit.

Member Salois asked what would be done with waste materials from the plants? Mr. Baska replied his operation will have a small impact on everything. Other operations use dirt and dump after every run. He will be using long living garden beds, worm castings, the soil is always going to be living there, and it will have worms which help to improve the nutrients in the soil. The compost section will be inside the buildings. All dirt stays in there. All organic grow system, going for USDA organic certification and has to be certified, they will be fed with teas will be made. Want to water and fertilize to have no over drain. Most of the time it will be only him working at the operation, he will water more times and use a lot less and use automation for that, there will be almost no overdrawn the amount they have will go into a dry drain. Mr. Schafer informed the Board they have done an extremely large leach field which provided provisions for drain water into the septic tank and into the leach field, the leach field is designed for the full build out easier to get done now if they decide they want to expand they don't have to worry about the leach field. The leach field would be used for washing hands, washing. There will be no cleaning products, just pressurized water. Power washer and surface cleaner that will blast everything off, won't be changing out the space as in other operations, they don't change the dirt in their operations. The cleaning products they use are general cleaning products, soap, standard household bleaches and other things.

Member Bowen asked how the finished product leaves. It will be in sealed boxes or otherwise vacuum sealed bags. When leaves will be ready for retail and ready to go on the shelves will be in bulk or sealed and premeasured per CCC requirements which would occur after testing. Rubbermaid tote? Yes. Salois if processing smaller bags more people? Yes at times can be 5 -6 people for about 3-4 days at 3.5 harvest times/year.

Member St. Hilaire asked about the chemicals that are used in the mist. Voicing his concerns this is over the aquifer and that chemicals such as potassium iodide. Mr. Baska informed him these chemicals are considered lot dot chemicals and they are chemicals you would find in over the counter medications the type you would use every day. Mr. Baska said he understood the concerns and that he's been a green minded person his entire career, he's spent 15 years protecting the environment, he will make sure they take care of everything over there this is extremely high on his list, they want to be good neighbors. Member St. Hilaire reiterated his concerns regarding the aquifer some of the stuff reading, some potential issues, cancer in children, all have nasty stuff that gets in it, the building will be sitting on the drinking supply. Mr. Baska stated he could look at something else if that is what the Board wants, or provide additional information on how it works. Member Bowen also agreed with Member St. Hilaire concerns and also added wildlife should be a concern too. Member Magarian also noted the misting will be going on the floor and then getting washed off which would be a possible issue, Member Crowe asked what the misting effect would have on the aquifer. Mr. Baska to reach out to the odor control company; he wasn't sure of the chemical compounds.

Chair Carellas asked if he wanted a well? Mr. Baska replied he would like to have a well to irrigate the plans because of the amount of chlorination in the water. Chair Carellas asked him if he was aware of the PFAS chemicals possibly in the groundwater. Mr. Baska stated the reason they wanted the wells is because of the amount of chlorine that is in the water it is very costly to remove the chlorine, in order to avoid doing that they would have to have a well. He further noted there is a water company that would do a series of tests to see what would have to be removed. He mentioned the testing is done every 6 months but would verify that.

Member Crowe voiced concerns regarding the school that is located nearby and possible odor. Planner Vinskey informed them the Board generally puts in an odor condition in all cases.

Member Magarian fans outside? Non that go to exhaust, the exhaust will be in 2 areas, an end cap exhaust fan and those incorporated into the system. Any air that leaves building gets treated by oil control system before it goes away, smell gets neutralized. Fan, odor control, exit. He explained there is a halo outside of a fan, team sitting on bench similar all air passes thru fan.

Councilor Morganelli - 34 Prospect Street - noted this is in the middle of the aquifer and mentioned a solar farm was put in and water builds up on an adjacent property to the solar farm. He asked the Board to look at other projects and see how they work. There is water, conservation and ponds in the area, but not in favor or opposed to this.

Mr. Schafer stated they are trying to allow the sheet flow to go back to the ponds, creeks to allow it to absorb quicker than a detention pond. They do not want to create a channel of water.

Planner Vinskey informed the Board there is a 35 days statutory review period, the Board has to wait until that is over before the vote unless they hear from others, but typically don't. After discussion the Board and applicant felt the meeting should be continued to May 17.

Chair Carellas reviewed the issues they would like addressed:

Chemicals, quantities, if any other facilities are located or impacted by an aquifer?

Planner Vinskey to speak to Engineer to see if there are stormwater issues and what needs for a stormwater permit recommendation

How frequent will the water testing be done and what is the requirement?

Gravel Parking? Vinskey asked if this was consistent with the ordinance requirement of bituminous concrete or equal; sometimes the Board has been OK with gravel. It is better for infiltration, but not good for containing spills, oils. The aquifer regs. require any commercial vehicles be parked on solid pavement.

Mostly Personal vehicles on site, if Lucky 7 buys a van would that change parking lay out. Possibility of a paved parking pad area.

Member St. Hilaire MOTIONED, duly seconded to continue to May 17. All in favor.

#### E. Other Business

- 420 Union Street special permit

Planner Vinskey informed the Board there is a request from Levesque for extension for 3 years, longer than typically granted. The permit was issued during state of emergency, time periods froze during that time.. The emergency was lifted earlier last year, though Vinskey was unsure how the recalculation works. The Board discussed the extension date and decided on 3 years from today.

Member Bowen MOTIONED, seconded by Member Crowe to a 3 years' extension for 420 Union Street. All in favor.

- Special Permit/Progress Avenue/Falcon Drive

Planner Vinskey this is a request for an extension a commercial warehouse/facility also later permitted for a marijuana grow (still valid), they would like the first lapsed decision to be extended. Vinskey noted they requested the original extension during the pandemic, at that time but he told them it was not necessary due to the freeze. He reached out to them to let them know he'd bring it up now; they asked for a 1 year extension for the original approval. Member St. Hilaire MOTIONED, duly seconded to extend 12 months from today. All in favor.

- Revision of Site Plan Boys & Girls Club

Planner Vinskey informed the Board the Boys & Girls Club has asked for a minor change to their site plan, sketch showing the small addition to building. He further noted they still have not finished their landscaping when board originally signed off; he took a drive down and trees still aren't in and the landscaping is not completed. These are outstanding from the original approval. Member Salois motioned, duly seconded, to accept as a minor change for the building and to have Planner Vinskey follow up regarding the landscaping. All in favor.

- 121 Medeiros Way (auto sales special permit)

Member Crowe asked members if they had an opportunity to review the updated photos on the share drive. She noted the majority of the vehicles are gone since her earlier visit, except 2. She felt if he wants to change his business he should come back to the board. She further noted she

did see them apparently doing oil changes which they are not allowed to do. Member Magarian felt the city needs to be aware of, someone has to enforce this and let them know they cannot be doing this. St. Hilaire noted it was clear they can sell but cannot wash. maintain vehicles.

After discussion the Board felt a courtesy letter should be sent to the applicant (from the Board) with a copy to the building department and licensing.

#### F. Announcements

- Master plan update

Planner Vinsky informed the Board there will be a kick off master Plan Committee meeting on May 5<sup>th</sup> with the consultant. He asked if the Board had any thoughts or concerns to consider from the start to let him know.

Chair Carellas mentioned he saw an article that Mass. Is considering no sale of gas cars after 2035. CO passed a law bicycles don't have to stop at stop signs, if safe to continue.

The meeting was adjourned at 9:43.