

AGAWAM PLANNING BOARD
October 21, 2010

MEMBERS PRESENT:

David A. Chase
Michael J. Morassi
Mark R. Paleologopoulos

MEMBERS ABSENT:

Travis P. Ward
Violet E. Baldwin

ALSO PRESENT:

Deborah S. Dachos

Mr. Morassi (acting chairman) called the meeting to order at 7:00 PM.

1. PUBLIC HEARING CONT. – Definitive Plan – Mariella Place – Tirone Development Corp.

Rob Levesque was in attendance this evening and submitted a letter to the Board dated today outlining “two outstanding items” with the Mariella Place Definitive Plan. The first is the request for waiver of borings and the second the narrow strips of land incorporated into the design of lot 1 and lot 4. Mr. Morassi asked if they were able to address the sewer cover issue. Mr. Levesque stated yes and calculations were done which shows there will be a reduction in the amount of fill needed. Michelle Chase, Town Engineer, sent an email stating that her department supports waiving the requirement for borings as they get the information they need from the tests pits (soil type, seasonal high groundwater elevation, etc). She went on to say in her email that Mr. Levesque has been very accommodating with additional requests for test pits over the past few months.

Motion was made by Mr. Chase and seconded by Mr. Paleologopoulos to allow for a waiver of the subdivision regulation requirement for soil borings for the Mariella Place Definitive Plan.

VOTE 3-0

Mr. Morassi stated that the subdivision rules and regulations do not prohibit the strips that are shown on lots 1 and 4, the members are just trying “to do good planning” in asking for the elimination of the strips. He went on to say that maintenance of these strips is hard to enforce and they are hoping that the best solution will be found. Mr. Levesque stated that there will be a Homeowners Association for this subdivision and that maintenance of the strips will be provided for and enforced through that.

Valerie Douglas, Federal Street asked if the Homeowners Association would address the maintenance of the sidewalk on Federal Street on land owned by Tirone. She stated that during the winter it is difficult for children to go up and down the hill as the Town uses a tractor to plow it and it leaves compacted snow. Mr. Levesque stated that there is a portion of that sidewalk that will be the responsibility of one of the new lot owners as the backyard to it reaches Federal Street. He stated that portion of the sidewalk could be included in the Homeowners Association documents to be maintained.

Motion was made by Mr. Paleologopoulos and seconded by Mr. Chase to continue the public hearing for the Definitive Plan of Mariella Place to November 4, 2010.

VOTE 3-0

2. PUBLIC HEARING – Zone Change – Spencer/Maple Streets – Tirone Dev. Corp.

Rob Levesque presented this zone change request on behalf of Tirone Development Corp. for a 11,968 sf lot located at the corner of Maple and Spencer Streets. He explained that this property is currently zoned Residence A-2 and they are seeking a change to Residence B to allow for a duplex to be built with a driveway off of Spencer Street. Mr. Morassi asked for any public input.

Paula Burke, 13 Orchard Street asked if the address for this parcel would change to Spencer Street; the number of units and garages. Mr. Levesque stated the address would be Spencer Street; two units and with attached garages and one driveway on Spencer Street.

Anthony Grasso, 14 Spencer Street asked if these would be high end duplexes. Mr. Tirone stated that his son will live in one and one will be rented. The sizes will be 1,000 sf and 1,200 sf and the building will look like a single family. Mr. Grasso expressed concern over the affect on the neighborhood if this zone change were granted as this lot has always contained a single family residence. He stated that he is against the zone change as it will change the make-up of the neighborhood and set a precedent. He feels a single family property owner tends to take more pride in their property.

Bob Burke, 13 Orchard Street questioned what affect this zone change would have on the value of surrounding properties. Letters of opposition to this zone change request from Joann Hogen, 22 Spencer Street and Sofiya Polovo of 11 Spencer Street were read at the meeting and are included in the public record.

Mr. Paleologopoulos stated that the Board received a memo from the Safety Officer outlining his concerns with pedestrian, bicycle, and/or motor vehicle safety with the creation of a two family home and two driveways. He mentioned the Planning Department's report and the building inspector's verbal comment that this would be spot zoning.

Mr. Morassi stated that the Board is trying to plan better in town and apply more consistent zoning. He stated that he is against the zone change request. In conclusion, the members felt they should continue the hearing and hold off on voting to allow the full Board to vote.

Paula Burke, 13 Orchard Street stated that she wanted to go on record as being opposed the zone change request.

Motion was made by Mr. Paleologopoulos and seconded by Mr. Chase to continue the public hearing for the Tirone Zone Change request to November 4, 2010.

VOTE 3-0

3. FORM A – North Street Ext. – VIP Homes & Associates LLC

Attorney Liquori, representing VIP Homes & Associates LLC, was in attendance this evening. He stated that his client has purchased the former Montanez property. There was a lengthy discussion regarding this plan and, more specifically, the matter of rights on a paper street. Attorney Liquori stated that his client does not want to go through the paper street discontinuance process as it will be costly. Mr. Chase stated that he feels the proper way to handle this situation would be to eliminate the paper street. The members came up with many questions to pose to the Law Department. Mr. Paleologopoulos stated that the Board already has a legal opinion from the Law Department dated October 14th. The members were in agreement that some type of action must be taken on the plan tonight to avoid it being approved by default.

Motion was made by Mr. Paleologopoulos and seconded by Mr. Chase to approve the plan by VIP Homes & Associates LLC on North Street Ext. under “Subdivision Control Law Not Required”.

VOTE 1-2 (Morassi & Chase opposed)

The members asked that a memo be sent to the Law Department outlining their questions and concerns on this plan and agreed to place it on the next agenda for discussion if Attorney Liquori so desired or if he would like to resubmit the plan for that meeting. The memo to the Law Department will ask the following questions: “ in your memo dated October 14, 2010 you state “the developer can proceed; however, he may only proceed so long as no other property owner has an interest in the paper street in question”. Attorney Liquori represented to the Board and the new plan illustrates that the former Montanez property has been purchased by VIP Homes. However, as you can see from the attached map taken off the Towns GIS, there are other properties that abut the Alexander paper street. Do these other properties have interest in the paper street? Is there a process for discontinuance of paper streets and, if so, why isn't this process appropriate in this case? If the paper street is not discontinued, can the area which may be used as a future street be used as frontage for the benefit of one individual lot? Attorney Liquori contends that

this is a totally unique situation. The Board knows that there are many paper streets throughout Agawam. If the Board were to approve this plan, would it not set a precedent?"

4. BOND STATUS – Dova Subdivision – Aimua

The Performance Agreement for the Dova subdivision will expire on November 15th. Mr. Aimua has requested an extension. The last vacant lot is under construction at this time.

Motion was made by Mr. Chase and seconded by Mr. Paleologopoulos to extend the Performance Agreement for the Dova subdivision to May 30, 2011.

VOTE 3-0

5. NEW PERF. AGREEMENT & LETTER OF CREDIT – Farmington Heights
– Hillside Development Corp.

The Law Department has approved the Letter of Credit submitted for the Farmington Heights subdivision and Mr. DePalma has signed a new Performance Agreement.

Motion was made by Mr. Chase and seconded by Mr. Paleologopoulos to approve and execute the new Performance Agreement and Letter of Credit for Farmington Heights.

VOTE 3-0

6. APPROVAL OF MINUTES – October 7, 2010

Motion was made by Mr. Chase and seconded by Mr. Paleologopoulos to approve the minutes of October 7, 2010 as written.

VOTE 3-0

The meeting adjourned at 8:30 PM.