



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 19, 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

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?

There being no one heard the Board proceeded to their next item on the agenda.

B. **REVIEW AND APPROVAL OF PREVIOUS MINUTES**

Member Crowe MOTIONED, seconded by Member McEwan to approve the Minutes of March 5, 2019. All in Favor.

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

40 Granville Road – Russillillo

Planner Vinskey noted this was before the Board previously under the in-fill ordinance. This plan rearranges the rear yard; does not change the frontage or anything affected by the permit. Member Magarian MOTIONED, seconded by Crowe to approve. All in Favor.

Prior to proceeding to the next item on the agenda Chair Carellas addressed the room regarding the last meeting of the Planning Board where the Chairman of the flood commission spoke. Chair Carellas asked if anyone comes before the Board who holds a position in the city to let the Board know whether they are speaking on their own behalf or on the behalf of the commission or committee.

He designated the alternate for tonight's meeting as Bernie Puza.

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

- 95 Main St. & 4 Taylor Ave Site Plan

Chair Carellas read the notice for the a site plan approval per zoning ordinance Sec 6-10 to allow a restaurant/drive thru and retail use at 95 Main St. & 4 Taylor Ave. zoned Business A.

Presenting the proposal on behalf of the applicant Sao Joao Realty, LLC (Sardinha family) was Rob Levesque of R. Levesque Associates.

Mr. Levesque informed the Board this would be located in the liquor store currently adjacent to the current Dunkin Donuts. The proposal is to relocate the Dunkin Donuts at 93 Main Street to within the existing building at 95 Main Street, a portion of the front the building will also be used for retail.

The standard 10 stacking spaces have been provided for the drive-thru. Mr. Levesque proceeded to explain how they came up with the calculations regarding the parking spaces; he further reviewed the circulation pattern. He also addressed the concerns of the Planners memo (*italics*):

1. The application before you is a Site Plan only (not a Special Permit nor a Stormwater Permit), presumably triggered by an increase in vehicular traffic by addition of a drive-thru. Section 6-10.1 states "The Planning Board shall not deny site plan approval based upon the proposed use of the property if that use is one which is allowed as a matter of right." As such, you have no discretion over the by-right use itself, only the physical layout of it on the property (traffic circulation, landscaping, etc.)

Mr. Levesque noted this addresses the fact this is a site plan review and they understand that.

2. In redevelopment/re-use sites such as this, the Board would normally look to bring the site into compliance with current zoning requirements only to a degree commensurate with the amount of site-reworking. Mr. Levesque noted they are improving the site.

3. As much as the adjacent property (current Dunkin Donuts) is somewhat integrated with the subject (and ideally should be considered holistically), it is under separate ownership and not a party to this application. Historic impervious surfaces and improvements that exist now will be improved upon.

4. How is the berm from Taylor to be installed and maintained (through an existing pavement expanse)? A guardrail should be included if this to effectively be separated from the adjacent property (93 Main). However, appropriate internal site connections should be encouraged. There is opportunity to improve the undefined curb cut along Taylor. A berm with guardrail would be added to separate the 2 sites.

5. While the narrowing of the current Main St. access is appreciated, non-drive-thru traffic is forced to exit onto Main St. from here due to one-way traffic. Left turns here will be difficult and is complicated by nearby street intersections/turning cars. "Right-Turn only" signage may be warranted. Ideally, traffic would be directed to use State Street for egress (or better yet, to the signal at Taylor). A sign directing exiting drive-thru traffic to Taylor Street is suggested. Mr. Levesque noted they didn't make any changes as they feel this is the most viable solution.

6. How will deliveries/service vehicles enter and exit the site? Where will their parking/loading occur? Off of Taylor or State on south side of building, deliveries on off hours. Mini tractor trailers coming to the site.

7. It is unclear how parking totals (restaurant use) were calculated as it is based on number of employees and customer area square footage. Such raw information was not provided. Mr. Levesque noted they have since provided that information in their response.

8. It would appear the ordering kiosk/loudspeaker is directed away from residential areas to minimize these sound impacts. Mr. Levesque agreed as explained earlier.

9. There is no pedestrian route from the sidewalk (part of your site plan analysis (6-10.2(3))). A sidewalk connection from Main St. (with a crosswalk at the drive-thru lane to the building) would seem to be an easy addition for safer pedestrian circulation. An outdoor dining or seating area (a couple tables) adjacent to Main St. could complement this and add some interest to the streetscape (and perhaps even attract some customers). A crosswalk and sidewalk has been added, as suggested.

10. Similarly, consideration for bicycle parking should be given (rail trail access point is not far away). Added bike rack on south side of building.

11. 3-110.4(6b) requires a 20' landscaped buffer along residential uses. The new parking area off Taylor appears to satisfy this requirement, EXCEPT a portion of where the dumpster is sited. Other deficient existing areas could be considered grandfathered. Dumpster area was revised to provide the 20'

12. 3-110.4(6f) requires front landscaping to include "live shade trees and ornamental shrubs." It would seem that the addition of at least one shade tree along one or more street frontages would be a proportionate effort in meeting this intent. Added 2 shade trees one on State and Main Street.

13. No architectural were provided. What changes to the building are planned, particularly as they affect the site plan and circulation? (Obviously a drive-thru window, but where will new door locations, if any, be? at the striped areas?) Façade will be renovated, typical look like North Rd.

14. It would appear that one parking space (or more green space) may be gained by consolidating the use of the handicapped access aisle for both accessible spaces. Accessible curb ramps are not indicated, as the plan seems to show a new raised curb (current is flush with wheel stops). Similarly, it should be confirmed that there is adequate wheelchair maneuverability in front of the door swing, as it seems tight (particularly with parked cars overhanging the walkway). Added curb ramps, will coordinate with building design.

15. Snow storage is not indicated, but one could envision the row of upright shrubs along 4 Taylor being crushed by snow stockpiling. More spreading, weight-resistant species (such as yew or sea green juniper) may fare better. Plus, evergreens here (vs. winterberry) would better shield headlights from neighbors, complementing the effectiveness of the fence. Species have been revised and moved back.

16. It is stated that no new lighting is proposed, including the new parking area at 4 Taylor; it should be confirmed that this area (also where the dumpster is) is sufficiently illuminated, particularly as vehicles and pedestrians will cross paths. If there are new signs (no detail was provided), they will need to conform to current lighting standards as well, and not produce trespass into residential properties (unless waived). Signage will be provided once architect is ready, probably wall mounted signage.

17. No substantive comments from any other departments were received.

Member St. Hilaire asked if this would be similar to the North Road store? Yes similar, 10 car stacking 12 feet wide? Emergency egress? Mr. Levesque noted there is not a bypass lane here.

Member Magarian asked if there would be a right turn only onto Main Street? Mr. Lévesque noted approximately 70% of the traffic is east bound in the morning, he felt the new site will be cleaner and easier to navigate. Member Magarian suggested that a sign should be put up directing people who are taking a left onto Main to take a left that would lead them out to Taylor Avenue to direct them to the light. Mr. Levesque thought that may be a good idea. Concern about tight radius at the drive thru corner was raised.

Sherry Tobassco - 13 State Street

Voiced concerns regarding traffic issues, people who live there have no other option, only one car.

Chair Carellas reiterated this is site plan approval the Board can't stop the project, all can do is regulate certain things.

David Amstro- 5 State Street

Mr. Amstro noted he is one of the direct abutters; this will affect him the most. He is fully in support of this. Mr. Sardinha has been very accommodating and gracious. He felt people need to be good neighbors.

Etha Ricasto - 3-5 state streets

Echo the same as Mr. Amstro the Sardinha Family is a great family and have been very accommodating to them.

Cynthia Murphy-7 State Street

Voiced concerns regarding the traffic pattern, safety issues, she noted she appreciates the fact that a site plan is a done deal and that it will be approved but felt the Board should reevaluate. She felt a smaller building would create less of a safety risk, less of a loss of quality of life and drive patterns should be considered.

Mr. Levesque reviewed the traffic pattern, the customers would be coming in off of Taylor Avenue or State Street, there will be angled parking, 10 stacking spaces, kiosk will be on State Street, they will also be putting a sign directing the west bound traffic to take Taylor Avenue and the east bound traffic to exit on State Street.

Ms. Murphy inquired as to the hours of operation? The hours would stay the same 4:30 to 10:00. She further inquired as to the plans for the current Dunkin Donuts? Will it be sold or knocked down? Mr. Lévesque noted the building is owned by the Amanti family there has been discussion but nothing has been settled on, it probably would be some sort of a service oriented business, as it is not a large building.

Further discussion regarding the placement of the signs. There would be a right turn only sign onto Main Street, the widening of the drive thru access, about 3 or 4 feet. There also will be a sign indicating the direction of the West and East bound traffic to either State St. or Taylor Avenue.

Ms. Murphy further inquired as to the stacking pattern on the east side. Mr. Levesque showed the drive isle and noted it is his knowledge that it works out quite well.

Member McEwan noted he didn't think the right hand turn on Main Street would make any difference. Member Magarian felt it was more of a due diligence for Dunkin Donuts so they know they have done there due diligence.

It was also noted the donuts are not made at this facility.

The Board briefly reviewed the additional 4 conditions.

1. Signage at the Main Street egress, "Right Turn Only"
2. "Do Not Enter" signage facing the street.
3. For vehicles exiting the drive thru lane, signage directing Main Street/Route 20 westbound traffic to the Taylor Avenue egress.
4. The drive thru to be widened/realigned at the northwest building corner, as necessary

Member Goyette MOTIONED, seconded by Member Bowen to close. All in Favor. Draft findings were reviewed:

as commensurate with the scale of such change of use (1) the proposed site plan is in conformance with the intent of the zoning district and does not take precedence over specific provisions of the zoning ordinance; (2) all buildings, structures, uses, equipment and materials are readily accessible for police and fire protection, as the plans have been submitted to public safety departments with no exceptions taken; (3) adequate off-street parking and loading spaces, are provided to prevent traffic congestion; parking spaces, maneuvering areas are suitably identified and designed to meet standards specified within the ordinance; and provision is made for safe pedestrian movement within and adjacent to the property by a sidewalk connection; (4) Pedestrian access routes do not create traffic hazards and are: adequate in width, grade, alignment and visibility; are an adequate distance from street corners, places of public assembly and other access ways; and are adequately designed for safety considerations; (5) the general landscaping of the site complies with the purpose and intent of this ordinance; existing trees abutting the residential district will be retained; parking and service areas are suitably screened during all seasons from the view of adjacent residential areas and public rights-of-way by way of fencing or landscaping; (6) lighting of the site will be adequate at ground level for the protection and safety in regard to pedestrian and vehicular circulation; that any new glare and light trespass from the installation of outdoor lights will be properly shielded from the view of adjacent property and public rights-of-way, as any new lighting must conform to current standards.(7) all utility systems are suitably located, adequately designed and properly installed to serve the proposed uses, and to protect the property from adverse pollution; (8) no sensitive environmental land features such as steep slopes, wetlands, and large rock outcroppings or public scenic views or historically significant features will be affected; and (9) the

location and size of the subject building and use, well as the nature and intensity of the proposed use in connection therewith, will be in general harmony with the surrounding neighborhood, which is located along a business corridor.

Member Goyette MOTIONED, seconded by Member Bowen to approve the site plan with the findings and conditions

Crowe	-	yes
Goyette	-	yes
Magarian	-	yes
McEwan	-	yes
St. Hilaire	-	yes
Bowen	-	yes
Carellas	-	yes

Associates Puza and Salois also expressed approval.

- Zoning Ordinance Amendment (petition of the Planning Board) – prohibition of Marijuana Facilities within 500’ of a park

Planner Vinskey noted this is a petition of the Board which has been submitted to the Council for a formal hearing. He further noted, as discussed previously, the Law Department may have issues with adding restrictions beyond the states regulation. But, Vinskey noted he has easily found some other examples of similar park restrictions. The examples given to the Board was Attleboro and Sharon. Sharon, a town, would have need Attorney General’s OK.

Chair Carellas noted he spoke to the law department regarding the location of the public parks and kids playing. He further noted more and more cities are similar to Sharon and Attleboro. He he received an E Mail from Councilor Figy stating his opposition to the proposed change and further noted Councilor Figy noted he felt it would be advisable for the Board to withdraw the application without prejudice.

Member Puza agreed with Councilor Figy. Further discussion among members as to the definition of park, how would it be defined? Rail trail? Planner Vinskey stated it is already defined in the ordinance and would include the rail trail. He also suggested if the Board were to change it to a Special Permit instead, they would have the authority to review each application on a case by case application and look at the character of the park.

Member Magarian wanted to err on the side of caution, she felt it would be better off to be more restrictive. Member Crowe noted there is nothing regarding liquor stores within the 500 feet from the park but the Board is thinking about saying no to marijuana, she further noted she was just trying to be realistic with the situation.

Planner Vinskey asked if the concern of the Board is the cultivation; that could be specified. He asked if the concern was coming from the odor resonating from the grow operations? Member Goyette felt the concern was related to retail as well. All establishments? Retail, cultivation? Jane preferred all establishments.

After discussion the Board voted on the following.

500 feet.

All facilities - Member Crowe in opposed to all facilities

Special Permit

Roll Call :	Carellas	-	Yes
	Crowe	-	Yes
	Goyette	-	Yes
	Magarian	-	Yes
	McEwan	-	Yes
	St. Hilaire	-	Yes
	Bowen	-	Yes
	Puza	-	No
	Salois	-	Yes

E. Other Business

- 410 Southampton Rd, follow up of zoning compliance/enforcement request

The Board previously discussed 410 Southampton Road regarding unregistered vehicles. A special permit was issued but has lapsed. The Board felt if the special permit has lapsed they should not be working, they also noted something is going on during evening hours. After discussion the Board requested investigation by the Building Department relative to possible unpermitted use occurring.

- Discussion of improvements to zoning, application & permitting process.

Planner Vinskey noted they follow the state regulations and everything is done on a timely basis, he's not sure what exactly what ZPD (City Council) wants to study.

Member Salois attended the ZPD. meeting and updated members as to his impression of the meeting. It was his understanding from that a lot of the City's Boards feel that are not getting to look at applications going forward, it was suggested a checklist be created. Planner Vinskey explained the process currently in place with electronic distribution to departments; most of the boards have a staff person in city hall and they rely on their staff person to inform them of the applications being filed. He further noted getting any comments from any boards or department is very rare. He further noted the applications and notices get posted 2 weeks in advance.

Maryann Babinski - Ward 1 Councilor

Informed the Board of the Flood Controls Commission's concerns regarding not being made aware of projects, she felt a lot of things need to be carried out, possibly a check list, and voicing concerns regarding the water resource review.

Planner Vinskey stated this is nothing the Board has done wrong, the board is consistent with their requirements for notification. Vinskey felt this would be more of a process issue rather than an ordinance change.

F. Announcements/Future agenda items

Chair Carellas informed the Board the building inspector has issued a Notice of Violation to Roots for additional lights apparently being installed. Vinskey noted the Board is in the process of purchasing a light meter.

Planner Vinskey noted there are no public hearings scheduled for April 2. Member St. Hilaire noted he would not be in attendance for April 2 or 16. Member Crowe will not be in attendance on April 2. Vinskey will discuss with the Chair about possibly cancelling the next meeting.

Member Crowe MOTIONED to adjourn at 8:54. All in favor.

APPROVED