

Agawam Planning Board – March 3, 2022

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Michael DiLullo

ALSO PRESENT:

Taryn Egerton

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

1. PUBLIC HEARING CONT. – Definitive Plan – 673 Silver Street – Aspenwood Estates – Aspenwood Associates LLC

Kirk MacNaughton of Aspenwood Associates LLC was present to discuss the progress of Aspenwood Estates. Mr. Paleologopoulos stated that Mr. MacNaughton and his engineer had gone back and forth with Agawam Engineering, had a meeting with them last Wednesday, and sent in newly revised plans after hours yesterday. He noted that Agawam Engineering sent in comments from the meeting and on the newly revised plans, and proceeded to go over the six new or revised comments. Mr. Paleologopoulos stated the first comment is regarding the 300' distance requirement between intersections, with Aspenwood Estates plans having a distance of 292.33. He stated that the Agawam Engineering comment goes on to explain that the original plan had a distance of 300' but that the design was not acceptable. Mr. Paleologopoulos read the next comment regarding the conflicts between the sewer laterals and the drain. He stated that Mr. MacNaughton's written response explains that there is no conflict with the drain and Mr. MacNaughton stated Agawam Engineering requested he talk with the manufacturer, and that the manufacturer requested design changes. Mr. Paleologopoulos stated the next comment is regarding the sight distance study and that Agawam Engineering recommended a Peer Review for the Aspenwood Street. Mr. MacNaughton stated he would like to meet with Agawam Engineering to talk specifically about the sight distance study and to go over this data. Mr. Paleologopoulos reiterated the recommendation of Agawam Engineering to do a peer review and Mr. Elfman agreed that an independent firm completing the study is important because it's a safety issue. Ms. Baldwin agreed that a third party review would help resolve the matter. Mr. DeStefano agreed because this aspect of the project has been going back and forth. Mr. Paleologopoulos stated the next comment is regarding handicap accessible ramps, and that the details on the plan do not have sufficient information. He stated the next comment is regarding the overall grading plan and Mr. MacNaughton stated that the comment ends with saying it's been addressed. Mr. Paleologopoulos showed the plan and explained the grading. Mr. MacNaughton stated this sheet was marked up by Agawam Engineering and their newly revised plans reflects the changes that were marked up. The newly revised plans were shown and Mr. MacNaughton explained the grading and contour lines, and that the grading goes away from

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Doane Ave and the final grade will be a foot higher than the top of the foundation. He stated that all water will flow away from Doane Ave. Mr. Paleologopoulos stated that the next Agawam Engineering comment is the addition of a note requiring the intersection of Doane Ave and Aspenwood to be constructed with a small roll along the gutter line of Doane Ave for stormwater maintenance. Mr. MacNaughton pointed this detail out on the newly revised plan and explained that a small roll is used so that the water that belongs on Aspenwood remains there and the same for Doane Ave. He explained it is like a speed bump to keep the water on the respective sides of the road. Mr. Paleologopoulos asked whether this would create a puddle in the road and Mr. MacNaughton stated it would still go to the gutters on the side to the catch basin.

Mr. Paleologopoulos opened the meeting up to the public, requesting any questions be directed at the board and to state name and address for the record.

Lisa Patnode, 40 Doane Ave, stated she wanted to talk about the waivers. She stated that there is a reason the town has zoning bylaws and regulations, which is to protect the health and safety of the public. Ms. Patnode looked at the Massachusetts General Law Chapter 159 Article 7 which addresses waiver regulations. She stated the law allows regulations to be waived by the Board if doing so is in the public interest and not inconsistent with the subdivision control law. Ms. Patnode asked why waiving the 300' between intersections would be in the public interest, since it seems only one person benefits from granting it. She stated there is still questions about the sight distance and that no one has looked at how it will affect Doane Ave. Mr. DeStefano asked whether public interest to her meant Doane Ave or the Town of Agawam and Ms. Patnode responded that it is both. Mr. Paleologopoulos stated that Agawam Engineering knows about the sight distance issues on Doane Ave and that it is on their list. Ms. Patnode referred to Agawam's Complete Streets Policy and states it outlines how to keep streets safer. She noted that a previous development before the Board noted there would be sidewalks on both sides of the street because of the Complete Streets Program. Ms. Patnode also noted that the Complete Streets Policy has language stating this policy can only be exempt by the Mayor with a recommendation from the Town Engineer in consultation with necessary departments. Ms. Egerton said she would look more into the process. Ms. Patnode asked the board not to approve the waivers. Mr. Paleologopoulos stated there have been waivers granted for sidewalks on one side of the street and that he doesn't believe the Board would vote on the waivers tonight. Ms. Patnode asked what is going to change on the plans and that the road will always be 292.33 feet away from Doane Ave. Mr. Elfman says he would like to look at the whole picture before voting on anything and that this is Mr. MacNaughton's property and values allowing people to do what they would like on their property. Ms. Patnode noted two properties had been granted the 300' waiver and that the streets have a very different set up than this project. Ms. Baldwin stated that these waivers haven't been granted often and that she called the Planning office to determine whether it was a safety or design standard. Ms. Egerton stated she found the Planning Board minutes from 1991 that stated this regulation was enacted because it is a safety issue. She stated she believed it was the Town Engineer at the time recommending it and the Planning Director presenting the regulation change at the meeting. Ms. Patnode asked how many members were needed to be in favor for an approval. Mr. Paleologopoulos responded three and that a tie would be a denial. Ms. Egerton clarified that the two previous waivers granted for the 300' requirement may or may not be all of the waivers granted, as she couldn't look through all the approved subdivisions to

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determine if that particular waiver had been granted. Ms. Baldwin stated she's been on the board for a while and doesn't think more research would find any more of those waivers granted.

Jim Consolini, 101 Doane Ave, stated that the 300' requirement was enacted to protect the people and that granting the waiver would be taking away a portion of that zoning bylaw, which takes away their protection. He asked the board to say no on this waiver.

Dan Riebling, 111 Doane Ave, asked why the town wasn't taking care of the current residents of Doane Ave before adding another development. Mr. Paleologopoulos stated the Board is only working on this particular plan and that fixing things on Doane Ave is not part of the review of Mr. MacNaughton's plan, though they do review to make sure it doesn't negatively impact Doane Ave. He stated that many aspects of Mr. MacNaughton's plan are to help address any negative impact on Doane Ave, such as the bump and the possible gate where Doane and Aspenwood meet. Mr. Paleologopoulos stated he went to Doane Ave to see how the sight distance was pulling out of the street, and realized the arborvitae was the biggest problem for him. Mr. Paleologopoulos thanked everyone for bringing up issues so that the Board can help and make decisions fairly. Mr. DeStefano said he would like to see the sight distance study before voting on the waiver. He states he drives by the street before the meetings to try to get a feel for the traffic, see where the sun is, and downloaded the Conservation Commission minutes to try to get the full picture of the situation. Mr. Riebling states the residents of Doane Ave are being negatively affected by adding another street and Mr. DeStefano stated Agawam Engineering had come to a previous meeting and given some possible solutions to the problems on Doane Ave. Ms. Patnode stated that during that meeting, Michelle Chase of Agawam Engineering said that the sight distance on Doane was really unacceptable.

Jim Consolini, 101 Doane Ave, asked if the board was under the jurisdiction of Chapter 180-14 of the Town of Agawam, regarding a report and a zone change. The Board explained that that particular section was regarding a change in the zoning map, which is different than granting a waiver.

Robert Allen, 55 Doane Ave, talked about the 300' waiver and how it was enacted for safety reasons and it shouldn't matter what the rest of his plan is if it affects safety.

Stu Kibbe, 40 Doane Ave, thanked the Board, stated that they are doing their due diligence on the project, and is enjoying learning about the process. Mr. Kibbe stated that at the November 4th meeting, Ms. Chase stated that the sight distance on Doane Ave is unacceptable and asked whether anything has been done concerning this. Mr. Paleologopoulos stated that he knows it is on the town's list and Ms. Chase is aware of the need. Mr. Kibbe then referred to the need of an easement for Aspenwood Estate's sight distance and asked whether it's been done and whether the town has the authority to do that. Mr. Paleologopoulos said that if someone is obstructing view, one remedy is to get an easement or to ask the homeowner to cut them. Mr. Kibbe stated that if this needed to happen, Mr. MacNaughton would need to get an easement from the homeowner. He also stated there were options for the intersection of Doane and Aspenwood and Mr. MacNaughton stated there were discussions of signage and gates, but it is ultimately up to DPW. He stated one of the options was to put speed humps on Doane Ave, but that it wasn't well received by the residents. Mr. Riebling stated that the residents did in fact want the speed humps.

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Mr. Kibbe said that the Agawam Engineering comments stated that they were worried the lots were 10 feet taller than the road. Mr. DeStefano pointed out that the newest comment said that this was addressed. Mr. Kibbe asked if there could be a restriction put on the construction entrance regarding dump trucks on Doane Ave and Mr. Paleologopoulos stated yes they could stipulate that. Mr. Kibbe stated that he went to town hall to look further into the two waivers that were granted for the 300' requirement. He stated that one was in 1991 and one was in 2000, one was Maple Meadows Ln and one was Tobacco Rd. Mr. Paleologopoulos stated that the waiver was granted for the distance between Maple Meadows Ln and Family Ln and he does not know why they granted that. Ms. Patnode said that neither of the two instances have the sight distance issues that Doane Ave has. Mr. Kibbe said the flow of traffic is different and the visuals are better in these two instances. Mr. Riebling added that there are also seven driveways near Doane. Robert Griffith, 94 Doane Ave, added that people go 50-60 miles per hour on Silver St. Mr. Paleologopoulos said he was on Doane Ave this afternoon and stopped to watch traffic, and he knows that traffic is a problem. Mr. DeStefano asked what the speed limit is on Silver St. Ms. Patnode stated 40 miles per hour.

Ruth Cosmini, 102 Doane Ave, thanked the Board and asked about the easement. She questioned why someone would have to cut down their arborvitaes when the project site doesn't have their sidewalks plowed. Mr. DeStefano stated this is out of the Board's control to do anything about it. Mr. Allen stated since the Board was talking about wanting the whole picture of the project, this is part of the whole picture. Mr. Elfman stated this is something that one would have to call the town to handle. Ms. Cosmini stated that granting these waivers would create a precedent for the board.

Karl Schmaelze, 85 Independence Rd, stated he also has a house on South Westfield St and recently the town spent 2.65 million dollars to widen the road and put sidewalks in. He states the sidewalks don't go anywhere and he asked the town why and they responded that that is what the town laws say. Mr. Schmaelze stated he doesn't see why the Board should go against the zoning bylaws just because someone doesn't want to spend the extra money. Mr. Paleologopoulos asked to clarify the location of this. Mr. Schmaelze stated near Pine St, that they widened the road, and that they did not need new sidewalks on both sides of the street. Mr. Paleologopoulos asked if he was saying that the town wasted the money. Mr. Schmaelze stated no, but that is what the town wants, but that nobody uses them since they don't go anywhere. He stated that on Independence Rd the town wouldn't spend the million dollars to fix the sidewalks and all the residents walk in the street. Ms. Baldwin asked if part of that project was state funded, because that would mean that parts of the design would have been mandated. Mr. Kibbe asked whether the entire regulation regarding the 300' requirement between intersections was put in its entirety in 1991. Ms. Egerton stated no, the regulation was amended in 1991. Mr. Paleologopoulos stated it was part of a bigger discussion of what needed to be changed in the regulations and before that time there was no minimum distance. He stated he is not sure how they arrived at 300' as the minimum distance. Mr. Riebling stated that it may have to do with the stopping distance for semi-trucks and then asked if the options for the intersection between Doane and Aspenwood would be figured out before the vote. Mr. Paleologopoulos stated yes there are different options. Mr. Riebling asked to look at the grading in the plan because according to the elevation, four lots would be sloping toward Doane Ave. He stated Doane Ave already gets a lot of flooding and 100 and 500 year storms are becoming more frequent. Mr. MacNaughton stated no water from the

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project site would be going onto Doane Ave and stated the construction detail shows the accurate slope. Mr. Paleologopoulos stated that some of the water affecting Doane Ave currently would be captured in the future from the new catch basins. Mr. Riebling stated there would be a big puddle in the depression in the road. Mr. MacNaughton stated it is sloping towards Doane Ave but the water is collected by catch basins. He went over the grading in the lots between Doane and Aspenwood, stating either the existing conditions will remain or will be improved.

Ms. Patnode stated that the Board is waiting for the sight distance study and Ms. Baldwin said yes, the Board is requesting that. Ms. Patnode asked if it would be another couple of months before this would be completed. Ms. Egerton explained that once proposals are received, the Board would also have to vote on the amount of the peer review, so it would be at least another meeting before the sight distance study could even start. Ms. Cosmini asked if the sight distance study would include Doane Ave and Mr. Paleologopoulos stated there is no correlation. Ms. Baldwin stated there is a peer review for Aspenwood Estates in the Conservation Commission

Mr. Paleologopoulos shared a correspondence from Ronald Cabana of Doane Ave who was not able to attend the meeting and wrote an email to the Board instead, expressing concern and frustration over the proposed development. Mr. Paleologopoulos read the letter which stated that Mr. Cabana does not want to see his home and everything he's worked for go to ruin and fears he will have to move. Mr. Paleologopoulos took this opportunity to say he feels bad that Mr. Cabana feels this way, and takes everything the abutters and townspeople have to say seriously.

Motion was made by Ms. Baldwin and seconded by Mr. Elfman to require an independent Peer Review for the sight distance study for Definitive Plan – 673 Silver Street – Aspenwood Estates – Aspenwood Associates.

VOTE 4 – 0

Mr. Paleologopoulos stated that the public hearing would need to be continued and asked Mr. MacNaughton to what date. Mr. Paleologopoulos asked if the next meeting, March 17, would work and Mr. MacNaughton agreed.

Motion was made by Ms. Baldwin and seconded by Mr. Elfman to continue the public hearing for Definitive Plan – 673 Silver Street – Aspenwood Estates – Aspenwood Associates to the March 17, 2022 meeting.

VOTE 4 – 0

2. SITE PLAN – Tuckahoe Farm – 0 Pine Street – Town of Agawam

This agenda item was previously continued to the March 17, 2022 meeting.

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3. APPROVAL OF MINUTES February 17, 2022

Motion was made by Mr. DeStefano and seconded by Mr. Elfman to approve of the minutes of February 17, 2022 as written.

VOTE 4 – 0

4. Correspondences—

There was one correspondence from Ronald Cabana that was shared during the Aspenwood Estates public hearing.

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

VOTE 4 – 0

Meeting was adjourned at 7:45pm