

Agawam Planning Board – January 21, 2021

MEMBERS PRESENT:

Mark R. Paleologopoulos, Chairman
Charles Elfman
Violet E. Baldwin
Frank DeStefano

MEMBERS ABSENT:

Nicholas Pandolfi

ALSO PRESENT:

Pamela Kerr

Via Zoom

Chairperson Paleologopoulos called the meeting to order at 6:00 pm.

1. 6:00 PM - PUBLIC HEARING – Zoning Amendment – Fences (TOR-2020-9) – Mayor Sapelli

Town Solicitor Steve Buoniconti was in attendance to present this proposed zoning amendment. He stated that the Town Engineer asked to include wording include driveways **and** streets which he concurs with. Mr. Paleologopoulos asked if walls should be included along with fences. Attorney Buoniconti stated that only fences are addressed here. He went on to say that the Building Inspector will enforce the construction of walls as it is within his jurisdiction as part of the state building code. Ms. Baldwin noted that the resolution mentions repairs but not specifically who is responsible for the repairs. She suggested adding that the homeowner is responsible. Mr. Buoniconti said that it is implied that it is the owner's responsibility. He said that the language is adequate for enforcement against whoever is found to have control over the fence. He also stated that construction of fences do not require a permit per the State Building Inspector. Mr. Paleologopoulos asked if Agawam's Building Inspector is the enforcement officer for this regulation. Attorney Buoniconti said that the Building Inspector is the Zoning Enforcement Officer therefore has the authority to enforce the code. Mr. DeStefano asked if the owner disagrees with the Building Inspector's findings would the town remove the fence. Attorney Buoniconti said they would not unless the Town has a court order allowing them on the property to remove it. He went on to say that the process is the same as any dispute within the Town Code and would have to go through the appellate process. Mr. Elfman asked about Reg. 180-8 regarding driveways. He noted that it says fence only and asked what the purpose of the regulation is. Attorney Buoniconti agreed that it be amend it to say "no fence or wall". He explained that this regulation is about keeping the line of site open for drivers and pedestrians for safety on driveways and side streets. Ms. Baldwin inquired about the amount of fines for an offense. Attorney Buoniconti stated that it would be the standard amount for any violation of the Town's Zoning Code which would be \$25, \$50 or \$100. Mr. Paleologopoulos asked if this includes hedges. Attorney Buoniconti stated that hedges are artificially constructed barriers not a fence and that the Building Inspector will have the ability to determine the equivalence of the definition of fence.

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Mr. Paleologopoulos opened the hearing to the public. There were no comments.

Motion was made by Ms. Baldwin and seconded by Mr. DeStefano to close the Public Hearing for Zoning Amendment – Fences (TOR-2020-9) – Mayor Sapelli.

ROLL CALL VOTE 4 – 0

Motion was made by Ms. Baldwin and seconded by Mr. Elfman to issue a positive recommendation for Zoning Amendment – Fences (TOR-2020-9) – Mayor Sapelli to the City Council with the following changes to “ **§180-8 SUPPLEMENTARY REGULATIONS - B. Fences or walls.**; No fence **or wall** shall be constructed so as to create a safety hazard for vehicles or pedestrians entering or exiting driveways **or streets**. All fences and walls shall be properly maintained. Any fence **or wall** found to be in disrepair shall be promptly repaired or removed.”

ROLL CALL VOTE 4 – 0

2. SITE PLAN – 358 Corey Street – Pond View Hollow – General Construction & Environmental, Inc. (Continued to 1/21/21)

Filipe Cravo of R. Levesque Associates presented a revised plan for 358 Corey Street – Pond View Hollow based on previous Planning Board and Engineering comments. He said he received a letter from Engineering stating that all of their comments have been addressed. The site plan changes include a sidewalk being added along the frontage, a sidewalk and bench on the radius nearest the pond were added and additional plantings were added according to the Conservation Commission’s comments. There were no comments from the public.

Motion was made by Ms. Baldwin and seconded by Mr. DeStefano to approve the Site Plan for 358 Corey Street – Pond View Hollow – General Construction & Environmental, Inc. to include the condition that the construction shall not begin until the Mass DEP audit related to RTN-1-16131 is complete and the Notice of Audit Findings concludes that no further investigations or response actions are required or any other professional comments that may arise.

ROLL CALL VOTE 3 – 0 – 1 (Elfman)

3. PUBLIC HEARING CONT. – Definitive Plan – 673 Silver Street – Aspenwood Estates – Aspenwood Associates LLC (Continued to 1/21/21)

Mr. Paleologopoulos stated that 2 letters were received today from Mr. Kirk MacNaughton, one requesting a continuance of the Public Hearing and one requesting an extension of the Definitive Subdivision Plan for 673 Silver Street – Aspenwood Estates.

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Motion was made by Ms. Baldwin and seconded by Mr. Elfman to continue the Public Hearing for 673 Silver Street – Aspenwood Estates – Aspenwood Associates LLC to February 4, 2021 as requested.

ROLL CALL VOTE 4 – 0

Motion was made by Mr. Elfman and seconded by Mr. DeStefano to grant a 30 day extension for the Definitive Subdivision Plan for 673 Silver Street – Aspenwood Estates – Aspenwood Associates LLC to March 2, 2021.

ROLL CALL VOTE 4 - 0

4. APPROVAL OF MINUTES – January 7, 2021

Motion was made by Mr. DeStefano and seconded by Mr. Elfman to approve the minutes of January 7, 2021 as written.

ROLL CALL VOTE 4 – 0

5. REVISION TO LOT LINES – Nicole Terrace Definitive Plan – Hillside Dev. Corp.

Filipe Cravo of R. Levesque Associates explained that the revision involves minor adjustments to the lot lines to correct the frontage at the building setback on Lot# 14. He stated that lots 3, 4 and 11-14 had minor adjustments. The Engineering Department has reviewed these adjustments and responded that they have no issues with these changes.

Motion was made by Ms. Baldwin and seconded by Mr. Elfman that the adjustments to the lot lines as presented this evening (Nicole Terrace Definitive Plan – Hillside Dev. Corp.) do not constitute a major change to the Definitive Plan.

ROLL CALL VOTE 4 – 0

Motion was made by Mr. DeStefano and seconded by Mr. Elfman to approve the revisions to the Definitive Plan for Nicole Terrace – Hillside Dev. Corp. as presented this evening.

ROLL CALL VOTE 4 – 0

Chairperson Paleologopoulos recused himself and Ms. Baldwin became acting chair.

6. APPROVAL LETTER – Tuckahoe Solar facility

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Con Edison has asked the Board to make changes in the wording of the recent approval of the revisions to the CES Agawam Tuckahoe solar project site plans to assist in their SMART Program incentives. The changes include adding reference the original Site Plan approval of January 21, 2020.

Motion was made by Mr. Elfman and seconded by Mr. DeStefano to issue a revised approval letter for the CES Agawam Tuckahoe Solar Facility Site Plan to include reference to the original site plan approval of January 21, 2020.

ROLL CALL VOTE 3 – 0

Mr. Paleologopoulos returned as Chair.

7. Correspondences – None

Motion was made by Mr. Elfman and seconded by Mr. DeStefano to adjourn the meeting.

ROLL CALL VOTE 4 – 0

Meeting adjourned at 7:00 PM.