

AGAWAM PLANNING BOARD

October 18, 2018

MEMBERS PRESENT:

Mark R. Paleologopoulos, Chairman
Violet E. Baldwin
Charles Elfman
Nicholas Pandolfi
Mario Tedeschi

ALSO PRESENT:

Pamela Kerr
Amanda Boissonneault

Mr. Paleologopoulos called the meeting to order at 6:00 PM.

1. Public Hearing – Zoning Amendment – Include a Table of Uses and Dimensions

Stephen Buoniconti, City Solicitor and Sam Konieczny, Assessor for the Town of Agawam, were in attendance to present the proposed zoning amendment to include a table of uses and dimensions. Mr. Konieczny explained the Mayor formed a Zoning Review Committee to address outdated language and zoning issues throughout the community. Attorney Buoniconti stated some of the local zoning laws are in violation of State law, and the Mayor and Zoning Review Committee are looking to bring the local zoning code into compliance. A packet with revisions to the proposed amendments was provided to the Board members. Currently there is no table of uses and dimensions within Chapter 180. Attorney Buoniconti stated adding the table will create an easy to follow reference for allowed uses in a particular zone. Ms. Baldwin asked why “major commercial projects” and “other recreational activity” were not filled in. Attorney Buoniconti explained he would prefer to keep these two categories in the table in the event a project comes up that would fit within those descriptions. Mr. Paleologopoulos asked if all departments were able to give input. Attorney Buoniconti stated draft versions of the proposed changes were distributed, and the only feedback received was from the Zoning Board of Appeals Chair, Doreen Prouty.

Mr. Paleologopoulos opened the meeting to the public; no one spoke for or against.

Motion made by Ms. Baldwin and seconded by Mr. Tedeschi to close the public hearing.

VOTE 5-0

Motion made by Ms. Baldwin and seconded by Mr. Tedeschi to send a positive recommendation to the City Council regarding the proposed Zoning Amendment to include a table of uses and dimensions.

VOTE 5-0

2. Public Hearing – Zoning Amendment – Delete Building Material Terms

Stephen Buoniconti, City Solicitor and Sam Konieczny, Assessor for the Town of Agawam, were in attendance to present the proposed zoning amendment to delete building material terms. Attorney Buoniconti explained new State laws prohibit the regulation of building materials.

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Attorney Buoniconti said there are four instances in Chapter 180 where specific language would be removed. The Building Inspector recommended deleting the outdated language.

Mr. Paleologopoulos opened the meeting to the public; no one spoke for or against.

Motion made by Mr. Tedeschi and seconded by Mr. Elfman to close the public hearing.

VOTE 5-0

Motion made by Mr. Tedeschi and seconded by Mr. Elfman to send a positive recommendation to the City Council regarding the proposed Zoning Amendment to delete building material terms.

VOTE 5-0

3. Public Hearing – Zoning Amendment – Delete Special Use Permit Exceptions

Stephen Buoniconti, City Solicitor and Sam Konieczny, Assessor for the Town of Agawam, were in attendance to present the proposed zoning amendment to delete special use permit exceptions. Attorney Buoniconti stated special use permits were abolished by State Zoning Law as far back as 1979. Attorney Buoniconti said ZBA Chair Doreen Prouty pointed out other regulations the State has changed, including a 35-day review period by internal departments and a 3-year period for special permits to be valid. These updates were provided in the revised version of the proposed amendment. Ms. Prouty also provided an opinion that the precursor language for the standards of review should be revised. Attorney Buoniconti stated he did not agree with the change Ms. Prouty proposed, and believed recommending such a substantial change was beyond his scope.

Mr. Paleologopoulos opened the meeting to the public; no one spoke for or against.

Motion made by Mr. Elfman and seconded by Mr. Tedeschi to close the public hearing.

VOTE 5-0

Motion made by Mr. Elfman and seconded by Mr. Tedeschi to send a positive recommendation to the City Council regarding the proposed Zoning Amendment to delete special use permit exceptions.

VOTE 5-0

4. Public Hearing – Zoning Amendment – Mobile Homes

Stephen Buoniconti, City Solicitor and Sam Konieczny, Assessor for the Town of Agawam, were in attendance to present the proposed zoning amendment to include mobile homes. Attorney Buoniconti explained State law allows for a temporary home to be utilized during home repair after a catastrophic event. Currently the zoning allows for temporary homes in some zones and not in others. Attorney Buoniconti said the proposed amendment would remove any restrictions in the zoning and allow for allow for a temporary home for up to 12 months if the property owners home is deemed uninhabitable after a catastrophic event. An extension can be entertained if for valid reason. Mr. Paleologopoulos stated it seemed vague as to who can deem a home uninhabitable. Attorney Buoniconti answered this is regulated by other entities, and will depend on what the circumstances are.

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Mr. Paleologopoulos opened the meeting to the public; no one spoke for or against.
Motion made by Mr. Pandolfi and seconded by Mr. Elfman to close the public hearing.

VOTE 5-0

Motion made by Mr. Pandolfi and seconded by Mr. Elfman to send a positive recommendation to the City Council regarding the proposed Zoning Amendment for mobile homes.

VOTE 5-0

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

VOTE 5-0

6. Approval of Minutes – September 20, 2018 & October 3, 2018

Motion made by Ms. Baldwin and seconded by Mr. Tedeschi to approve the September 20, 2018 minutes as written.

VOTE 3-0-2 (Elfman and Pandolfi abstained)

Motion made by Mr. Tedeschi and seconded by Ms. Baldwin to approve the October 3, 2018 minutes as written.

VOTE 4-0-1 (Pandolfi abstained)

Motion made by Mr. Tedeschi and seconded by Ms. Baldwin to put the agenda back in order.

VOTE 5-0

5. Public Hearing – Zone Change – 0 Silver Street & 0 Doane Avenue – IB & R-A1 to R-A1

Kirk MacNaughton was in attendance to present this petition to re-zone 0 Silver Street (parcel ID H6-1-21) and 0 Doane Avenue (Parcel ID H6-1-4) from split zone Industrial B and Residence A1 to all Residence A1. Mr. MacNaughton stated he received Preliminary Plan approval for a 10 residential lot and 3 industrial lot subdivision from the Planning Board on September 6, 2018. Mr. MacNaughton explained he is requesting the zone change to make the subdivision more neighborhood friendly by adding potentially 9 residential lots in place of the 3 industrial lots. He further explained the residential lots would only take up approximately a third of the space the industrial lots wood, preserving more open space and enhancing the neighborhood. Mr. MacNaughton presented two plans, one of the Preliminary Plan with three industrial lots and one rendering with all residential lots. Ms. Baldwin asked if receiving the zone change would affect the type of home that is built. Mr. MacNaughton answered it might, but that it would depend on the who purchases each lot. Mr. Paleologopoulos commented that the proposed residential lots look small. Mr. MacNaughton said they are shown at the minimum lot size for the zone, and that he will also need to comply with the Conservation Commission and Natural Heritage during the application process. Ms. Kerr stated the plans speak for themselves, with the all residential plan showing a better layout that resembles subdivisions found all over Town.

Mr. Paleologopoulos opened the meeting to the public.

Ruth Cosimini, 102 Doane Ave, asked why the zone change request was made by so many different people. Mr. MacNaughton explained himself and all the named property owners are

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working together. Ms. Cosimini stated she is against the zone change and likes the Industrial lots better than more residential lots.

Ronald Cabana, 14 Doane Avenue, said he purchased his home for the woods behind it and was told no one would be able to build there.

Jim Consolini, 101 Doane Avenue, expressed concern for the safety of children playing in the street if there is traffic coming from a different direction. Mr. MacNaughton said signs would be placed at the extension connecting to Doane Avenue preventing traffic from traveling from Aspenwoods Lane to Doane Avenue. Mr. Consolini asked why there has to be a connection to Doane Avenue. Ms. Kerr answered it is for emergency access, which is safer for the neighborhood. Mr. Consolini said he is against the zone change.

Eileen Fowler, 25 Doane Avenue, asked for an explanation of the zone change process.

Steve Thomas, 58 Doane Avenue, said he is against the proposed zone change.

Robert Griffith, 94 Doane Avenue, stated he is against the proposed zone change.

No one else spoke for or against.

Motion made by Mr. Tedeschi and seconded by Mr. Pandolfi to close the public hearing.

VOTE 5-0

Ms. Baldwin said she understands change can be difficult, but has visited the neighborhood, and feels the zone change would lessen the industrial impact on Doane Avenue. Mr. Paleologopoulos said the proposed all residential subdivision would have less homes than on Doane Avenue, and will have to meet strict requirements imposed by the Conservation Commission and Natural Heritage. Mr. Paleologopoulos said the signage restricting traffic from Aspenwoods Lane to Doane Avenue can still be a requirement if the zone change is approved. He personally feels an all residential neighborhood would be better for everyone. Mr. Tedeschi said the all residential plan looks similar to any neighborhood found across the country, and would eliminate industrial traffic for all residents. Mr. Pandolfi is in favor of recommending the zone change, stating he would rather have residential structures in a neighborhood, not industrial ones.

Motion made by Mr. Tedeschi and seconded by Mr. Elfman to send a positive recommendation to the City Council regarding ZC-2018-3, a Zone Change request for 0 Silver Street and 0 Doane Avenue from Industrial B and Residence A-1 to Residence A-1, based on the Board's opinion that it will allow for a safer and more cohesive neighborhood, and would increase the residential buffer between Doane Avenue and industrial development.

VOTE 5-0

7. Correspondences - None

The meeting adjourned at 7:30 PM

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