

Agawam Planning Board – February 17, 2022

MEMBERS PRESENT:

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

MEMBERS ABSENT:

ALSO PRESENT:

Taryn Egerton

Chairperson Paleologopoulos called the meeting to order at 6:00 pm. Kirk MacNaughton of Aspenwood Associates LLC was not present at the start of the meeting and requested a motion to take the agenda out of order.

Motion was made by Ms. Baldwin and seconded by Mr. Elfman to take the agenda out of order.

VOTE 5 – 0

3. DEFINITIVE PLAN AMENDMENT – D’Amato Way

Mr. Paleologopoulos noted that the definitive plan has been approved, but that an amendment was made to the location of a basin. Engineering requested updated signed plans for recording purposes. Ron Huat, present for the Aspenwood Estates agenda item, stated he has also been working on this plan and was surprised the board did not have the plan. Mr. Paleologopoulos stated we did have the plan and that is what was being voted on tonight. Mr. Huat stated that the basin was being moved to preserve an area of trees.

Motion was made by Mr. DiLullo and seconded by Mr. Elfman to sign the amended Definitive Plans for D’Amato Way.

VOTE 5 – 0

Motion was made by Ms. Baldwin and seconded by Mr. Elfman to now take the agenda in order.

VOTE 5 – 0

1. PUBLIC HEARING CONT. – Definitive Plan – 673 Silver Street – Aspenwood Estates – Aspenwood Associates LLC

Kirk MacNaughton of Aspenwood Associates LLC and Ron Huat of Anderson Associates was present for this item. Mr. Paleologopoulos noted that revised plans for this project were received today and that engineering wasn’t given enough time to review the plans before the meeting. Mr. DeStefano stated that he reviewed the latest comments from Engineering noting that there were

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30 items which he broke down as follows: 7 comments regarding spelling or discrepancies between sheets; 11 items that Engineering considered okay; and 11 outstanding items; 1 item that was added by Michelle Chase, Agawam Town Engineer, regarding the options for the increased traffic on Doane Ave. Mr. Paleologopoulos stated that there are still significant issues with the project. Mr. MacNaughton stated that he believes all the items have been addressed in the revised plans that were submitted today. Mr. Huat stated that Conservation Commission had issues with the wetland flagging and that he went on site to straighten out the discrepancies in wetland flagging. He stated that grading was an issue that has been addressed, as he reworked the grading for each lot. Mr. Huat stated are still trying to straighten out the issue with the manhole, as one pipe is coming in on top of another. He also stated that sight distance has been addressed by Bob Cafarelli who was once a town engineer. Mr. Paleologopoulos stated that the project has been going on a while and Mr. Huat stated that Conservation Commission took up a large chunk of that time, since it was his belief the Planning Board cannot approve the plan until Conservation Commission has issued their order of conditions. Mr. Huat stated that Conservation Commission had issues with the wetland flagging and lines, which was addressed this week. Mr. DeStefano asked where the plans were at in regards to the misspellings and the like. He also stated that there are comments in the most recent set of Agawam Engineering comments dated January 20, 2022 that requires the applicant to talk to a manufacture, which he noted could be a lengthy process. Mr. MacNaughton stated it would be done this week. Mr. Huat stated that there was a question about the insulation on a pipe, and that in a previous subdivision they put a solid insulation board on top of the pipe and it worked for that subdivision, which they are attempting to apply to this subdivision. Mr. Paleologopoulos asked about the Conservation Commission peer review and what resulted from that. Mr. MacNaughton stated he had a base plan that was designed and included wetlands that was shown closer to the developed area. He stated that DEP and the Conservation Commission had signed off on those plans. Mr. MacNaughton stated the third party reviewer asked to have wetland flag numbers on the plan, which they received from their environmental engineer, but the wetlands did not line up due to the different systems that were used to find the wetlands. He stated that the Conservation Commission requested the wetlands be re-verified. Mr. Paleologopoulos asked what was outstanding with the Conservation Commission. Mr. MacNaughton stated the Commission is waiting on engineering's final sign off on the plans and stated at the last meeting, the Commission sent a letter with requirements to be completed: To have the wetlands located and verified and limit of work staked in the field, which the commission will perform a site visit to verify; distances from wetlands to the working area clearly depicted on the plan; want the plan to be submitted with accurate wetlands. Mr. Paleologopoulos would like a definitive answer as to how close this plan is to moving forward or not. He stated that he would like to discuss the waivers tonight but first give the public a chance to comment or ask questions.

Mr. Paleologopoulos then opened the meeting up to the public.

Lisa Patnode, 40 Doane Ave, stated she attended the last Conservation Commission and they gave Mr. MacNaughton until March 8, 2022 to get the requirements completed. Ms. Patnode asked whether the Sight Distance mentioned in Agawam Engineering comments was referring to Aspenwood or Doane Ave. Mr. Paleologopoulos stated that it refers to Aspenwood. Ms. Patnode is worried about the sight distance on Doane Ave and how it would be affected by having another street next to it. She noted that Agawam Engineering recommended the board hire an

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engineer to peer review the sight distance study and whether a sight distance review would be completed for Doane Ave. Ms. Patnode went on to say that there are currently eight conflicts on the road that are included in Doane Ave's sight distance. Mr. Paleologopoulos would like to get Agawam Engineering comments on the revised plans. Ms. Patnode noted that on the Sight Distance narrative provided by Anderson Associates, it stated the speed limit is 35 when it is actually 40 miles per hour on that street, which would affect the results of the whole study. She is interested to hear back from Agawam Engineering regarding the grading, as it seems that the stormwater runoff would be directed to Doane Ave.

Jim Consolini, 101 Doane Ave, asked how many of the building lots have been sold on this property. Mr. MacNaughton stated none have sold and that the lots cannot be sold until the project is approved.

Ruth Cosmini, 102 Doane Ave, asked who was going to take care of the wetlands. Ms. Patnode clarified that she was talking about the Conservation Restriction and that it was still being decided by the Conservation Commission. She stated that Mr. MacNaughton proposed the Homeowners Association maintain the 12 acre Conservation Restriction. Mr. MacNaughton stated the state will determine the answer to Ms. Cosmini's area. He stated that it is an endangered species area and that Natural Heritage has strict requirements as to how that area can be used and maintained, and they are still going back and forth. Eventually there will be a third party entity to enforce the conservation restriction and ensure it is maintained under predetermined requirements. Ms. Baldwin stated that the Conservation Commission has a third party reviewer who can review the project and that what has to be done will be done. Ms. Egerton stated as of right now the funds have run out for Conservation Commission peer reviewer, but that if their services are needed she would still be available.

Jim Consolini, 101 Doane Ave, stated this has been going on 11 years and asked if this was normal. Mr. Paleologopoulos stated it was not normal. Ms. Baldwin stated there have been other factors contributing to the length, including requesting a zone change. Mr. Paleologopoulos stated this particular plan has only been before the board for two years.

Mr. Huat requested the Agawam Engineering department be quicker in their review since its short notice to get comments the night of the meeting. Mr. MacNaughton noted they did the same thing with the submission of their plan the day of the meeting. Ms. Cosmini noted that Mr. MacNaughton engineer should be on top of the comments and doesn't see other developers with the same problem, noting the back and forth between Agawam Engineering and Mr. MacNaughton. Mr. DeStefano stated that fixing a problem sometimes leads to another issue. Ms. Baldwin noted that the most recent set of comments were dated January 20, 2022 for revised plans dated January 14, 2022 and received on January 18, 2022. She notes that there was a meeting on February 3rd with no representation by the proponent. Mr. MacNaughton stated those engineering comments are dated January 20, 2022 but did not receive them until February 3, 2022. Mr. Paleologopoulos stated that this is not an instantaneous process. Mr. MacNaughton stated the sight distance review is a non-issue because it is over 1,000 feet in both directions.

Mr. Paleologopoulos stated there are two waivers for the project. The first being to waive the 300' requirement between streets and the second to waive the requirement to have sidewalks on

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both sides of the street. Mr. Paleologopoulos's opinion is to decline the 300' waiver as it has no benefit to the town and that he does not see a need for a second sidewalk in the development. He notes that the lots are not going to be developed and that the board can require sidewalks be put in in the future if the lots are to be developed, and that it's not fair to have the sidewalks be maintained by the residents across the street. Mr. Elman's opinion is that to keep the residential uniform, he would not waive the sidewalk requirement. He asked whether the 300' waiver has been granted in the past and Mr. Paleologopoulos and Ms. Baldwin could not remember this waiver ever being granted. It was noted that this 300' requirement and the sight distance study are different. Mr. Elfman stated he would grant the waiver because it is only a few feet short of 300 the way the plan is right now. Ms. Baldwin agrees with Mr. Paleologopoulos's opinion. Mr. DeStefano had asked others in his spare time about whether they use sidewalks and the majority of the people said they have sidewalks, but are not used by adults or children, but that he is in favor of having sidewalks on both sides. He noted that the reasoning for the need of the 300' waiver has to do with the lots being zoned industrial and the curb cuts. Mr. DeStefano stated his opinion would be to not grant the sidewalk waiver, but would be in favor of the 300' waiver. Mr. DiLullo will have to abstain from this vote when it takes place, but that his opinion would be to grant both waivers. Mr. Elfman would like to have more information from Agawam Engineering before voting on the waivers.

Motion was made by Ms. Baldwin and seconded by Mr. DeStefano to continue the public hearing for Definitive Plan – 673 Silver Street – Aspenwood Estates – Aspenwood Associates to the March 3, 2022 meeting.

VOTE 5 – 0

Motion was made by Ms. DeStefano and seconded by Mr. DeStefano to the definitive plan application for Definitive Plan – 673 Silver Street – Aspenwood Estates – Aspenwood Associates for 45 days.

VOTE 5 – 0

2. PUBLIC HEARING – Zoning Amendment – Drive-In and Drive-Through Restaurants (TOR-2022-1) – Mayor Sapelli

Ms. Egerton stated that currently in the zoning code, the required number of parking spaces is 50 but that the applicant can go through the zoning board of appeals for a special permit to lower the required spaces to 30. The amendment would lower the amount of required spaces to 25 and the applicant can go through the zoning board of appeals for a special permit to lower the required spaces to 15. Mr. DeStefano asked for an example of what type of restaurant. Ms. Egerton stated it would be businesses such as McDonalds or Dunkin Donuts. Mr. Elfman asked the board whether Agawam wants more of these types of businesses and whether it would take away from small businesses that could want to have business here. Mr. Paleologopoulos stated the permit granting authority would have the opportunity to require different amounts of spaces on a case by case basis and that he has no problem with lowering the amount of parking spaces required.

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Ms. Egerton noted that drive in and drive through restaurants are required to get a special permit by the Zoning Board of Appeals and they can require more than the minimum amount of spaces if necessary. Ms. Baldwin noted that the board received a letter of support from the Zoning Board of Appeals chairperson, Doreen Prouty, and Ms. Baldwin feels comfortable with this ordinance since the overseeing authority is the Zoning Board of Appeals. It was noted that the businesses would still have to go through site plan review and go through the Zoning Board of Appeals. Mr. Paleologopoulos noted that this is part of the Zoning Code 180-44 and quoted the wording of the current code and what would be changing.

Motion was made by Mr. DiLullo and seconded by Ms. DeStefano to send a positive recommendation to City Council regarding TOR-2022-1

Mr. Paleologopoulos requested that in the future a representative be present to discuss any zoning amendments and answer questions from the board.

VOTE 5 – 0

4. SITE PLAN – Tuckahoe Farm – 0 Pine Street – Town of Agawam (continued to 2/17/22)

The board received a request to continue the site plan review until the March 17, 2022 meeting.

Motion was made by Ms. Baldwin and seconded by Mr. DiLullo to continue the site plan review for SITE PLAN – Tuckahoe Farm – 0 Pine Street – Town of Agawam

VOTE 5 – 0

5. APPROVAL OF MINUTES February 3, 2022

Motion was made by Mr. DeStefano and seconded by Mr. DiLullo to approve of the minutes of February 3, 2022 as written.

VOTE 4 – 0 – 1 (Elfman)

6. Correspondences—

Ms. Egerton stated there were documents and plans to sign.

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

VOTE 5 – 0

Meeting was adjourned at 7:17pm