



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

March 5, 2019

Chairman Carellas called the regular meeting of the Westfield Planning Board to order at 7:00 pm in the City Council Chambers, 59 Court Street, Westfield, MA.

PB MEMBERS PRESENT
 MEMBERS ABSENT

STAFF

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

Jay Vinskey, Principal Planner
 Christine Fedora, Secretary

Prior to opening the meeting to Public Participation Chairman Carellas welcomed new Planning Board member Richard Salois and thanked him for serving on the Board.

A. PUBLIC PARTICIPATION (on any matter not the subject of a public hearing)

Chairman Carellas asked if there was anyone in the room who would like to address the Board during the public participation portion of the meeting regarding items not currently before the Board?

Matt Emmershly-City Council

Informed the Board the Zoning and Development Committee met last night and discussed zoning issues. The Council had put forward a motion to review the zoning beginning with the application and permitting process and asked the Board to offer any input.

B. REVIEW AND APPROVAL OF PREVIOUS MINUTES (2/5/19, 2/19/19)

Member Crowe MOTIONED, seconded by Member Goyette to approve the (2/5/19 , 2/19/19) minutes. All in Favor.

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

No plans for review.

D. Posted Public Hearings (and possible deliberation & decision)

- Site Plan – Parcel 27R-14/at Crane Avenue – Seasonal farm labor camp

Chairman Carellas called a brief recess, as there were audio problems. After calling the meeting back to order, Carellas noted this is a site plan and as such it is not about an interpretation of the zoning ordinance.

Corey Hinckley presented the proposal to the room in the absence of his father, the petitioner. The application before the Board is for a 36 x 60 seasonal farm labor camp building to be located on Crane Avenue. The project consists of existing farm land, driveway with 4 parking spots per requirements. The camp will consist of 12 employees; site is located out of the floodplain.

Responses to Planning Board questions:

- Running approx. April – October, dependent on weather/field conditions
- Living there during the summer
- Advertising for help in the newspaper
- There will be a shuttle to/from work areas, typically no private cars
- Originally will meet at Hundred Acres Road and then shuttle to lodging
- Can provide elevations showing side, front, floor plan, doors, windows, updated architectural plans.
- Why need facility if workers are shuttled every day? Not all employees are local people.

Mr. Hinckley further noted they previously used to rent lodging space from one of the other farm owners; the reason they are here tonight for this is because the people they rent from have grown so much they can no longer accommodate the Hinckley's workers.

Further responses:

- The police and fire department have not been contacted by the applicant; he has check in with water and sewer. Vinskey noted the Planning Board distributes the applications to various departments for comments, including public safety.
- Floor plans will be further updated. Mr. Hinckley noted the plans presented tonight were sketch plans from another facility, he noted they will bring revised plans showing the information the Planning Board is looking for.

Chair Carellas informed the room of the process for the public hearings, asking to keep it to 3 minutes. He also asked that questions be directed towards the Board and not the applicant.

Vicky Nunez - 8 Hamilton Way - Felt there was not a lot of information offered, she inquired about the environmental aspects, sewerage, water issues?

Vinskey stated no substantive comments were received from Conservation.

Cindy Smith - 183 Highland Avenue - Informed the Board this site was used by her neighborhood as a playground when she was growing up. She voiced concerns regarding wetlands, river, open space, rare species, and a lot of animals down there. She also mentioned her mother, City

Councilor Barbara Swords, worked very hard on keeping this land as open space, she didn't think this was ok for the environment or the neighborhood.

Keith Swords -173 Highland Avenue - thanked the Planning Board for holding the hearing and noted he is saddened by the application before the Board and proceeded to voice his concerns regarding the project: the fact he was not sure this is legal regarding the open space. He further noted there is an A.P.R. agreement that states this land should be kept in open space in perpetuity and if anything is to be built on this land it needs to first be approved by the Department of Agriculture Preservation. He distributed documents to the Board reading these issues.

The Board agreed to extend his time limit.

Mr. Swords read a letter into the record he stated was from Mrs. Fowler, saying buildings would need permission from the state prior to construction. He felt the city has no jurisdiction to allow them to do anything until the permission from the state is received.

Joe Muto - 61 Bowdoin Street - What is the applicant required to meet if it's in the flood plain? Did it go through Conservation Commission, what are they required to meet?

Vinskey illustrated the flood plain to the room (GIS map), indicating the blue lines were the flood zone, and according to the map this site is not located in it.

Al Giguere- Chairman of the Flood Commission - stated the commissions duty is to make sure the floodplain regulations are being complied with and proceeded to read from sections of the Flood Control Ordinance.

Mr. Giguere noted he understood there is discussion as to whether this is located in the flood plain or not but a lot of studies need to be done on the Little River and felt the flood commission should be made aware of applications such as this to alleviate any possible problems with building in the flood plain.

Member McEwan voiced his concerns this discussion is turning more into a special permit application rather than a site plan. He reviewed the process for the site plan review: the applicant comes to city hall, then go to the building department and that is where the building inspector decides what type of an application needs to be filed. In this case it was decided a site plan review was required. He further noted a site plan review is for an allowed use, a site plan is not regulated by state law, it is created by a city or town, the board cannot say no to a site plan review. If there are issues, there are other avenues that can be taken such as the Zoning Board of Appeals to appeal the Building Inspectors decision. The Planning Board cannot say no; this is based on case law.

Mr. Giguere noted he understood but felt they are not getting the information, felt a step is missed.

Vinsky further reiterated according to the legally adopted-flood plain district it is outside of the flood zone.

Councilor Matt Emmershly - Addressed the room noting he understands the difference between a site plan and special permit, but feels this should be in front of city council as a special permit, he feels this is an excessive perversion of zoning laws. He further noted the site plan review structure is 15 - 20 feet away from flood plain, he asked the Board to look into that, he further noted the application states it's a camp not a single family, if it is a camp it should be in front of the Council rather than the Planning Board, he asked the Planning Board to continue the Public Hearing.

Member McEwan stated as a site plan the Board has to approve the use, he felt the audience is getting the impression the Board is willing to deny it. Councilor Emmershly then noted there will be an appeal of the building commissioner's finding.

Councilor Dan Allie - 38 Union Street - How can the Board move forward without a building plan? He felt it doesn't fit in the area.

Councilor Mike Burns - 19 Kyle Lane - Agrees with Councilor Allie, he felt it doesn't fit and further asked the Board to continue the hearing. He also felt the abutters should appeal to the Hinckley's and maybe they will reconsider this.

James Bishop -98 Crane Avenue - grew up in neighborhood. The farms have been there a long time, the farming fits well in the neighborhood but voiced concerns regarding the housing unit and felt it would upset the balance with transient folks he felt this is something the neighborhood does not want.

Mary O'Connell -25 Park Lane- stated she was puzzled by the fact that Conservation hadn't weighed in. She urged the Planning Board not to close the hearing until more information comes forward; she further referenced Cross Street Playground, giving reference to the Agricultural restriction/protected land issues.

Chairman Giguere stated he was not speaking for the Commission and further asked the Board to continue the hearing.

McEwan inquired if they own or control both farms as well as inquired as to where the people were previously staying? Mr. Hinckley replied they were staying at Hundred Acres the space was being rented by the Hinckley's, the owners of the property now need the space for themselves.

Goyette noted moving forward the Board will need architectural plans, elevations, parking spaces, as well as confirming the applicant would need approvals from the state regarding the APR.

McEwan inquired about water and sewer? Hinckley - Currently it ends at 128 Crane Avenue he added he's contacted the sewer and water departments and said they would have to pull several permits to extend.

The Board also would like to see the lighting details.

Any disrupting of natural resources, trees? Hinckley - Driveway comes in will have to remove some of the trees, much overgrown.

Members noted they would like to visit the site.

Carellas noted Councilor Emmershly questioned the ruling by the Building Inspector and read the email response from the Building Inspector into the record. Carellas summed up the response which basically said this is ruled an appropriate use: building qualifies as a single family dwelling per building code, use for roomers falls under allowed accessory uses.

After discussion on a future date, Member Crowe MOTIONED, seconded by Member Goyette to continue to April 16th. All in Favor. A brief recess was taken as the room cleared.

E . Other business

F. Announcements/Future Agenda items

Planner Vinskey noted as there is a new member to the Board he gave a brief reminder of the public hearing process and how there should be no discussion with anyone outside the hearing regarding projects; all information should be exchanged during the hearing. He had distributed a handout for reference, which answers some typical questions.

The Board asked that 410 Southampton Road be on the next meeting agenda, as it was previously discussed regarding zoning compliance and some concerns were expressed. Vinskey stated he had distributed the building commissioner's findings on his meeting memo.

The board briefly discussed the limits of their jurisdiction and review on the Crane Ave. Site Plan application (no new testimony was taken).

Member Salois noted he attended the Zoning Planning & Development Committee meeting and it was discussed the applications should be sent to boards and commissions. Planner Vinskey noted Planning Board applications are distributed sent to many city departments, and therefore the staff of most boards and commissions. He stated that comments are rarely received.

Member Bowen MOTIONED, seconded by Member Crowe to adjourn at 8:25. All in Favor.

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