

Agawam Planning Board –July 6, 2023

MEMBERS PRESENT:

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

ALSO PRESENT:

Pamela Kerr
Taryn Egerton
Stefanie Kesecker

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

1. 6:00PM-PUBLIC HEARING-ZONE CHANGE-314, 318, Rear Silver Street-Dipon

Filipe Cravo, with R. Levesque Associates, Inc. was present for this agenda item, as well as the applicant Michael Dipon. Mr. Cravo explained this parcel contains about 4.5 acres of land and is split zoned currently between Business-A and Agricultural. He explained the proposal is to combine the parcels and have them rezoned as Residential A-3. Mr. Cravo stated this would allow for the development of townhouse apartment/condo style units. He stated they proposed to construct 14 units with a cul-de-sac. He stated they had received a letter from the Agawam Police Department stated they did not have any safety concerns as well as Inspection Services. Ms. Baldwin asked if they are proposing condominiums. Mr. Cravo responded they would be duplex style condos. Ms. Baldwin asked if they would be owner occupied. Mr. Cravo stated yes. Mr. Paleologopoulos asked if there would be 14 units. Mr. Cravo stated there would be 5 units with two condos and a units that would have 4 condos, which would be similar to Porter Drive. Ms. Baldwin asked if the development would be on the front of the site. Mr. Cravo stated yes part of the back is a National Heritage protected area. Ms. Kerr asked if garages were being proposed. Mr. Dipon stated yes one car garages. Mr. DiLullo asked how much of a buffer would exist between the street and the proposed project. Mr. Cravo stated it would be 25ft.

Mr. Paleologopoulos opened the meeting to the public.

Gladys Fernandez-Largay, 187 Edgewater Road, stated she had ecological concerns as increased residential population would lead to increased pollutants, increased waste water run-off into Silver Lake, and increased carbon footprint. She stated she is concerned for the wildlife such as box turtles and blue heron. She expressed her concerns for the preservation of the lake.

Richard Walker, 177 Edgewater Road, stated his property is about 20 ft. from the property line of the proposed project. He expressed his concerns for value of his property decreasing. His second concern is the loss of privacy, as lake attracts kids. He also stated he would be concerned the lighting would filter into his home.

Agawam Planning Board –July 6, 2023

Elizabeth Kovalsky, 148 Edgewater Road, stated all the salt and sand from the roadway builds up at the dead end now and then dumps into the lake. She also expressed her concerns for the turtles, turtle nest, and wildlife. She stated a development of this size is not beneficial to the area or the environment. She also stated the view from her home would be obstructed by the proposed condos and echoed her concerns for the lighting interference.

John Kovalsky, 148 Edgewater Road expressed his concerns that Mr. Cravo had stated this would be similar to Porter Drive. He stated the cul-de-sac Porter Drive is significantly farther from the lake, and contains about 11 single-family homes. He stated every time something is developed the lake gets affected and this would cause more negative impact to the lake. He stated the lake attracts kids and this could be a problem with increased foot traffic.

Lauren Malone, representing 338 Silver Street, stated generations of her family have been here since 1912 and the area is zoned Commercial and Agricultural for a reason. She disagrees that this is similar to Porter Drive. She stated that there should be something better suited for the area, and people moving into this new development do not understand the environment here is mostly commercial use.

David Kutz, 174 Edgewater Road, stated he moved here in 2019 from a town in Southeastern MA that was overdeveloped and he is concerned that Agawam is heading in that direction. He questioned why the Natural Heritage area would be permitted a zone change, rather than leaving the current zoning in place. He expressed his concerns for the environment and the lake. He stated each year more sediment is going into the lake, and the homeowners spend thousands each year on upkeep.

Frederick Stratton, 282 Silver Street, stated he had lived here over 50 years and his property abuts Porter Drive and Edgewater Road. He stated he leaves the back half of his property growing for environmental reasons and for the wildlife.

James Snow, 49 Silver Lake Drive, he felt taking the portion of land that was Natural Heritage and rezoning it would be a mistake. He expressed his environmental concerns for run-off into the lake.

Claude Talbot, 294 Silver Street, stated he has lived here 50 years and abuts the major part of the property. He stated backfill over time has raised the location by 4 ft. He stated when he moved complaints were made about his horses and the noise. He expressed concerns the he would have to construct a higher fence to keep kids out of his back yard. He also expressed concerns for wildlife.

Vincent Burba, 241 Silver Street, he stated when Able Tools was constructed they buried a pond and that since the water level was forced down water pools behind Geissler's Supermarket and it used to be 3 foot above the woodline. He expressed traffic concerns that Silver Street is busy enough now and this is no place for a housing project. He also questioned how much the proposed condos would cost and if they would be low-income. He also stated that he is concerned for the wildlife and their habitat. He stated the area should not be rezoned.

Agawam Planning Board –July 6, 2023

Linda Fournier, 235 Silver Street, expressed her concerns for traffic and asked the Board to consider how many people had attended tonight's meeting who are not in favor of this project.

Brianna Graff, 41 William Street, stated that the perspectives of people that have lived in Agawam for many years and paid taxes should be respected. She also stated regardless of environmental protections the artificial lighting affects wildlife and 14 different families with wastes. She stated the salt and sand would run off into native land. She stated something more industrial may be better suited for the area. She stated Agawam is quiet and has a lot of ecological opportunities for people who enjoy being outdoors, and a project like this may dampen that.

Mr. Paleologopoulos stated that the Board takes all the publics' and abutters' comments into consideration and he emphasized that tonight's meeting was a public hearing, after which the Planning Board will vote on a recommendation to the City Council. City Council makes the decision to approve or deny a zone change. He then opened the floor to the petitioner Michael Dipon.

Mr. Dipon stated that the back portion of the property is Natural Heritage and protected and most likely would never be developed. He stated that portion of the property would also need a driveway if it were to be developed and he stated he doubts the Building Inspector would allow that. He stated the only reason this portion of the parcel was part of the request for the zone change was because it was all part of one contiguous lot. He stated the parcel could be split and this area could be left as agricultural. He also addressed the abutters' concerns about water and other runoff and stated when a project is developed this is something that is very tightly controlled and runoff has to go into a retention basin, as well as a retention pond. He stated there would be a fence or arborvitae near the cul-de-sac to ensure privacy. He stated in terms of traffic there would be 28 cars at maximum, which he equated to 1 car per hour. Mr. Dipon stated that the wildlife would be protected as much as possible. He stated he feels his proposal would be beneficial for the Town.

Danielle Scherban, 167 Edgewater Road, questioned the smell from the retention pond as well as mosquitos. Mr. Cravo stated the way storm water basins are designed is typically there is a surface basin where all the water is collected and metered out, or it can go underground with a subsurface system, which can infiltrate the ground or go to Silver Street.

Ms. Baldwin asked excluding the protected area in the 4-1/2 acres, how much land was buildable. Mr. Cravo stated 3-1/2 acres.

Mr. DeStefano asked Mr. Dipon about his other idea for the property. Mr. Dipon stated the other vision for the property was a trucking terminal.

Vincent Burba, 241 Silver Street, stated the petitioner wanted to have the Town change the zoning so he can make a profit. He stated it was a bad idea for the Town to change the zoning for something that is not needed at the location. He stated most of the homeowners on Silver Street have land behind their properties and wildlife, and they and enjoy the privacy of the location. He stated he did not feel this was a good project for this property.

Agawam Planning Board –July 6, 2023

Elizabeth Kovalsky, 148 Edgewater Road, stated in respect to the retention pond would the containments, such as blue green algae not affect Silver Lake. She questioned what it would do to the quality of water in the lake her family enjoys.

Mr. Paleologopoulos stated the drainage systems were designed to filter out a lot of the containments, but that the Engineering Department verifies the systems are most effective for projects, and the Conservation Commission would also be involved in a project of this nature.

John Kovalsky, 148 Edgewater Road, stated he understands the party selling the property wants to make money as well as the petitioner who wants to develop it. He stated there is enough development on this street that impacts the lake. He asked the Board not to consider rezoning this land.

Brianna Graff, 41 William Street, stated the abutters had been here for many years and comparing that to a 14 unit condo complex was a very different thing. She asked that the Board take this into consideration.

David Kutz, 174 Edgewater Road, questioned if the small agricultural portion in the back would have a zone change. Mr. Dipon stated that area could be left agricultural, but the Town had asked him to consolidate all the parcels into one. Ms. Kerr encouraged abutters to attend the City Council meeting for the zone change.

Motion was made by Ms. Baldwin and seconded by Mr. Elfman to close the PUBLIC HEARING ZONE CHANGE-314, 318, Rear Silver Street-Dipon.

VOTE 5-0-0

Motion was made by Mr. Elfman and seconded by Ms. Baldwin to issue a negative recommendation to the City Council for the ZONE CHANGE-314, 318, Rear Silver Street-Dipon.

VOTE 5-0-0

2. 6:15PM PUBLIC HEARING-ZONING AMENDMENT-Use Restrictions in Residence A-3 Districts-Mayor Sapelli.

Stephen Buoniconti, Town Solicitor, was present for this agenda item. He explained this would be a Residence A-3 zoning change. Two different builders reached out to the Town in regards to this ordinance. Mr. Buoniconti stated that the Building Inspector, Kevin Duquette had advised under the current building code §180-29F advises, “no building shall be no more than 2 stories in height, exclusive of the basement. The basement shall not contain any living quarters.” Mr. Buoniconti stated the Town Code does not explain what “living quarters” mean, so the Building Inspector must refer to the State code on what the interpretation of living quarters are. The State interpretation of living quarters is any buildout of the basement, that could mean any heating or

Agawam Planning Board –July 6, 2023

ventilation, any framing, drywall, or if it is altered in any way that is considered in theory a living quarter. Mr. Buoniconti stated he did not know the reason for this when the Code was established why there was a prohibition on basements. The proposed zone change would alter the language of no living quarters, to no kitchens or bedrooms. Mr. Buoniconti stated this would not add density to the population, but would allow a developer in the beginning stages to go in and build it out and frame it. Mr. Paleologopoulos asked why higher density housing such as an in-law suite would be a bad idea. Mr. Buoniconti stated that would be a substantial change to RA-3, which has a height restriction, so the real intent of RA-3 is to keep residences at 2 levels. Mr. DeStefano questioned if the basements were underground. Mr. Buoniconti stated the definition of a basement would include being partially submerged underground.

Mr. Paleologopoulos opened the meeting to the public.

Brianna Graff, 40 William Street, expressed her concern that this prohibits people from having agency over their own home and what meets their needs. She stated in today's economy multi-generational families are becoming more common. She feels not allowing living quarters in basements would disenfranchise families. She encouraged the Board to think about being against this zoning amendment.

Ms. Kerr stated the current wording for R-A3 is that no building shall be no more than 2 stories in height, exclusive of the basement, the basement shall not contain any living quarters. She stated this relaxes what is current for R-A3. Mr. Paleologopoulos asked what type of residences where currently A-3. Ms. Kerr stated multi-family, apartments, and condominiums. Mr. Buoniconti stated the current code is more restrictive than the proposed amendment.

Motion was made by Ms. Baldwin and seconded by Mr. DeStefano to close the PUBLIC HEARING.

VOTE 5-0-0

Motion was made by Ms. Baldwin and seconded by Mr. DeStefano to issue a positive recommendation to the City Council for the ZONING AMENDMENT-Use Restrictions in Residence A-3 Districts-Mayor Sapelli.

VOTE 5-0-0

3. SITE PLAN-Parcel A Shoemaker Lane-Lower Pioneer Valley Educational Collaborative

Joe Peruginij with Weston and Sampson Engineers Inc. was present for this agenda item. He stated this parcel was an undeveloped 1-1/2 acre lot where Lower Pioneer Valley busing is located and is zoned Industrial-Business-B. He stated they are proposing a new employee parking lot. He stated they had hired soil scientists to test the site and no wetlands are in proximity and is mostly grassy flat area. He went on to say the parking lot would accommodate employee parking, with 127 proposed parking spaces, with 2 driveways to assist with the circulation of traffic. He went on to say there will 15 light poles for safety, but it will be shielded

Agawam Planning Board –July 6, 2023

and pointed downward, so no excess light emits from the site. He said all the pavement grades toward the center and will be treated and runoff will enter a forebay and then go into a larger stormwater basin. He went on to say there is an erosion and sediment control plan. Mr. Peruginij stated they are proposing a green space with sidewalks that follows the street line. He stated anything disturbed during construction would be reseeded. Ms. Baldwin asked if emergency vehicles would be able to turn around at the narrow part of the back parking lot. Mr. Peruginij stated they would have to back up in that area. Ms. Baldwin asked if the Engineering comments had been seen. Mr. Peruginij stated yes and they were all addressable. Mr. DeStefano asked if the area would be fenced in. Mr. Peruginij stated no. Mr. Elfman asked if buses would be parked there. Mr. Peruginij stated no. Mr. Paleologopoulos asked if there would be gates or security for employees. Mr. Peruginij stated no. Anna Bishop, with Lower Pioneer Valley Educational Collaborative stated no as there would be no overnight parking and most cars will be gone by 4:00pm. Mr. Paleologopoulos asked if the parking lot will be lit at night. Mr. Peruginij stated there could be timed lighting at night. Mr. Elfman asked about trees or a buffer near the road. Mr. Peruginij stated trees or arborvitae could be added to the plan. Mr. Paleologopoulos asked about signage. Mr. Peruginij stated there would be stop signs and stop bars. The Engineering Department submitted comments on the plan that need to be addressed.

Motion was made by Mr. DiLullo and seconded by Mr. DeStefano to table the SITE PLAN- Parcel A Shoemaker Lane-Lower Pioneer Valley Educational Collaborative until the July 20, 2023 meeting.

VOTE 5-0-0

4. SITE PLAN-685 South Westfield Street-DePalma (Continued to July 20, 2023)

This agenda item was previously continued.

5. Peer Review Proposals-685 South Westfield Street-DePalma

Ms. Kerr informed the Board the Planning Department had reached out to 3 firms and had received one estimate \$1200 proposal. Engineering had reviewed the proposal and did not have any comments.

Motion was made by Ms. Baldwin and seconded by Mr. Elfman to accept the proposal from JSP Land Development for Peer Review Services of the traffic impact report conducted by VHB, Inc. dated January 27, 2023, revised May 2023, for a cost of \$1,200.

VOTE 5-0-0

6. Bond Reduction-D'Amato Way

Ms. Kerr informed the Board this item was not ready.

Motion was made by Ms. Baldwin and seconded by Mr. DeStefano to remove this item from the agenda until further notice from the developer.

Agawam Planning Board –July 6, 2023

VOTE 5-0-0

7. APPROVAL OF MINUTES-June 15, 2023

Motion was made by Mr. DiLullo and seconded by Mr. DeStefano to approve the June 15, 2023 minutes.

VOTE 5-0-0

8. Correspondences

Nothing for this agenda item.

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

VOTE 3-0-2 (DeStefano/Elfman)

Meeting adjourned at 8:11pm.