

Agawam Planning Board – June 4, 2020

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Nicholas Pandolfi

ALSO PRESENT:

Pamela Kerr

Via WebEx

1. SITE PLAN – Springfield Street – Take Five Restaurant

Rob Levesque of RLA Associates was present representing Take Five Restaurant. The plan is to enclose the approximately 1,087 square foot patio. The patio foundation has already been poured. The parking is being reconfigured and restriped and nonconforming spaces located around the building will be eliminated. Under current conditions there are 66 parking spaces. They are proposing 53 spaces total with three handicapped accessible. Parking guidelines call for 72 spaces under the proposed conditions. The non-compliant spaces on Oak Lane are to be removed. Mr. Levesque stated that they do not anticipate a problem with the parking as designed and that the owner says the parking currently works and he does not anticipate any future issues. Mr. Elfman expressed concern with the possibility of overflow parking taking place on Oak Lane. Mr. Levesque was not sure as this had not been discussed. He did go on to say that the Agawam Fire Department's comments regarding fire suppression (sprinkler system) would have to be done if the patio is enclosed. Ms. Baldwin suggested that the dumpsters be refreshed, perhaps change the fence. Mr. Levesque agreed that that was a reasonable request and he will address that. Ms. Baldwin asked about Engineering Department comments. Mr. Levesque went through the comments. Mr. Elfman inquired about the HV/AC. Mr. Levesque did not know the specifics. It would be the original standard patio, enclosed, at least seasonally, but perhaps year-round depending the cost of the fire suppression system. Mr. Destefano would like to know how parking on the side of the building will be stopped. Mr. Levesque suggested barrels and/or planters. Mr. Paleologopolous discussed the curb cuts and would like them further defined with a definite barrier. He also asked about snow removal. Mr. Levesque said it could be handled along the back perimeter or could be removed in the event of a big storm. Ms. Kerr asked if he had proposed elevations for the patio. Mr. Levesque stated no but he can provide that. He agreed to make revisions to the plan and resubmit for the next meeting.

Motion was made by Mr. Elfman to table the Site Plan for Take Five Restaurant to the next meeting.

VOTE 4 – 0

Agawam Planning Board – June 4, 2020

2. DISCUSSION – Revised Accessory Dwelling Unit Bylaw – PVPC

Becky Basch of the PVPC stated that changes have been made to the proposed ordinance since the Town Council meeting. It now states that the dwelling would be for family members only and no detached units. She stated that if kept in the ordinance, the definition of caregiver must be added. It was agreed to remove caregivers from the ordinance.

Under B. Purpose – changes were made and it now reads:

- (1) Protect stability, property values, and the single-family residential character of neighborhoods by allowing for the development of accessory dwelling units appropriate for households at a variety of stages in their life cycles and by ensuring that accessory apartments are installed only for the use of family members of owner-occupied single-family homes;
- (2) Provide housing units for family members with disabilities.

Under Conditions and Requirements, #14 was removed and the following changes were made:

- (11) When a structure which has received a permit for an accessory apartment is sold, the new owner(s), if they wish to continue to exercise the permit, must, within 30 days of the sale, submit a notarized letter to the Building Inspector stating that they will occupy one of the dwelling units on the premises as their primary residence and that they understand that the second unit may only be occupied by up to three family member(s), **and name the family member(s) who will occupy that second unit.** This statement shall be listed as condition on any permits which are issued under this section.
- (12) Prior to issuance of a permit, the owner(s) must send a notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's permanent primary residence and that the second dwelling unit will be occupied by a family member (**and state the name of that family member**), or will otherwise remain vacant .

Under Administration and Enforcement, the following was added:

- 3) At the beginning of each calendar year, the owner(s) shall file a notarized statement with the Planning Board listing the name and family relationship of all occupants residing on the premises.
- (4) The special permit for the accessory apartment in said owner-occupied, single-family home shall terminate upon any change in occupancy in violation of the terms of the special permit.

Under Section E the following changes were made:

- (1) Statement of Intent - To ensure that Accessory Apartments or conversions built within the 10 years prior to the adoption of this Accessory Apartment Ordinance are in

Agawam Planning Board – June 4, 2020

compliance with health and safety requirements included in the State Building Code and **in compliance with the ownership and occupancy requirements of this Ordinance.**

- (2) Application Procedure - The Zoning Board of Appeals may authorize, under a Special Permit and in conjunction with the Building Inspector, a use known as an Accessory Apartment in or attached to an owner-occupied single-family dwelling. **Upon knowledge of the existence of Accessory Apartments that were built between July 2010 and the adoption of this Ordinance, the Building Inspector will notify owners of these units that they have up to two years to apply for a permit to bring these units into compliance with this Accessory Apartment Ordinance.** The ZBA will review each existing Accessory Apartment on its individual merits to determine if the dwelling conforms to State Building Code Regulations **and the ownership and occupancy requirements of this Ordinance.**

The applicant must follow the same conditions and procedures described in this Section including the submission of a notarized letter declaring owner occupancy, use of the second unit by family member(s), and a Declaration of Covenants. **Noncompliance will result in enforcement procedures outlined in Section 180-15 of the Agawam Zoning Ordinance**

Ms. Basch indicated that she would make these changes and resubmit for the Law Department and Building Inspector to review with the plan being to put this back on the agenda for July 2nd for a vote to sponsor.

3. APPROVAL OF MINUTES – March 5, 2020

Motion was made by Ms. Baldwin and seconded by Mr. Elfman to approve the minutes of March 5, 2020 as written.

VOTE 4-0

4. Correspondences

None

The meeting adjourned at 7:40 PM.