

## Agawam Planning Board – May 20, 2021

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### MEMBERS PRESENT:

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

### MEMBERS ABSENT:

### 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 – Marijuana Cultivator Exception – Mayor Sapelli

Attorney Steve Buoniconti presented the proposed Zoning Amendment to the Town Code regarding marijuana cultivation. Currently the Town Code permits cultivation for medical marijuana only. The proposed exception would allow for businesses to expand their marijuana businesses in Agawam. This proposed exception would not allow for the marijuana to be sold in the Town. They would like to give businesses that would like to expand in Agawam the opportunity to use the Town's industrial zoned parcels. The proposal would expand the medical marijuana ordinance to include the cultivation of medical or recreational marijuana. This exception, if adopted, would be for indoor grow only, providing a secured grow. Attorney Buoniconti said that one of the properties under discussion is Chez Josef.

Ms. Baldwin asked how many facilities of this type would be allowed in Agawam. She also asked if there will be a limit. Attorney Buoniconti said there will be no limit at this time as to the number of businesses but added that 2 would be a significant amount. Mr. DeStefano inquired as to the amount of traffic this would generate. Attorney Buoniconti said it would involve basically employees only and some business to business traffic. Ms. Baldwin noted that there will be truck traffic used to transport the product. Attorney Buoniconti explained that there would be 4 to 5 grow times a year so when the product is cultivated those 4 to 5 times a year is when there would be increased truck traffic. He went on to say that the medical marijuana statute requires these businesses to aggressively manage odor and also signage. Ms. Baldwin asked if these businesses are licensed by the state and how the number of licenses is controlled - by the population of the town? Attorney Buoniconti said yes, they are licensed by the state. He said that the number of licenses for cultivating and manufacturing is not based on the population of the town. Mr. Elfman asked Attorney Buoniconti if he was aware of other towns having issues with odor. Attorney Buoniconti said that if grow is allowed outdoors the smell is strong. He said these businesses use very expensive machinery to control the odor. Mr. Russo asked how the amount of product is regulated so as to control the odor. Attorney Buoniconti said that the state regulates the production by SF of space and the number of plants. He added that before any application is

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approved, they would do some field testing to see how other communities have handled this. Ms. Baldwin asked if there were any facilities in abutting towns. Attorney Buoniconti there are facilities in Holyoke, Easthampton and Northampton but most of the growing is going on in the eastern part of the state.

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

Motion was made by Ms. Baldwin and seconded by Mr. Russo to close the Public Hearing – Zoning Amendment – Marijuana Cultivator Exception – Mayor Sapelli.

ROLL CALL VOTE 5 – 0

Chairperson Paleologopoulos read and briefly discussed TOR-2021-2.

Motion was made by Mr. DeStefano and seconded by Mr. Elfman to send a positive recommendation to the City Council for Zoning Amendment – Marijuana Cultivator Exception – Mayor Sapelli.

ROLL CALL VOTE 5 – 0

### 2. 6:15 PM – PUBLIC HEARING – Zoning Amendment – Marijuana Facility Buffer Zone – Mayor Sapelli

Attorney Steve Buoniconti presented the Zoning Amendment – Marijuana Facility Buffer Zone – Mayor Sapelli. He explained that there are 2 issues inside this requested change to the buffer zone. The proposed change to the Town Code is linked back to what is currently inside the code which is the medical marijuana ordinance adopted through the Town. The request is two-fold. One is to change how the buffer zone is measured and the other is to decrease the buffer zone from 500' to 225'. Current code says the buffer zone is measured 500' from parcel line to parcel line. The Cannabis Control Commission regulations and guidance by Governor Baker's administration gave municipalities the option to measure from building to building or it could be measured by parcel to parcel line. When the medical marijuana ordinance was adopted, the Town did it by parcel to parcel line. The proposed change is in response to "chatter" from interested developers. The parcel to parcel rules out many industrial parcels. This is allowed inside the state regulation and this is why they are recommending the change. Attorney Buoniconti went on to say that the second request to decrease the buffer zone from 500' to 225' is for the same reasons – it limits the use of the industrial parcels. He believes that this amendment would keep the integrity of having some protection from the residential to industrial use but also gives greater expansion for those people interested in this type of business, making more parcels eligible for development. Ms. Baldwin asked why a modification couldn't be made as needed rather than amending the ordinance. Attorney Buoniconti said the developers will go elsewhere. Without these changes hardly any of the Town's industrial parcels would fit the bill for any developer. Ms. Baldwin added that it could provide opportunity for future revenue for the Town. Mr. Elfman asked if these proposed changes are in alignment with the state. Attorney Buoniconti said that the State says the buffer zone measurement can be done either way so the Town would be in compliance with State regulations. He also said that 500' is the default for the buffer zone limit

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so it would be fully compliant with statutes and regulations of the State by making these changes.

Chairperson opened the hearing to the Public. There were no comments.

Motion was made by Ms. Baldwin and seconded by Mr. Elfman to close the Public Hearing – Zoning Amendment – Marijuana Facility Buffer Zone – Mayor Sapelli.

ROLL CALL VOTE 5 – 0

Motion was made by Mr. Elfman and seconded by Mr. DeStefano to send a positive recommendation to the City Council for Zoning Amendment – Marijuana Facility Buffer Zone – Mayor Sapelli.

ROLL CALL VOTE 5 - 0

3. 6:00PM – DISCUSSION & POSSIBLE VOTE – Revision to Definitive Plan – D’Amato Way – Rowley Street Development Trust

Mr. Paleologopoulos began by saying that there was discussion at the last meeting as to whether the sidewalk was encroaching on the property on the southern corner. The Board requested clarification from the Engineering Department. Ms. Baldwin spoke with the Town Engineer who said that the radius is close to the property but away from the abutter’s driveway which did not create a problem. It is in the right of way so the Engineer felt it was not an issue. Mr. Paleologopoulos asked if the Board had any concerns. Attorney Michael Parker spoke for Rowley Street Development Trust saying that their engineer, Gary Weiner, had also spoken with the Town Engineer on May 13, 2021. Mr. Weiner said that Engineering told him that the radius was no longer a concern. Mr. Weiner also added that in order to pull the radius away from the frontage, the radius would have to be reduced. Both he and the Town Engineer feel that would be a negative thing to do. Ms. Baldwin confirmed what Mr. Weiner said, that the Town Engineer does not want the radius reduced. Mr. Parker added that the only change is the addition of a sidewalk on the north side of the plan.

Motion was made by Ms. Baldwin and seconded by Mr. DeStefano to approve the Revised Definitive Plan for D’Amato Way – Rowley Street Development Trust to include Engineering’s comments of May 6, 2021 and any future Engineering comments and to also include the November 3, 2016 conditions from the original approval, performance agreement and covenant to be executed. A new performance agreement will be done referencing the revised plan.

ROLL CALL VOTE 4 – 0 – 1 (Elfman)

4. SITE PLAN – 0 South Westfield Street – tunnel car wash – Noble Energy Real Estate Holdings, LLC

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Jessica Allen of R. Levesque Associates, representing Noble Energy, presented the Site Plan for a proposed car wash facility at 0 South Westfield Street. This is a 2 acre, vacant corner lot with an access road that cuts through the property. They are proposing to build a 3000SF tunnel car wash. The site can be accessed from South Westfield Street or Shoemaker Lane. In addition to the carwash there will be vacuum facilities installed. Ms. Allen also pointed out employee parking spaces on the plan. The existing curb cuts will remain. The utilities will connect on Shoemaker Lane tying to the existing infrastructure. Sewer will be connected to South Westfield Street. A stormwater report has been submitted to Engineering. They are currently addressing Engineering's comments. She said the landscape plan shows plantings along South Westfield Street. She pointed out a small snow storage area and added that major snow would be trucked off-site. They went before the Conservation Commission last week and are addressing those comments from Engineering, many are stormwater related. The Town Engineer is requesting an easement area to be located along South Westfield Street for a shared use path. The client is amenable to having this as part of the plan so it will be incorporated in a revised plan. She said they are still discussing the exit only gate. Mr. DeStefano asked if the access road to Shoemaker Lane will be widened. Ms. Allen said it is 24' wide which is standard but she will look into it. Mr. Elfman asked if the facility will be energy efficient. Ms. Allen said that there will be a water recycling system. Ms. Baldwin asked if there would be a dumpster. Ms. Allen showed the location of the 2 dumpsters which will be green gated. Mr. Paleologopoulos asked who would maintain the access road to Shoemaker Lane. Ms. Allen said she believes the property owner will maintain it but she will verify. Mark Paleologopoulos expressed concern with the radius where the access road meets Shoemaker Lane. Ms. Allen said that the land is owned by another property owner. Mr. Paleologopoulos asked if there will eventually be sidewalks. Ms. Kerr said they were not cited by Engineering. Mr. DeStefano asked how the open space where the land slopes to will be addressed. Ms. Allen said it will all be cleaned up with the stormwater set-up and the flow will remain in the same direction toward the stormwater basin. Mr. Paleologopoulos was concerned with stormwater freezing in the dumpster area. Ms. Allen said she would look into it. There was continued discussion of the access road to Shoemaker Lane. Michael Frisbie, owner of Noble Energy, said that there was a dispute in 2008 with the neighboring property owner but he thought it was settled. He said he will look into it for the next meeting. Mr. Paleologopoulos is concerned with the color of the carwash building and feels that it should be more neutral. Mr. Frisbie will provide color samples at the next meeting. Mr. Paleologopoulos asked Mr. Frisbie to describe the lighting and signage. Mr. Frisbie said he will provide a signage package once the site plan is approved. He did say there will be 2 back-lit signs and dimmed security lighting after hours. Ms. Baldwin would like to have cut sheets provided on the lighting. Ms. Allen showed Engineering's comments to the Conservation Commission and explained them briefly. She said she is working on a response letter. Mr. Elfman asked for information on the noise that will be generated by the facility. Mr. Frisbie said the vacuums and blower noise at the street will be approximately equal to traffic noise. Ms. Baldwin asked for the hours of operation. Mr. Frisbie said 7AM to 8 PM. Ms. Baldwin asked if Mr. Frisbie has other sites and wondered if he could offer variations on the design. Mr. Frisbie said that what was shown is their existing prototype. Mr. Paleologopoulos asked if there will be berms at the access road. Ms. Allen said Cape Cod berms will be used to control the stormwater.

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Motion was made by Ms. Baldwin and seconded by Mr. Elfman to table the Site Plan – 0 South Westfield Street – tunnel car wash – Noble Energy Real Estate Holdings, LLC to June 3, 2021.

ROLL CALL VOTE 5– 0

5. PUBLIC HEARING CONT. – Definitive Plan – 673 Silver Street – Aspenwood Estates – Aspenwood Associates LLC (Continued to 4/15/21)

The Board received a request to continue the Public Hearing for Aspenwood Estates to June 3, 2021.

Motion was made by Mr. Russo and seconded by Ms. Baldwin to continue the Public Hearing for Definitive Plan – 673 Silver Street – Aspenwood Estates – Aspenwood Associates LLC to June 3, 2021.

ROLL CALL VOTE 5 – 0

6. APPROVAL OF MINUTES – May 6, 2021

Motion was made by Mr. DeStefano and seconded by Mr. Russo to approve the minutes of May 6, 2021 as written.

ROLL CALL VOTE 4 – 0 – 1 (Elfman)

7. Correspondences - None

8. SITE PLAN – 50 Almgren Drive (parking) – OMG, Inc. (tabled to June 3, 2021)

Previously tabled to June 3, 2020

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

ROLL CALL VOTE 5 - 0

Meeting adjourned at 7:45 PM.

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