

AGAWAM PLANNING BOARD
December 16, 2010

MEMBERS PRESENT:

Travis P. Ward, Chairman
Violet Baldwin
Mark Paleologopoulos

MEMBERS ABSENT:

David A. Chase
Michael Morassi

ALSO PRESENT:

Deborah S. Dachos

Mr. Ward called the meeting to order at 7:00 PM.

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

Rob Levesque and Jon Goddard of R. Levesque Associates were in attendance as well as the petitioner, Joe Tirone. Mr. Levesque explained that additional information was provided at the last meeting and he went over his November 29th letter once again and reiterated that his client does not wish to submit a grading plan for the “Form A” lot at this time which was requested by the Board. Ms. Baldwin expressed her concern over the amount of fill needed for this subdivision and how that would impact the abutters. Mr. Levesque explained the proposed grading and stated that there will be no impact on neighboring properties. Mr. Paleologopoulos brought up the issue of snow plowing and asked where the snow would be piled. Mr. Levesque stated that an angled plow would be used and it might be possible that some of the snow would get pushed onto the Lynch property. Mr. Paleologopoulos expressed his concern over the amount of fill and number of truckloads to be brought in. Mr. Ward then went over his concerns. He stated that from his professional experience with homeowners associations, he does not feel they are adequate for this subdivision and that the association members can vote to dissolve it. He has concerns with the maintenance of the two strips of land at the beginning of the new street. He went on to say that the attempts to remedy the Board’s concerns over the maintenance of the island and the strips are not satisfactory to him. Mr. Levesque asked whether that was a violation of the Subdivision Control Law. Mr. Ward stated he has a major concern also with the proposed grades and the fact that it will make this land higher than the abutting properties. Mr. Levesque asked what about the grades make them in violation of the Subdivision Rules and Regulations. Ms. Dachos then expressed her concerns over the seasonal high water table on the site at 18”; the large amount of fill and continuous disruption this will cause for the abutters; she feels that there are too many lots proposed on this site; the site is presently very flat; and the Engineering

Department has stated that the sewer in this area is currently substandard. Mr. Ward then allowed for public input.

Mason Soja, 184 Main Street stated that he showed the proposed plan to another engineer and they calculated the amount of fill needed to be 6400 cubic yards, not 2300 cubic yards as Mr. Levesque has previously indicated. He is concerned with the proposed swale that is 5' to 6' from the corner of the house on the lot directly behind him (lot 1) and that the homeowner may fill it in. He is also concerned with the sewer capacity in this area and went on to say how wet this property is. He went on to say that the proposed homes have very small yards and what will prevent the homeowners from increasing their yards.

Margaret Collins, 184 Main Street stated that she spoke with the DPW Superintendent and was told that the sewer is "non-conforming". She stated that the area residents know of the current sewer issues and she was told by the Superintendent that they will have to "babysit" this project. She went on to say that if this plan is approved, the Town is putting these people at risk of future problems.

Mr. Tirone then stated that everyone has to deal with snow including him at his own home.

Motion was made by Mr. Paleologopoulos and seconded by Ms. Baldwin to close the public hearing for the Mariella Place Definitive Plan.

VOTE 3-0

Mr. Paleologopoulos stated that his issues with this plan are the type of fill and hours that fill will be brought in; Federal Street is already problematic in terms of drainage and the Town may be lax in addressing that; site would be better developed with one house and a long driveway; will be difficult to sell these houses as they are surrounded by wetlands; however it appears to meet the requirements.

Ms. Baldwin stated that it may meet the requirements but she feels this is too much for this site. She went on to say that she has spoken with the Town Engineer previously and there are problems in this area with drainage and sewers; homeowners associations are difficult to enforce; the volume of fill and large amount of disruption that will cause to the neighbors; is a difficult area to develop.

Mr. Ward stated that the Town may be at fault for not setting the threshold higher. He went on to say he feels the number of lots is too high; he is concerned with the grass strips and sidewalk maintenance; he feels that homeowners associations are of no benefit to the Town; the proposed grade of the land is not consistent with the abutting properties; the sewer in this area is substandard; lot 2 is of marginal quality; this will effect the quality of life of the residents of 35 and 45 Federal Street and the new homeowners as well; there is the possibility of future problems as a result of this project; and in

conclusion, he stated that he feels this project is just not overall good planning for Agawam.

Motion was made by Mr. Paleologopoulos and seconded by Ms. Baldwin to approve the Definitive Plan for Mariella Place on Federal Street with the following conditions: type of fill; restrictions on hours; dust suppression (apply water at end of each work day and apply best practices. Address Engineering Department comments. Execute Performance Agreement, Covenant and submit easements. No homeowners association is to be used – strips on lots 1 and 4 will be homeowners responsibility. Sewer upgrades to be reflected in bond amount.

VOTE 1-2 (Ward and Baldwin opposed)

Motion was made by Ms. Baldwin and seconded by Mr. Paleologopoulos to deny the Definitive Plan of Mariella Place on Federal Street for the following reasons: 1) the seasonal high water table for the site as high as 18” and may affect the future stability of the road surface and home construction; 2) the amount of fill that the applicant reports in his letter dated November 29, 2010 that will be needed (2300 cubic yards) will have an affect on the abutters; 3) the proposal represents a much too densely developed site (little, if any, usable yard space due to the large expanses of wetlands) and the Board does not feel that the grading as shown will be able to be maintained during construction, nor after construction when lot owners are seeking larger yards; 4) The site is very flat and the Board is concerned that with as much as 5’ of fill, the abutting properties may receive more drainage post-construction than pre-construction (particularly 35/37 Federal Street and 184 Main Street); 5) The existing sewer is substandard and abutting properties have experienced backups in the past; 6) The landscaped strips shown on the plan along the most northerly portion of the proposed roadway represent poor planning; are being included in lots 1 and 4 and will result in the property owners being responsible for shoveling over 300 feet of side walk and maintaining 300 feet of treebelt; 7) The proposed Homeowners’ Association is not adequate to ensure maintenance of the above mentioned design problems; 8) the Board is of the opinion that the subdivision as designed will have a significant negative impact on the abutting properties and, if constructed, will degrade the neighborhood and the existing residents’ quality of life.

VOTE 2-1 (Paleologopoulos opposed)

2. APPROVAL OF MINUTES – November 18, 2010 (Executive Session) and December 2, 2010

Motion was made by Ms. Baldwin and seconded by Mr. Paleologopoulos to approve the minutes of December 2, 2010 as written.

VOTE 3-0

Motion was made by Ms. Baldwin and seconded by Mr. Paleologopoulos to approve the Executive Session minutes of November 18, 2010 as written.

VOTE 2-0-1 (Paleologopoulos abstained)

Re-Sign – Form A – Pine Street

Ms. Dachos explained that the property owner was in the office today and has asked for updated signatures on his Form A that approved earlier this year but not recorded within six months.

Motion was made by Ms. Baldwin and seconded by Mr. Paleologopoulos to re-sign the Form A for Poirier on Pine Street.

VOTE 3-0

The meeting adjourned at 9:00 PM.

All correspondences, plans and documents referred to in these minutes can be viewed/obtained in the Agawam Planning Office.