

City of Westfield

ZONING BOARD OF APPEALS

Richard Sullivan III, Chair
Sofia Bitzas, Member
Christine Webster, Member
Jennifer Gilbert, 2nd Alternate

Wednesday, May 4, 2022

The meeting was called to order by Chairman Sullivan @ 7:15 p.m. Room 315, Municipal Building, 59 Court Street, Westfield, MA.

- Members present
- Members absent

Staff

- | | |
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| <input checked="" type="checkbox"/> Richard Sullivan, III Chair | <input checked="" type="checkbox"/> Jay Vinskey, Principal Planner |
| <input checked="" type="checkbox"/> Sofia Bitzas, Member | <input checked="" type="checkbox"/> Christine Fedora, Secretary |
| <input checked="" type="checkbox"/> Christine Webster, Member | |
| <input checked="" type="checkbox"/> Jennifer Gilbert, 2 nd Alternate | |
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1. *Call to order:* Chairman Sullivan called the meeting of the Zoning Board of Appeals to order at 7:15 and asked the members to introduce themselves.

2. *Public Participation:* Chairman Sullivan asked if there is anyone in the room who would like to address the Board regarding items not currently before the Board. There being no one heard the Board proceeded to their next item on the agenda.

Prior to officially opening the meeting Chair Sullivan gave a brief overview of the meeting process.

Chair Sullivan stated there are 4 public hearings and one continuation for tonight. Chair Sullivan informed the room he would be addressing the items as presented on the agenda.

- (Continuation) Tariq & Rizwana Mahmood to amend a 1976 variance and for a special permit/site plan per 4-10.3.(3) & 6-10 to expand a retail store at 397 Little River Rd., zoned Res. A/rural res.

Chair Sullivan stated the petitioner is requesting an extension of their project as they are waiting for the site plans to be completed, they have asked for an extension to June 1. Chair Sullivan stated he has no objections to the extension.

Chair Sullivan asked if there was anyone in the room who would like to speak?

Donna Carmel - 399 Little River Road.

Stated she is against this project and inquired as to why they are asking for an extension.

Chair Sullivan stated the applicant is waiting on the site plan, he added the next regular meeting is scheduled for June 1. He further stated he would read the comments and E Mails into the record at the next meeting.

Robert Post - 399 Little River Road

Informed the Board this applicant asked to expand his business 2 years ago. The application was denied, the applicant was told the footprint should be reduced. He voiced his concerns that this application has reared its head again. Planner Vinskey stated that application was for a zone change to allow for a gas station, it was not before this Board, the zone change did not get approved by the Council. Mr. Post voiced his concerns regarding this store he felt it is out of place in the rural zone it is in. Planner Vinskey informed him it exists from a variance that was granted in 76 for a retail store, they are looking to expand on that variance. Member Webster stated they have a right to file, and the board makes a determination as to whether or not it will be approved, she further urged him to attend the next meeting. Chair Sullivan noted the continuation is out of the Board's control. Planner Vinskey noted it's up to the Board as to continuations. Chair Sullivan stated he wants to be able to see the site plan. Mr. Post further inquired if the applicant had reached out to the neighbors as required on the application? Chair Sullivan replied they do not have to solicit. Notice of the hearing is given through the Planning Department by ways of public hearing notices. Mr. Post further inquired about E Mails that were sent. Chair Sullivan stated the Board does not respond to E Mails, they are forwarded to Planner Vinskey. Planner Vinskey further noted on the application it suggests the applicants reach out to the abutters, it is discretionary on the part of the applicant. Mr. Post asked how would they know if the hearing will be held on June 1st. Planner Vinskey suggested calling the Planning Office.

Planner Vinskey noted they charge a \$50.00 continuance fee. Chair Sullivan MOTIONED, seconded by Member Webster to accept the continuation request.

- Chad Sico for a special permit per 4-100.3 (3) to allow an addition which intensified a nonconforming side yard setback at 151 Sackett Rd., zoned Rural Res.

Chad Sico addressed the Board. The existing carport would be extended back 10 ft. creating a utility space and extended 5 feet toward the road (in line with main house once extended). The carport will be converted to a single car garage. Above the existing living room he would like to add a bedroom. Above the garage he would like to add a home office. Behind the utility room he would like to add a patio.

Chair Sullivan asked if the plan submitted is to scale? And if it would be built in accordance with the plan submitted. Mr. Sico replied yes. The garage will be lined up with the rest of the house, the 15 foot setback will be maintained.

In favor or against?

Jennifer Dorian 37 Allen Avenue. In favor.

Mr. Sico further added he's contacted the neighbors and they had no objection.

Chair Sullivan asked if the Board was ready to deliberate. The Board agreed they were ready to close. Chair Sullivan MOTIONED, seconded by Member Bitzas to close the hearing. All in favor.

Chair Sullivan noted there were no objections during the deliberations portion of the meeting. He further noted they are not extending the current set back of 15 feet.

Chair Sullivan MOTIONED, seconded by Member Bitzas to approve the Special Permit for 151 Sackett Road. Member Webster abstained.

Chair Sullivan	-	yes
Member Bitzas	-	yes
Member Gilbert	-	yes

Chair Sullivan informed the applicant they will receive additional information from the Planning Department regarding their next step.

- Mary Ann Roussi for a special permit per 4-20.4(2) to allow a detached garage with a reduced side/rear yard setbacks at 18 Tekoa Terrace, Zoned Res. A.

MaryAnn Roussi addressed the Board. She stated she is looking to build a detached garage with a reduced side/rear yard setback. She is looking to align the left side of the driveway. They have lived there for 35 years they are trying to work around the landscaping they have done over the years. Chair Sullivan informed her the Board puts a condition on their decisions that the building has to be in conformity with the plans as submitted, he further asked if she was confident of the 12 feet from both lot lines? Planner Vinsky stated they might not need the side lot.

Chair Sullivan asked if there was anyone who would like to speak.

Cathleen Bastible - 45 Western Avenue

Asked about the variance for the rear set back. Is it for the height of the building? No, it's distance. Ms. Bastible asked why it's so close to the rear property line when there is going to be a driveway going in any way? Ms. Roussi said there is a deck and brick patio by the side. Planner Vinsky showed the lot on G.I.S.

Chair Sullivan asked if there was any additional comments.

Member Webster inquired why they want it so far back. Ms. Roussi informed her it's because of the patio and deck they have. Ms. Bastible voiced her concerns that her house was built in 1900 and it is a small lot compared to the other ones in the neighborhood and

she currently shares a driveway. Members discussed and felt a site visit would be necessary and asked the petitioner to place stakes at the location. The Board then asked if could walk their lots. Ms. Bastible noted the 8 feet is the issue.

The Board felt it was necessary to continue the hearing in order to conduct a site visit. After discussion the Board continued the hearing to May 18th following a site visit.

- Thomas Vuelta for a special permit per 4-20.4(2) to allow a detached carport with reduced side yard and principal structure setbacks at 77 Orange St., zoned Res. B

Mr. Vuelta addressed the Board. He informed them he would like to install a 12 x 20 metal carport on asphalt driveway. Chair Sullivan asked if it would be open air and if he was confident of the lot lines? Mr. Vuelta stated he was confident of the lot lines, he further added his neighbor has no problem with it. He further asked if this would conform to the submitted sketch? Mr. Vuelta stated it would conform to the sketch, the dimensions would not change.

Chair Sullivan asked if there was anyone who would like to ask questions, in favor or opposed.

Chair Sullivan MOTIONED , seconded by Member Bitzas to close the hearing. All in favor.

Chair Sullivan stated he did not see any objection to it, he felt it fits in the neighborhood. Chair Sullivan noted one of the conditions on the decision would be that it conforms with the plans as submitted. He also felt that adequate and appropriate facility are provided.

Chair Sullivan MOTIONED, seconded by member Gilbert to approve,

Chair Sullivan	-	yes
Member Bitzas	-	yes
Member Gilbert	-	yes
Member Webster	-	yes

4. Review and acceptance of new applications & scheduling of public hearings

54 Washington Street
Cornelius Philips – Smails, LLC

Mr. Philips addressed the Board. He currently owns 54 Washington Street (Moose Lodge)

A special permit was granted by the Zoning Board to allow a change in a non-conforming use to office use. He further noted they applied for a zone change which was met with opposition, they pulled back the petition for the zone change request.

Mr. Philips explained he is here seeking an amendment to the previously approved decision City Clerk # 2952 which was granted for office space. Planner Vinskey added in the

decision it was stated that any other use would have to come back to the Board, that is why they are here tonight.

Mr. Philips informed the Board they have a potential tenant 322 SPA they would like to be a tenant in the building. He further noted the profile of the company was given to the Board.

Chair Sullivan asked if he is seeking to amend the previous permit to allow the SPA? Mr. Philips replied at the time of the previous application this was not on the radar. Chair Sullivan further asked if there is appropriate parking on the site. Would there be signage? Mr. Philips stated there is appropriate parking and they would like a pole sign as well as signage on the building. Mr. Philips further noted the basement would be used for the heat facilities, Zumba, Yoga. Chair Sullivan said he does not have any objections to accepting the application. Planner Vinskey noted the sign issues might require a variance.

Chair Sullivan MOTIONED, seconded by Member Bitzas to accept and schedule for June 1. All in favor.

37 Allen Avenue

Chair Sullivan asked for the applicants to present their proposal. Mr. Edward Barter & Jennifer Dorgan 37 Allen Avenue addressed the Board.

The applicants would like to add a garage to their home, other homes in the neighborhood have garages, they also would like to add an upstairs laundry and expand their kitchen. Mr. Dorgan showed some plans he had drawn up for the Board's review. Chair Sullivan asked them to put stakes where the garage will be located.

Chair Sullivan MOTIONED, seconded by Member Bitzas to accept the application and schedule for June 1. All in favor.

5. Request for special permit extension (granted 5- 80 Park Circle garage addition)

Luanne Grimaldi - 80 Park Circle

The applicant informed the Board due to the cost of construction they have not been able to construct there garage and asked for an extension.

Chair Sullivan stated he would be good with a 2 year extension. Chair Sullivan MOTIONED, seconded by Member Bitzas to extend to 5-27-24. All in favor.

6. Review and approval of previous minutes

Chair Sullivan stated he was fine with the minutes.

Chair Sullivan MOTIONED, to approve the minutes.

Chair Sullivan	-	yes
Member Webster	-	yes
Member Bitzas	-	yes

Member Gilbert - abstained

7. Discussion of Mullin Rule use/policy

Planner Vinskey gave a brief review of the Mullin's rule which contained some revisions as they would pertain to the Zoning Board of Appeals. He felt at this time it does not pertain to the Zoning Board as their meetings are not taped, but if at some point they are taped it would be beneficial for the Board to have. He mentioned the Board has the alternate members which helps out when they don't have a forum.

Member Webster pointed out she will be gone half of July.

Chair Sullivan had no problem with the Mullins rule and MOTIONED to accept the ZBA's Mullin's Rule use/policy as drafted by Planner Vinskey. All in favor.

8. Rescission of City Planner's authorization to sign decisions for the Board. Chair Sullivan MOTIONED to rescind Planner Vinskey's authorization to sign decisions as the meetings are held in City Hall.

9. Other Business/Future Agenda Items

Planner Vinskey updated members on the kennel amendment informing them it will die in Council.

Chair Sullivan MOTIONED, duly seconded to adjourn at 8:18.