

Minutes

Monday, February 27, 2023 @ 1PM

Attended:

Doreen Prouty

Richard Maggi

Vincenzo Ronghi

1. WayFinders, Inc.

Chairperson Prouty explained the purpose of this meeting is to determine if all pertinent conditions needing to be satisfied before the onset of site work or the issuance of a building permit as stated under the approved Comprehensive Permit (Case#1978, dated August 12, 2019) have been met. Also present at this meeting was Atty. Ellen Freyman, representing WayFinders, and James Blake from Allegrone Companies.

A copy of the final approval issued by DHCD under 760CMR 56.07, dated December 21, 2022, has been provided as required under Condition #2. Copies of the EPA approval under NPDES filing, which includes the SWPPP report, have been provided as required under Condition #3(b). Final design plans which include the Landscaping plan have also been provided as required Condition # 3(a) and (e).

Condition #3(a) regarding the requirement for WayFinders to deliver a check in a reasonable amount determined by the Board was discussed at length. Chairperson Prouty explained a team meeting was held between representatives of WayFinders and various Town staff included Chair Prouty on January 10, 2023. The issue of how to determine what constitutes a reasonable monetary amount was discussed. Agawam Town Solicitor, Steve Buoniconti suggested Pamela Kerr, Planning Director, was in the best position to gather such information. Ms. Kerr reached out to John Furman of VHB. He provided an estimate (dated February 17, 2023) in the amount of \$19,000. Chairperson Prouty stated she was previously told by Ms. Kerr, Atty. Buoniconti and Atty. Freyman that a clause such as #3(a) could not be found in their research of other Comprehensive Permits granted by local cities and towns. It was also conveyed to member Prouty that the \$19,000 quote seemed quite high. Inspector of Buildings, Kevin Duquette, had verbally expressed his confusion to member Prouty regarding the necessity of this condition since it is his job to conduct and certify that all building aspects of this project have been met.

Chairperson Prouty suggested not to accept Mr. Furman's estimate based on her discussions with others. Member Ronghi disagreed stating a professional has provided a written quote with supporting data whereas member Prouty's suggestion is based on the verbal opinion of others. Member Maggi agreed with member Ronghi. Both Prouty and Maggi stated the essence of this clause was simply to put money aside to be used if needed. No specifics were discussed during the original meetings. Not knowing what criteria was given to Mr. Furman to base his quote on, time was spent discussing how Mr. Furman may have come up with his detailed estimate.

Mr. James Blake explained that in addition to their own expert responsible to inspect all work that is done and along with the Town of Agawam's Inspector of Buildings inspections and responsibilities, the lenders financially backing this project have hired a Springfield, MA based

company named Allied Testing as a third-party testing and inspection firm to conduct independent inspections. With this new information that there will be three separate entities involved with inspections, the members have agreed Mr. Furman's quote is probably too high. Chairperson Prouty will contact Inspector Duquette and Atty. Buoniconti regarding this issue. The members agreed to see if the 45 days requirement can be voided by the ZBA.

Condition #4 required a preconstruction conference involving WayFinders, the ZBA Chair, the Inspector of Buildings and other Town staff as may be determined has been satisfied. A meeting was conducted on January 10, 2023 which included representatives from WayFinders, ZBA Chair Prouty, Inspector Duquette and several other Town staff from various departments.

Condition #7 involves a Porous Pavement Maintenance Agreement to be signed by WayFinders and the Town of Agawam. Atty. Buoniconti's opinion is that in this particular case, the ZBA Chairperson has the authority to sign this agreement on behalf of the Town. Chairperson Prouty has stated to Atty. Buoniconti that it is her preference for the mayor to sign since he is the top executive for the town. Atty. Buoniconti has agreed. To her knowledge, the mayor has not yet signed. There was discussion regarding that this agreement must be signed before a building permit may be issued. The members agreed this requirement may not necessarily need to be satisfied. It is the members' opinion that since this maintenance agreement is not needed at the onset of construction, would it be possible to reword to reflect the agreement must be signed before a Certificate of Occupancy is issued. Chairperson Prouty will discuss this possibility with Atty., Buoniconti.

Chairperson Prouty stated she left the January 10th meeting believing Condition #11 had already been satisfied by WayFinders having contacted the Agawam Housing Authority, Member Ronghi, who is the Chairman of the Agawam Housing Authority, stated the Authority has not been contacted. Atty. Freyman confirmed that contact has not yet been initiated by WayFinders. It was explained that it is the responsibility of WayFinders to contact the Town at the appropriate time so the Town may submit a request with the Subsidizing Agency to consider local preference. This will occur before the initial renting of the units.

Atty. Freyman has suggested the ZBA may want to amend the initially approved list of waivers since the final plans did not need to utilize 3 of these waivers, Also, the final plan shows a total of 124 parking spaces as opposed to the original request of 117. Chairperson Prouty stated it is her opinion if the ZBA wishes to issue a new list of waivers, a public hearing would be required. The time constraints associated with conducting such a hearing would considerably delay the issuance of the building permit. She consulted Atty, Buoniconti on this issue and he agreed. Chair Prouty will continue to research if other possible options are available. The 124 parking spaces shown on the final plans is a result of Condition #6 which specifically states the number of 124. The members agreed no further action was needed.

Under the existing decision, Section III (Board Findings) #6 references "Section V" of the approved Comprehensive Permit. Chairperson Prouty re-read the file for Case #1978 (WayFinders) and concluded "Section V" was a misprint. The original draft of the decision states "Section IV". There was nothing in the file to suggest a "Section V" would be added. All members agreed this error was a typo and can be corrected administratively.

The members agreed to continue this meeting to Friday, March 3rd^t at 1pm in the Senior Center, if possible. Chair Prouty will notify all persons in attendance if this meeting cannot occur.

2. November 14, 2022 Minutes

Motion to approve made by member Ronghi and seconded by member Maggi. All in favor.

3. January 23, 2023 Minutes

Members Ronghi and Maggi agreed a final sentence should be added: "Motion to approve variance made by member Ronghi and seconded by member Mancini. All in favor.:"

The Chairperson closed this public meeting at 2:30PM.