

AGAWAM PLANNING BOARD
August 5, 2010

MEMBERS PRESENT:

Travis P. Ward, Chairman
David A. Chase
Michael J. Morassi
Mark R. Paleologopoulos

MEMBERS ABSENT:

Violet E. Baldwin

ALSO PRESENT:

Deborah S. Dachos
Pamela R. Kerr

Mr. Ward called the meeting to order at 6:30 PM.

1. SITE PLAN – Wendy’s – 1340 Springfield Street

Tim Coon of JR Russo & Associates was in attendance to present this site plan as well as John Derr of the Wendy’s International, Inc. Mr. Ward explained that there is an approved plan on this site for a bank building with drive-thru and retail space. This new proposal for a Wendy’s will go back to the Conservation Commission and Zoning Board of Appeals as well. He also stated that he will allow for public input after the presentation. Mr. Coon then explained that this is a 3.5 acre site and the previous approval was for a 9,000 SF mixed use building and was approved in April of 2009. He stated that the new plan calls for a 3300 SF Wendy’s Restaurant with drive-thru and a single curb cut (14’ entrance and two exit lanes); traffic circulation is counter clockwise around the building. There is a drive thru lane and a bypass lane. He went on to say that 55 parking spaces are shown; and a sidewalk to connect along Springfield Street will be provided with a crosswalk across the curb cut. He stated that this plan has approximately 27% less impervious area than the previous plan and that the stormwater design will be the same as previously approved with the addition of a 8’ vegetated filter strip to a swale to the bio filtration area. He stated that the bio filtration area has been enlarged and another vegetated swale has been added. A landscape plan was submitted which includes scattered plantings in the vegetated filter strip, street trees and various plantings within the site. A rendering was submitted of the proposed pylon sign and he explained that the lighting will be full cut-off shoebox type fixtures on poles. A photometric plan was submitted showing the lighting to be all shielded. He then went over the proposed elevation which he stated is Wendy’s new curve building design (cultured stone columns and arch). Mr. Coon then stated that revisions were made to the plan as a result of the Team Meeting. The Fire Department submitted a memo stating that they have no objections to the plan and the Engineering Department submitted a memo recommending approval. The Conservation Commission will hold a public hearing next week on an

Amendment to the Order of Conditions. Mr. Morassi asked about trash pick up. Mr. Coon stated that they typically come during off hours and would come in thru opposite lane to access the dumpster. Mr. Morassi asked if any progress has been made on attempting to provide an extra curbcut to the adjacent Stop & Shop site. Mr. Coon stated that there has been no progress made on that possibility. Ms. Dachos stated that she has attempted to contact Stop & Shop and has left messages but has received no return calls. She stated that a connection to that site would benefit both sites and that change could be made in the future if Stop & Shop will allow for it. She stated that she will keep trying to contact Stop & Shop and that she will ask the Mayor to also call them. Mr. Paleologopoulos asked how many parking spaces would be lost if that connection were provided. Mr. Coon stated four to five spaces would be lost. Mr. Morassi asked if the most recent Wendy's elevation design has been built in the area where they could go see it. John Derr of Wendy's International stated that there is a recent remodel of a restaurant on Allen Street in Springfield which shows the color scheme but that the "arch or curve" design is a new construction style in this area. Mr. Paleologopoulos asked what the hours of operation would be. Mr. Coon stated the restaurant would be open at 10:00 AM and the drive thru would remain open until 1:00 AM. Mr. Ward asked if the drainage swale and bio filtration system would overflow to the street. Mr. Coon stated no, it will drain the wetland in the back. Mr. Ward asked for the type of street trees being proposed and their locations in proximity to the overhead lines. Mr. Coon stated that they are proposing red maples and will be planted 20' to 30' back from the sidewalk. Mr. Ward then asked for the total width of this parcel. Mr. Coon stated it is approximately 200' wide. Mr. Paleologopoulos then asked if a traffic analysis had been done and would there be an increase in traffic. Brian Bazell of Connelly Associates was in attendance and explained that they completed their traffic analysis and data collection today and will submit the final report next week. He stated that this proposal will create less traffic than the previous building and uses that were demolished on the site. He stated that a 24 hour period on July 28th (Wednesday) showed 13,375 vehicles in this area and specifically noon to 1:00 PM showed 953 vehicles. He stated that those counts would be higher during the school year. Ms. Dachos explained that the Town has received a grant to do a total redesign of the Feeding Hills Center intersection and updated traffic counts would be done for the intersection at that time. She asked what percentage of customer base is pass-by and what percentage are primary trips. Mr. Bazell stated they estimate that 50% of the customer base is pass-by and 50% of the customer base is going to Wendy's as their primary trip. Mr. Paleologopoulos stated that a previous Engineering Department memo referenced the installation of the gas line connection in Springfield Street prior to the Town repaving it. Mr. Coon stated that they are "at the mercy of the gas company" and if they can sign a contract soon they can rush to install the lateral. Mr. Ward then allowed for public input.

Attorney Jeff Smith, representing Sprocket Realty (Phipps), stated to the Board that since 1968 this has been an open parking lot with reciprocal parking spaces. He went on to say that his client has fifteen spaces on his site and needs at least thirty on the weekends. A fence has recently been installed along the property line and the pavement has been removed. He stated that he feels his client has well established prescriptive parking

rights. Mr. Ward stated that is not a Planning Board issue but a Land Court issue. Ms. Dachos stated that the previously approved plan showed shared access of these lots and that during the Team Meeting for Wendy's, professional staff objected to a shared access and asked for a barrier between the two parcels.

Mr. Paleologopoulos then asked about the dumpster enclosure. Mr. Coon stated that they would prefer chainlink with slats as it is more durable. Ms. Dachos stated that they should ensure it remains in repair. Mr. Ward stated that overflow trash would be a concern and wants to ensure that they maintain the site. Mr. Derr stated that Wendy's employees would ensure that the site is maintained. The members were in agreement to table action on this plan until the next meeting to allow for the traffic information to be submitted and reviewed.

Motion was made by Mr. Morassi and seconded by Mr. Chase to table the Site Plan for Wendy's on Springfield Street to the next meeting.

VOTE 4-0

2. REVISION TO SITE PLAN – King Yen – Springfield Street

Max La of King Yen was in attendance to present a revised Site Plan. The Board recently approved a Site Plan showing the addition of a walk-in cooler. He is now proposing to construct a 6' x 10' breezeway to house the cooler. The materials will be cement block. The members viewed the plan and had no concerns with it.

Motion was made by Mr. Chase and seconded by Mr. Morassi to approve the revised Site Plan for King Yen on Springfield Street showing a 6' x 10' breezeway.

VOTE 4-0

3. PUBLIC HEARING – Definitive Plan – Mariella Place – Tirone Development Corp.

Rob Levesque and Jon Goddard of R. Levesque Associates were in attendance this evening to present this Definitive Subdivision Plan. Mr. Levesque stated that the plan has not changed much since the preliminary plan submission and shows four lots on a cul-de-sac road with one Form A lot on Federal Street. He stated that since the preliminary plan approval, his client has communicated with the abutters on either side of the proposed roadway and they are not interested in obtaining the "strips" of land that abut their lots. He went on to say that the frontages have been adjusted and he has spoken with the Town Engineer and he is working on ways to meet the radius requirements. He explained that the drainage for the project will sheet flow to catch basins near Federal Street and then through the Town system which is proposed to be upgraded by the developer. He also stated that his client will provide two catch basins at Federal Street. The Town will be doing the upgrade to the water line in Federal Street.

He went on to say that they will be tying into the existing sewer system. Test pits have been done and borings will be done within the proposed roadway, therefore, the waiver of the soil borings is not needed. Ms. Dachos asked what the seasonal high groundwater was found at. Mr. Levesque stated the seasonal high groundwater was at 2.5 to 3 feet down. He also stated that the curb line radius waiver may still be needed as there is a concern with the "Lynch" driveway (a portion of it is on Mr. Tirone's land). Mr. Morassi stated that he is very strongly against the strips of land shown at the entrance of the new street and that historically those strips pose maintenance problems. Mr. Levesque stated that he has explored that issue and there is no perfect solution but his client would provide the land to the neighbors or they could provide a stone or mulch planter in these areas. Mr. Chase asked if pitching the water to drain down the street is opposite of what currently exists. Mr. Levesque stated yes, they are pitching it back. Mr. Chase then asked about the proposed Federal Street upgrade and when it would be done. Ms. Dachos explained that the waterline is being upgraded by the Town and the developer is proposing to upgrade the storm drain in Federal Street. Mr. Paleologopoulos stated that he has a problem with the proposed drainage for the subdivision and asked if there was a way to have the property sheet flow halfway down Mariella Place to the catch basins. Mr. Levesque stated that it will be a minimal amount of sheet flow and per the Engineering Department, rather than installing a Stormceptor they will be upgrading the catch basins in Federal Street and adding one more additional basin. He added that these upgrades are designed for the 100 year storm event. Mr. Ward then asked for clarification on the pre and post grades. Mr. Levesque stated that there will be a 1 to 2% grade up Mariella Place. Mr. Ward asked how high the proposed roadway would be. Mr. Levesque stated the roadway will be 4' high at the cul-de-sac, the frontyards will have fill and the frontyards will sheet flow to the new street. He went on to say that the foundations will be raised, and the houses will be partial walk-outs which will minimize the fill. Ms. Dachos asked what the depth of the drainage system/catch basins in Federal Street is and whether they will intercept groundwater. Mr. Levesque stated 5' to 6' and that the catch basins would have check dams. Mr. Morassi stated that he would like to walk the property. Mr. Chase asked that all four corners of the proposed houses be staked for the site walk to allow them to review fill elevations. Mr. Levesque agreed to that and will provide additional spot grades. Mr. Morassi stated that the Board is very concerned with ensuring no adverse effect on the neighbors will occur and that the lots be well-graded. Mr. Ward then asked about the proposed Form A lot. Mr. Levesque stated they will be submitting a Form A for that lot soon and will provide a grading plan for the Planning Board to review. Mr. Ward then asked for any public input.

Mac Lynch, 35 Federal Street stated that he objects to the proposed street as it will be 20' from his bedroom window and that they can't create zone violations. He went on to say that he does not want the property that the applicant has offered him as they would indicate his consent to the subdivision. Ms. Dachos explained the plan as proposed does not create a zoning violation as a 15' sideyard would be required. She stated that if his lot became a corner lot then a 25' sideyard would be required.

Ron Plante, 31 Federal Street stated that he has an issue with the sewer line and that once a year his sewer has to be pumped. He is also concerned with the drainage and the amount of fill that will be needed, how they will keep the flow from going to the Agawam Funeral Home backyard and how the drainage will get funneled out to the new street from the low spot behind the funeral home. Mr. Levesque stated that the area behind the funeral home is an isolated vegetated wetland and a portion of that will be disturbed, however, the area will remain wet.

Margaret Collins, 184 Main Street stated that they have retained a lawyer regarding the sewer line easement on their property and they have also hired a wetland scientist due to the wetland issues. She stated that they have many questions still unanswered and hoped the Board would not be taking action on the plan this evening. Mr. Levesque stated that the original proposal showed a sewer line upgrade thru her property, however, there is no proposed work on the sewer line on their property now. Mr. Morassi asked whether the wetlands had changed on this site, as they appeared smaller than on the last plan. Mr. Levesque stated that a wetland delineation was approved by the Conservation Commission last year and that has not changed. He went on to explain that a portion of the isolated vegetated wetland will be filled, however, no Army Corps permit is required because the disturbance is less than 5,000 SF.

Mr. Ward then brought up the requested waivers and reiterated that in order to grant a waiver, they must be in the best interest of the Town. Mr. Chase asked how these requested waivers compare to waivers the Board has previously approved on other subdivisions. Ms. Dachos explained that each subdivision is different in terms of waivers requested and granted, however, the Board looks at each request individually and determines whether they are in the Town's best interest.

In conclusion this evening, the following areas of concern were outlined: strips of land at beginning of roadway; sewer line; water line; grading; waivers; height of road and Engineering Department comments. Site visits for the members will be scheduled when the houses and spot grades for roadway have been staked. Ms. Dachos stated that she will send a memo to the DPW/Engineering Department asking for a timeline for the proposed work on the Federal Street drainage and sewers.

Motion was made by Mr. Chase and seconded by Mr. Morassi to continue the public hearing for the Definitive Plan of Mariella Place to the next meeting (August 19th).

VOTE 4-0

4. BOND RELEASE – Anvil Street – High Meadow IV – Calabrese

Mr. Calabrese was in attendance this evening. The Engineering Department submitted a memo dated August 5, 2010 (copy can be obtained from the Planning Department) to the Board stating that the street lights are to be installed soon. Mr. Calabrese stated that they are scheduled to go in next week. He agreed to place the undeveloped lots under

Covenant at this time. The Performance Agreement for this subdivision will expire before the next meeting. The members agreed to extend the Performance Agreement to allow for the street lights to be installed prior to bond release.

Motion was made by Mr. Chase and seconded by Mr. Morassi to extend the Performance Agreement for High Meadow IV for four weeks to September 4, 2010.

VOTE 4-0

Motion was made by Mr. Morassi and seconded by Mr. Chase to deny the request for release of bond for High Meadow IV based on the Engineering Department memo dated August 5, 2010.

VOTE 4-0

BOND RELEASE – Burlington Estates

The Engineering Department submitted a memo dated August 5, 2010 (copy can be obtained from the Planning Department) outlining the items left to be completed. This Performance Agreement will expire on September 6, 2010.

Motion was made by Mr. Morassi and seconded by Mr. Chase to deny the request for release of bond on Burlington Estates based upon the August 5, 2010 memo from Engineering Department.

VOTE 4-0

BOND RELEASE – Cecilia Estates

The Engineering Department submitted a memo stating that there are two lots still under construction and have been sold by the developer. They recommended that \$5500 be retained to cover completion of those two lots.

Motion was made by Mr. Morassi and seconded by Mr. Chase to reduce the bond being held on Cecilia Estates to \$5500 as recommended by the Engineering Department.

VOTE 4-0

5. BOND SETTING, LETTER OF CREDIT, NEW PERFORMANCE AGREEMENT – Zack's Estates (former Tiny Bull Estates) – Russo

The Engineering Department recommends that the bond amount for Zack's Estates (former Tiny Bull Estates) be set at \$486,000. Mr. Russo was in attendance this evening and agreed with that amount.

Motion was made by Mr. Chase and seconded by Mr. Paleologopoulos to set the bond for Zack's Estates at \$486,000 as recommended by the Engineering Department.

VOTE 4-0

Mr. Russo stated that he will have his Letter of Credit submitted tomorrow and is anxious to obtain building permits. The members agreed to vote to execute the new Letter of Credit and Performance Agreement pending approval of the Town Solicitor.

Motion was made by Mr. Paleologopoulos and seconded by Mr. Chase to approve the Letter of Credit and Performance Agreement for Zack's Estates pending approval of the Town Solicitor.

VOTE 4-0

6. Correspondences

The Engineering Department submitted a memo to the Board dated August 4, 2010 regarding changes to the detention basin at Zack's Estates (former Tiny Bull) and recommending approval of the changes. Mr. Russo explained that work on the detention basin is almost complete and that the redesign shows a positive outflow. The members discussed the proposed changes and agreed that they were not substantial and would not have an adverse affect on the abutters. They agreed that a public hearing would not be necessary. This item will appear on the next agenda for action.

Motion was made by Mr. Morassi and seconded by Mr. Paleologopoulos that the proposed changes to the Zack's Estates detention basin are minor and will have no adverse impacts on abutters and therefore a public hearing will not be held on the changes.

VOTE 4-0

7. APPROVAL OF MINUTES – June 17 & July 1, 2010

Motion was made by Mr. Chase and seconded by Mr. Paleologopoulos to approve the minutes of June 17, 2010 as written.

VOTE 3-0-1 (Paleologopoulos abstained)

Motion was made by Mr. Chase and seconded by Mr. Paleologopoulos to approve the minutes of July 1, 2010 as written.

VOTE 2-0-2 (Ward and Morassi abstained)

The meeting adjourned at 8:30 PM.

All memos and correspondences referred to in these minute are on record in the Planning Department.