

Members Present:

Doreen Prouty – Chairperson
Richard Maggi – Vice Chair
Gary Geiger – Acting Clerk

Members Absent:

Gary Suffriti – Clerk
Aldo Mancini – Alternate

Chairperson Prouty opened the meeting at 6:30 PM:

1. Case #1973: Brian Kolodziej – 69 Walnut Street

Chairperson Prouty opened this public hearing by reading the legal notice, explaining the procedures of the hearing and introducing the members of the Board. Sitting on this case were Chairperson Doreen Prouty, Vice Chair Richard Maggi, and Acting Clerk Gary Geiger.

The petitioner Brian Kolodziej, 17 Tiara Lane, West Springfield, Massachusetts, explained he had started remodeling the home when a fire occurred and damaged the property. Mr. Kolodziej was advised by the Inspector of Buildings to apply for a special permit because although the property is zoned Business A, which allows for the construction of a duplex, the lot is short on frontage and area. Mr. Kolodziej wants to build a duplex that will meet all rear and side year requirements with a design that will fit into the neighborhood. The duplex will be approximately 15 feet from the street, which is in line with the neighboring properties. The petitioner said he will check with the Inspector of Buildings to see if he will have enough room to add a front porch onto the home. Mr. Kolodziej advised that he received a demolition permit for the damaged home on April 27, 2018 and demolished the home shortly after. The structure was dangerous in the state it was in and the petitioner was advised by neighbors that kids were attempting to break into it.

Member Geiger asked where the residents would park. Mr. Kolodziej said there would be a driveway on each side of the duplex. Member Maggi asked how many two family homes were in the neighborhood; Mr. Kolodziej pointed them out on a GIS map and said there are more two family homes than single family homes in the surrounding area. Chairperson Prouty stated this is a preexisting non-conforming lot that is allowed single lot protection under MGL Chapter 40A, Section 6. The lot currently has more than 50 feet of frontage and 5,000 square feet of area.

Chairperson Prouty read a memo dated March 27, 2018 from Kathleen Auer, Health Agent, into the record.

Chairperson Prouty opened the meeting to the public.

Steve Lamountain, 35 Cooley Street, commented that the majority of the homes on Cooley Street are single family homes. Mr. Lamountain took a look at the plans and expressed concern about landlords not maintaining their properties in the area.

Mark Daniels, 19 Cooley Street, asked if the property was zoned for a duplex, Chairperson Prouty answered that it is. Mr. Daniels said he is concerned about absentee landlords in the area and does not approve of the lack of front yard.

Dave Mereschuk, 25 Cooley Street, stated he is opposed to the plan. Mr. Mereschuk said the lot is too small and having the home pushed further back will bring the home closer to his property.

Chairperson Prouty explained to the audience what is allowed in a Business A zone. There is a discussion between the Board members and the audience in regards to potential issues that may develop if the amount of parked cars at the property increases. Mr. Kolodziej said 4 cars are able to fit in the current driveway. Chairperson Prouty said the Board can discuss adding a condition regarding parking to their decision if the special permit is approved. The Board members also went over how different Departments within the Town are notified of ZBA petitions.

No one else spoke for or against this petition.

Chairperson Prouty explained the twenty day appeal period, closed this public hearing and went directly into a public meeting. Chairperson Prouty stated she is favor of the proposed duplex, stating a two family dwelling is allowed in Business A, the home will meet all the setbacks, and the lot enjoys separate lot protection. Member Maggi said he is in favor, but wants to make sure the front porch matches the neighborhood and wants to limit parking to allow for only 4 cars on the property.

Chairperson Prouty called for a vote in favor of approving this request.
Prouty – Yes, Maggi – Yes, Geiger – Yes. All in favor.

Conditions were discussed. Chairperson Prouty asked Member Maggi and Member Geiger to approve the following conditions:

1. The Agawam Inspector of Buildings will determine the front setback as allowed under Chapter 180-33 (A). All other zoning requirements must be met.
2. Parking on the subject property is to be limited to four (4) vehicles.
3. The petitioner shall record with the Hampden County Registry of Deeds a “Notice of Special Permit” form, which shall be provided by this Board and proof of said filing must be submitted to this Board and to the Inspector of Buildings.
4. This Special Permit shall become null and void if construction does not commence within three (3) years from the date of this decision.

Prouty – Yes, Maggi – Yes, Geiger – Yes. All in favor.

2. Case #1970: Motion Auto Carriers LLC – 218 Shoemaker Lane

Chairperson Prouty reopened this public hearing. Rob Levesque from R. Levesque Associates said they have worked with Engineering on drainage for the property and received their approval in a memo dated May 2, 2018. The Planning Board gave their approval of the site plan on May 2, 2018. Mr. Levesque said he confirmed with his client that there would be up to 15 vehicle

carriers on the lot, 2 towing vehicles to be used for regional pick up, and 15-20 stored freightvehicles. A 6 foot stockade fence along the south side of the rear parking area has been added to the site plan. Member Maggi questioned if that would be high enough to screen the fleet and freight vehicles from view. Mr. Levesque and the Board members agreed on a 4 foot berm at a 3-1 slope with the stockade fence on top. Chairperson Prouty mentioned that she recently spoke with Mr. and Mrs. Rosati at 242 Shoemaker Lane. Their home was recently put on the market, but not in response to the proposed business. Chairperson Prouty questioned what would happen if a carrier shows up before or after hours. Mr. Levesque said the entrance will be gated, and trucks will have to wait for business hours at a rest stop. The gate will be set 40 feet back from the entrance, which will not give the carriers enough room to pull in and wait.

Chairperson Prouty opened the meeting to the public; no one spoke for or against.

Chairperson Prouty explained the twenty day appeal period, closed this public hearing and went directly into a public meeting. The Board members discussed their approval of the revisions that were presented.

Chairperson Prouty called for a vote in favor of approving this request.

Prouty – Yes, Maggi – Yes, Geiger – Yes. All in favor.

Conditions were discussed. Chairperson Prouty asked Member Maggi and Member Geiger to approve the following conditions:

1. Motion Auto Carriers LLC must construct according to the plan submitted entitled “Proposed Site Improvements 218 Shoemaker Lane Assessor’s Parcel H4 2 6 Agawam, Mass. Dated December 29, 2017 and revised on 5/1/18” and signed by the members of this Board.
2. Hours of business shall be 7:00 AM to 7:00 PM, Monday through Friday.
3. The Board’s findings numbered 3, 4, 5 and 6 of this decision must be adhered to.
4. All conditions set forth in the Agawam Planning Board’s Site Plan Review must be adhered to.
5. The use of the sixty (60) foot right of way, situated on the Berkshire Power Company property, is to be abandoned and a barrier erected along the subject property’s abutting lot line.
6. The locked gate at the entrance shall be located approximately forty (40) feet back from the street to prevent trailers from idling for prolonged periods of time.
7. There will be a visual barrier created around the outside parking area. Such barrier shall consist of a six (6) foot stockade fence on top of a four (4) foot berm.
8. The petitioner shall record with the Hampden County Registry of Deeds a “Notice of Special Permit” form, which shall be provided by this Board and proof of said filing must be submitted to this Board and to the Inspector of Buildings.
9. This special permit shall become null and void if construction does not commence within three (3) years from the date of this decision.

Prouty – Yes, Maggi – Yes, Geiger – Yes. All in favor.

3. Approval of Minutes – April 9, 2018 and April 23, 2018

Motion was made by Member Maggi and seconded by Member Geiger to approve the minutes of April 9, 2018. All in favor.

Motion was made by Member Maggi and seconded by Chairperson Prouty to approve the minutes of April 23, 2018. All in favor.

4. Any topics that the Chair did not reasonably anticipate

- Chairperson Prouty updated the Board members on the Zoning Review Committee.
- A letter was sent to the Inspector of Buildings in regards to potential junk yards that are not properly permitted.

Chairperson Prouty closed the meeting at 7:55 PM

Submitted by Amanda Boissonneault