



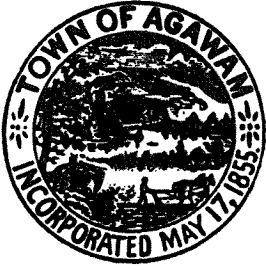
**Zoning Board of Appeals
AGENDA**

Monday, April 13, 2026 - 6:30 PM

Regular Meeting
Agawam Senior Center
954 Main Street
Agawam, MA 01001

A. Zoning Board of Appeals

- 1) Public Hearing-Case#2044-311 Shoemaker Lane-Agawam MA Shoemaker Ln Solar, LLC-Appeal
- 2) Public Hearing-Case#2043-371 South Westfield Street-Tsimoshak-Special Permit
- 3) Approval of Minutes-March 9, 2026 & March 23, 2026
- 4) Any other matter that may legally come before the Zoning Board of Appeals



**TOWN OF AGAWAM
36 MAIN STREET
AGAWAM, MA 01001**

BOARD OF APPEALS

FOR OFFICE USE ONLY

Case #: _____

Filed: _____

Hearing: _____

Expires: _____

**Application to Board of Appeals for a hearing on an appeal from a decision of
The Inspector of Buildings _____ as allowed under Section 2-8, Paragraph C
"Adopted Charter and MGL, Ch. 40A, Section 8.**

Applicant Agawam MA Shoemaker Ln Solar LLC

Address 111 Speen Street, Suite 410, Framingham, MA 01701

Premises affected are situated on Shoemaker Lane **Street;** approx. 1000 **feet distant
from the corner of** Moylan Lane **Street and known as street number** 311.

Property is zoned as Residence A-3.

Reason(s) for request

See Notice of Appeal pursuant to M.G.L. c. 40A, s. 15, filed March 2 with Town Clerk, Inspector of Buildings, and ZBA.

The negative zoning determination by the Inspector of Buildings is in violation of M.G.L. c. 40A, ss. 3, 6. The agrivoltaic dual-use solar array in question is agricultural use under Massachusetts law and cannot be prohibited, nor can a special permit be required,

in any zoning district on parcels of over 5 acres such as that at issue here. The agrivoltaic dual-use solar array in question is further protected as a prior nonconforming agricultural use under M.G.L. c. 40A, s. 6, and a solar use entitled to protection under M.G.L. c. 40A, s. 3.

Signature of owner or his authorized agent: /s/ Ryan K. O'Hara; Bacon Wilson, P.C. (BBO No. 698768)
Attorney for Applicant

Telephone #: (413) 584.1287

NOTICE: THIS APPLICATION MUST BE FILLED OUT IN INK OR TYPEWRITTEN

TOWN OF AGAWAM

HAMPDEN, SS.

ZONING BOARD OF APPEALS

AGAWAM MA SHOEMAKER LN
SOLAR LLC,

Petitioner

v.

KEVIN DUQUETTE, as INSPECTOR
OF BUILDINGS FOR THE TOWN OF
AGAWAM,

Respondent

**NOTICE OF APPEAL FROM
ZONING DETERMINATION DATED
FEBRUARY 3, 2026**

NOW COMES the Petitioner, Agawam MA Shoemaker Ln Solar LLC, and respectfully submits this Notice of Appeal relative to the Zoning Determination issued by Agawam Inspector of Buildings Kevin Duquette on February 3, 2026 ("Determination"), claiming that the proposed use of a portion of an existing agricultural field for a 6.7-acre dual-use agrivoltaic solar array and associated infrastructure is not permitted under Agawam Zoning By-Law ("By-Law"). A true and accurate copy of the Determination is attached as Exhibit A hereto ("Ex. A"), pp. 1-2.

FACTS¹

1. Petitioner seeks to develop an agrivoltaic solar project on existing agricultural land at 311 Shoemaker Lane, Agawam, Massachusetts ("Premises").
2. The Premises are owned by Halladay Farm Trust (Timothy Zielinski, Trustee) ("Owner"), under a deed recorded in the Hampden County Registry of Deeds at Book 18505, Page 534.

¹ Representations made as to the facts and circumstances herein are made to the best of available information and knowledge, in an effort to provide the ZBA with background and context prior to hearing. Likewise, legal authority and argument is offered for background and context, without waiving additional arguments Petitioner may have. Petitioner reserves all rights to present any and all evidence at the Public Hearing to be held on this application, pursuant to M.G.L. c. 40A, and to make any and all legal arguments available to it.

3. Petitioner has contractual arrangements with Owner allowing them to develop and pursue any necessary approvals for the proposed agrivoltaic solar project.
4. The Premises contains approximately 36.411 acres of land situated along approximately 217 feet of frontage on Shoemaker Lane.
5. Petitioner proposes constructing and operating an approximately 6.7-acre dual-use agrivoltaic solar array, with associated gravel access road (along which an underground electrical conduit will run), concrete equipment pads, and overhead electrical lines along an existing driveway connecting to existing electrical infrastructure on Shoemaker lane.
6. "Agrivoltaics" is the practice of co-locating agricultural and solar use on the same land, allowing for use of the subject area for both agriculture and solar generation simultaneously.
7. Agrivoltaic solar arrays are different from single-use solar arrays, where land is used only for solar energy production.
8. Agrivoltaic dual-use solar allows agricultural production to continue around, between, and underneath solar generation infrastructure (such as panels).
9. Agrivoltaic dual-use solar generally allows for continued agricultural use of the land for crop cultivation, livestock grazing, pollinator habitats, and like activities, while also generating renewable energy.
10. Massachusetts has a strong public policy in favor of solar development in general, and agrivoltaic solar in particular.
11. Massachusetts law provides preferential and protective tax and zoning treatment to agrivoltaic dual-use solar.
12. M.G.L. c. 61A, § 2A, provides that land "used primarily and directly for agricultural purposes . . . [or] horticultural purposes" may be used to site agrivoltaic solar arrays that do not impede continued use of the land for such agricultural and horticultural purposes while retaining its preferred tax status under M.G.L. c. 61A, § 1 *et seq.*
13. M.G.L. c. 61A, § 2A, further provides that "renewable energy generating sources located on land used primarily and directly for agricultural . . . [or] horticultural purposes . . . shall be subject to the provisions afforded to land used for agriculture under section 3 of chapter 40A."
14. M.G.L. c. 40A, § 3, fully protects agricultural and horticultural uses on properties exceeding five acres from local prohibition, unreasonable regulation, and any requirement for a special permit. See *id.* ("No zoning ordinance or by-law shall . . .

prohibit, unreasonably regulate, or require a special permit for the use of land for the primary purpose of commercial agriculture . . . [or] horticulture").

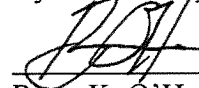
15. M.G.L. c. 40A, § 3, makes agricultural and horticultural uses on parcels of over five acres as-of-right uses in any and all zoning districts. Building Inspector of Mansfield v. Curvin, 22 Mass. App. Ct. 401, 402-403 (1986).
16. Additionally, M.G.L. c. 40A, § 3, further protects solar uses specifically, stating "no zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare."
17. The Premises contain well over five acres.
18. There is no threat to public health, safety, or welfare presented by the proposed agrivoltaic dual-use solar array.
19. The proposed agrivoltaic dual-use solar array qualifies as agricultural and horticultural use under Massachusetts law.
20. The proposed agrivoltaic dual-use solar array cannot be prohibited in any zoning district, and cannot be required to obtain a special permit.
21. Agricultural use has been continuous and ongoing on the Premises since prior to the enactment of any current purported restriction on agricultural use.
22. Agrivoltaic dual-use solar is agricultural use of land in Massachusetts as a matter of law.
23. Agrivoltaic dual-use solar is within the scope of the preexisting agricultural and horticultural use of the Premises, and therefore cannot be prohibited pursuant to M.G.L. c. 40A, § 6.
24. The Premises are located within the Town's Residence A-3 Zoning District ("District").
25. The By-Law purports to prohibit use of land within the District for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than 5 acres in area. See By-Law §§ 180-29 (limiting use of land in District to only "apartment houses or garden-type apartments and accessory uses incident thereto"), 180-162 (table of uses).
26. The By-Law is unlawful and violates M.G.L. c. 40A, § 3, in this regard.
27. The By-Law purports to prohibit use of land within the District for "solar energy systems." See By-Law §§ 180-29, 180-162.

28. The By-Law is unlawful and violates M.G.L. c. 40A, § 3, in this regard.
29. The By-Law purports to require a special permit for certain solar energy systems in the limited districts in which they are permitted. See By-Law §§ 180-150–180-160, 180-162.
30. The By-Law is unlawful and violates M.G.L. c. 40A, § 3, insofar as this requirement is applied to the agrivoltaic dual-use solar system proposed here.
31. The By-Law's prohibitions and limitations on solar energy use are unlawful insofar as they unreasonably restrict and limit the land within the Town available for potential solar use, in violation of M.G.L. c. 40A, § 3.
32. The Petitioner applied for a zoning determination from the Inspector of Buildings as to the proposed agrivoltaic dual-use solar use on the Premises.
33. The Inspector of Buildings claimed the use was prohibited under all circumstances on the Premises given its District, stating "zone change required." Ex. A, p. 2.
34. Petitioner now appeals from the determination of the Inspector of Buildings pursuant to M.G.L. c. 40A, §§ 8, 14-15.

WHEREFORE Petitioner respectfully requests this Honorable Board:

- a. Find that the proposed agrivoltaic dual-use solar project within the Premises is allowed pursuant to M.G.L. c. 40A, §§ 3, 6; c. 61A, § 2A;
- b. Reverse the determination of the Inspector of Buildings and determine the use is approved; and
- c. Issue any and all such other relief available at law as is appropriate and necessary.

Respectfully submitted,
Agawam MA Shoemaker Ln Solar LLC,
By its Attorney,

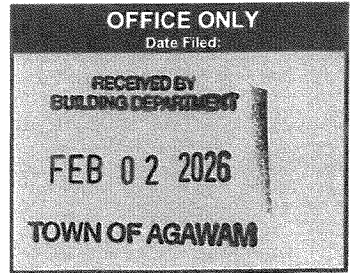


Ryan K. O'Hara
Bacon Wilson, P.C.
57 Center Street
Northampton, MA 01060
Tel.: (413) 781.0560
Fax: (413) 739.7740
rohara@baconwilson.com
BBO No. 698768

EXHIBIT A



The Commonwealth of Massachusetts
Town of Agawam
 Inspection Services - Building Department
 1000 Suffield Street, Agawam MA 01001 – (413) 821-0632



Application for Zoning Determination

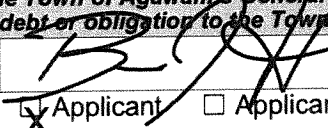
FILING INSTRUCTIONS: Deliver this form (no fee required) to Inspection Services.
 For digital submissions, please confirm receipt. A complete application will be processed within 30 days.
 The applicant must pick-up, or arrange for the receipt of, this processed form.

| | | | | | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|----------|-------------------------------------------------------------------------|----------|--------------------------------------------------------------------------------------------|--------------|--------------|----------|---------------------------------------------------|--------------------------|
| 1) PROPERTY INFORMATION | | | | | | | | | | |
| a. Street Address 311 Shoemaker Lane [REDACTED] | | | b. Zoning District Residence A-3 | | | | | | | |
| c. Assessor's Map G4 | | | d. Lot(s) [REDACTED] 1-9 | | | | | | | |
| e. Registry of Deeds Book 18505 534 | | | f. Page 223-56 [REDACTED] | | | | | | | |
| g. Overlay Districts <input type="checkbox"/> Historic Preservation <input type="checkbox"/> Mixed-Use Business C | | | | | | | | | | |
| h. Previous Special Permits, Site Plan Approvals, Findings or Variances Issued for this Site | | | | | | | | | | |
| | | | | | | | | | | |
| 2) APPLICANT & OWNER INFORMATION | | | | | | | | | | |
| a. Applicant Name Agawam MA Shoemaker Ln Solar LLC | | | | | b. Applicant Phone (866) 263-7372 | | | | | |
| c. Applicant Email npollis@ameresco.com | | | | | | | | | | |
| d. Applicant Mailing Address 111 Speen Street, Suite 410, Framingham MA 01701 | | | | | | | | | | |
| e. Applicant Relationship to Property <input type="checkbox"/> Owner <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Other: | | | | | | | | | | |
| f. Representative Name (if any) Weston & Sampson Engineers, Inc. | | | | | g. Rep. Phone 978-532-1900 | | | | | |
| h. Rep. Email costello.melinda@wseinc.com | | | | | | | | | | |
| i. Owner Mailing Address 85026 Barsonage Court, Fernandina Beach FL, 32034 | | | | | | | | | | |
| j. Owner Name (if different) Timothy Zielinki | | | | | k. Owner Phone | | | | | |
| l. Owner Email | | | | | | | | | | |
| m. Owner Mailing Address | | | | | | | | | | |
| 3) PROJECT & SITE DETAILS | | | | | | | | | | |
| <i>NOTE: Any omission of requested information may result in an INCOMPLETE determination</i> | | | | | | | | | | |
| | Existing (lot 9 only) | | | | Proposed <input checked="" type="checkbox"/> No changes to building, site or lot | | | | -FOR BUILDING DEPT. REVIEW- REQUIRED / NCU | |
| a. Lot Size | 36.411 +/- ac | | SF | | SF | | SF | | LOT SIZE | <input type="checkbox"/> |
| b. Frontage | 217 +/- | | FT | | FT | | FT | | FRONTAGE | <input type="checkbox"/> |
| c. Front Lot Line | 217 +/- | | FT | | FT | | FT | | FRONT SB | <input type="checkbox"/> |
| d. Side Lot Line (Left/Right) | L: FT | 1630 +/- | R: 1008 +/- | FT | L: FT | R: FT | FT | | SIDE SB | <input type="checkbox"/> |
| e. Rear Lot Line | 1211 +/- | | FT | | FT | | FT | | REAR SB | <input type="checkbox"/> |
| f. Building Height | N/A | | FT | | N/A | | FT | | BLDG HT | <input type="checkbox"/> |
| g. Total BLDG/Res Area | N/A | SF | SF | N/A | SF | SF | SF | SF | AREA LIM | <input type="checkbox"/> |
| h. BLDG Coverage (Footprint) | N/A | SF | % of lot | N/A | SF | % of lot | | | LOT COVER | <input type="checkbox"/> |
| i. Impervious Coverage | 0 | SF | 0 | % of lot | 19,534 +/- | SF | 1.2 | % of lot | IMPERVIOUS | <input type="checkbox"/> |
| j. Parking/Loading Spaces | P: 0 | L: 0 | | | P: 0 | L: 0 | | | PARKING | <input type="checkbox"/> |
| k. Bicycle/EV Charge Spaces | B: 0 | EV: 0 | | | B: 0 | EV: 0 | | | BIKE/EV | <input type="checkbox"/> |
| l. Signs (Size & Type) | x | T: N/A | | | x | T: N/A | | | SIGNS | <input type="checkbox"/> |
| m. Fence (Size & Type) | LIN FT | | T: N/A | | | 2,330 LIN FT | T: farm knot | | | |
| n. Wetland Area | 37,429 +/- | | SF | | 37,429 +/- | | SF | | | |
| o. Utility Services | <input type="checkbox"/> Town Water <input type="checkbox"/> Town Sewer | | <input type="checkbox"/> Town Water <input type="checkbox"/> Town Sewer | | | | | | NON-CONFORMING USE | <input type="checkbox"/> |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| p. Current Use of Property | Agriculture, residential |
| q. Proposed Use of Property | Agriculture, residential, energy production |
| r. Project Description | |
| The project proposes an approximately 6.7 acre dual use agrivoltaic solar array, gravel access road, concrete equipment pads, and perimeter fencing within an existing agricultural field. Associated equipment includes underground electrical conduit along the proposed gravel access road and overhead electrical lines along the existing driveway to interconnect the array to existing electrical infrastructure on Shoemaker Lane. | |
| s. I have attached additional narrative, plans or supporting materials (any oversized plans should also be included in an 8.5 x 11" format) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| t. Work is proposed in or within 100' of a wetland or 200' of a stream/river, or construction will occur within the Floodplain district. If so, CONSERVATION COMMISSION review is required. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unsure |
| u. The following projects shall be required to comply with the requirements of a STORM DRAIN PERMIT: [1] Any alteration to sites on parcels of one acre or greater. [2] Any alteration to individual lots less than one acre, but which are contiguous or are deemed part of a common project which is one acre or greater. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure |
| v. The project will affect at least one of the following; additional gross floor area by 2,000 square feet, any change of use, changes to parking and/ or curb cuts. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

4) CERTIFICATION

This determination is based only on the information provided, which I represent as accurate. The issuance of a Zoning Determination does not relieve the Applicant of the responsibility to obtain other zoning or non-zoning permits, as may be required, and this determination is based on the zoning in effect at the issue date and grants no protection from any pending or future zoning changes. Additional information may be requested and required to properly process this form. Any non-zoning related comments provided are cursory in nature; Applicants should follow-up with appropriate Town Departments. Sec. 1-7 of the Town of Agawam's General Ordinances authorizes the denial of a license or permit where an outstanding debt or obligation to the Town exists.


| | | | |
|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------|--------|
| Signature |  | Date | 2/2/26 |
| <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Applicant's Representative | | | |

ZONING DETERMINATION - OFFICE USE ONLY

Approved Denied: The proposed use is not permitted in the subject zoning district
 Only permissible with variance relief from the Zoning Board of Appeals

Approved **Pending additional approval:**

| Per Zoning Ordinance Section(s) | Required Permit(s) | Approval Required | Permitting Authority |
|---------------------------------|-------------------------------------------------|--------------------------------------------|-------------------------------------------|
| A180-154-B | <input type="checkbox"/> Building Permit(s) | <input type="checkbox"/> Special Permit(s) | <input type="checkbox"/> Planning Board |
| | <input type="checkbox"/> Electrical Permit(s) | <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Board of Appeals |
| | <input type="checkbox"/> Plumbing/Gas Permit(s) | <input type="checkbox"/> Variance | <input type="checkbox"/> City Council |

| | | | |
|-------------------------------|-------------------------------------------------------------------------------------|-------------------|----------|
| Town Building Official |  | Issue Date | 2/3/2026 |
|-------------------------------|-------------------------------------------------------------------------------------|-------------------|----------|

This determination may be appealable to the Zoning Board of Appeals under the provisions of MGL Ch. 40A Sec. 8. Revised 09/08/2022

** Zone change required from the City Council.*

Taryn Egerton

From: Kevin Duquette
Sent: Thursday, March 5, 2026 11:00 AM
To: Taryn Egerton
Subject: RE: Zoning Board of Appeals - Case #2044 - 311 Shoemaker Lane - Appeal

Hi Taryn,

Note that my comment(s) is the zoning determination findings for this case.

Thanks,

Kevin Duquette

Inspector of Buildings
Town of Agawam | Building Department
1000 Suffield Street, Agawam, MA 01001
Office: 413-821-0632



From: Taryn Egerton <TEgerton@agawam.ma.us>
Sent: Thursday, March 5, 2026 10:43 AM
To: Kelly McCormick <assessor@agawam.ma.us>; Kevin Duquette <inspections@agawam.ma.us>; Mario Mazza <MMazza@agawam.ma.us>; All_Engineering Department <All_Eng_Dept@agawam.ma.us>; Alan Sirois <ASirois@agawam.ma.us>; Lauren Kennedy <health@agawam.ma.us>; Eric Gillis <EGillis@agawam.ma.us>
Cc: Barbara Bard <BBard@agawam.ma.us>; Christopher Cappucci <solicitor@agawam.ma.us>; Christopher C. Johnson <mayor@agawam.ma.us>
Subject: Zoning Board of Appeals - Case #2044 - 311 Shoemaker Lane - Appeal

Good morning,

Please review the attached appeal and provide any comments prior to the Zoning Board of Appeals April 13, 2026 public hearing.

Taryn Egerton

Planning Director & Conservation Agent
Planning Department

413.726.9737 | tegerton@agawam.ma.us

TOWN OF AGAWAM

HAMPDEN, SS.

ZONING BOARD OF APPEALS

AGAWAM MA SHOEMAKER LN
SOLAR LLC,

Petitioner

v.

KEVIN DUQUETTE, as INSPECTOR
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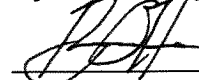
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Respectfully submitted,
Agawam MA Shoemaker Ln Solar LLC,
By its Attorney,

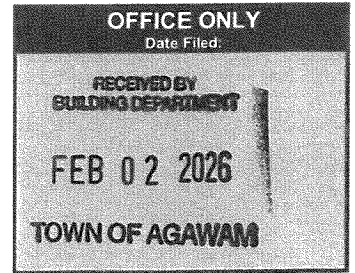


Ryan K. O'Hara
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Northampton, MA 01060
Tel.: (413) 781.0560
Fax: (413) 739.7740
rohara@baconwilson.com
BBO No. 698768

EXHIBIT A



The Commonwealth of Massachusetts
Town of Agawam
 Inspection Services - Building Department
 1000 Suffield Street, Agawam MA 01001 – (413) 821-0632



Application for Zoning Determination

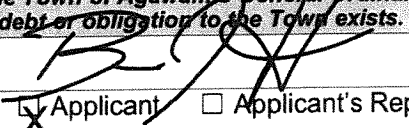
FILING INSTRUCTIONS: Deliver this form (no fee required) to Inspection Services.
 For digital submissions, please confirm receipt. A complete application will be processed within 30 days.
 The applicant must pick-up, or arrange for the receipt of, this processed form.

| | | | | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-------------|-----------------------------------------|--------------------------------------------------------------------------------------------|------------------------------------------|--------------------|-------------------------------------------------------|-------------------------------------|--|
| 1) PROPERTY INFORMATION | | | | | | | | | |
| a. Street Address 311 Shoemaker Lane [REDACTED] | | | b. Zoning District Residence A-3 | | | | | | |
| c. Assessor's Map G4 | | | d. Lot(s) [REDACTED] 1-9 | | | | | | |
| e. Registry of Deeds Book 18505 534 | | | f. Page 223-56 [REDACTED] | | | | | | |
| g. Overlay Districts <input type="checkbox"/> Historic Preservation <input type="checkbox"/> Mixed-Use Business C | | | | | | | | | |
| h. Previous Special Permits, Site Plan Approvals, Findings or Variances Issued for this Site | | | | | | | | | |
| | | | | | | | | | |
| 2) APPLICANT & OWNER INFORMATION | | | | | | | | | |
| a. Applicant Name Agawam MA Shoemaker Ln Solar LLC | | | | | b. Applicant Phone (866) 263-7372 | | | | |
| c. Applicant Email npollis@ameresco.com | | | | | | | | | |
| d. Applicant Mailing Address 111 Speen Street, Suite 410, Framingham MA 01701 | | | | | | | | | |
| e. Applicant Relationship to Property <input type="checkbox"/> Owner <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Other: | | | | | | | | | |
| f. Representative Name (if any) Weston & Sampson Engineers, Inc. | | | | | g. Rep. Phone 978-532-1900 | | | | |
| h. Rep. Email costello.melinda@wseinc.com | | | | | | | | | |
| i. Owner Mailing Address 85026 Barsonage Court, Fernandina Beach FL, 32034 | | | | | | | | | |
| j. Owner Name (if different) Timothy Zielinki | | | | | k. Owner Phone | | | | |
| l. Owner Email | | | | | | | | | |
| m. Owner Mailing Address | | | | | | | | | |
| 3) PROJECT & SITE DETAILS | | | | | | | | | |
| <i>NOTE: Any omission of requested information may result in an INCOMPLETE determination</i> | | | | | | | | | |
| | Existing (lot 9 only) | | | Proposed <input checked="" type="checkbox"/> No changes to building, site or lot | | | -FOR BUILDING DEPT. REVIEW- REQUIRED / NCU | | |
| a. Lot Size | 36.411 +/- ac | | SF | SF | | LOT SIZE | | <input type="checkbox"/> | |
| b. Frontage | 217 +/- | | FT | FT | | FRONTAGE | | <input type="checkbox"/> | |
| c. Front Lot Line | 217 +/- | | FT | FT | | FRONT SB | | <input type="checkbox"/> | |
| d. Side Lot Line (Left/Right) | L: FT 1630 +/- | R: 1008 +/- | FT | L: FT | R: FT | SIDE SB | | <input type="checkbox"/> | |
| e. Rear Lot Line | 1211 +/- | | FT | FT | | REAR SB | | <input type="checkbox"/> | |
| f. Building Height | N/A | | FT | N/A | | BLDG HT | | <input type="checkbox"/> | |
| g. Total BLDG/Res Area | N/A | SF | SF | N/A | SF | AREA LIM | | <input type="checkbox"/> | |
| h. BLDG Coverage (Footprint) | N/A | SF | % of lot | N/A | SF | LOT COVER | | <input type="checkbox"/> | |
| i. Impervious Coverage | 0 | SF | 0 % of lot | 19,534 +/- | SF | 1.2 | % of lot | IMPERVIOUS <input type="checkbox"/> | |
| j. Parking/Loading Spaces | P: 0 | L: 0 | | P: 0 | L: 0 | PARKING | | <input type="checkbox"/> | |
| k. Bicycle/EV Charge Spaces | B: 0 | EV: 0 | | B: 0 | EV: 0 | BIKE/EV | | <input type="checkbox"/> | |
| l. Signs (Size & Type) | x | T: N/A | | x | T: N/A | SIGNS | | <input type="checkbox"/> | |
| m. Fence (Size & Type) | LIN FT | | T: N/A | 2,330 LIN FT | | T: farm knot | | | |
| n. Wetland Area | 37,429 +/- | | SF | 37,429 +/- | | SF | | | |
| o. Utility Services | <input type="checkbox"/> Town Water <input type="checkbox"/> Town Sewer | | | <input type="checkbox"/> Town Water <input type="checkbox"/> Town Sewer | | NON-CONFORMING USE | | <input type="checkbox"/> | |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| p. Current Use of Property | Agriculture, residential |
| q. Proposed Use of Property | Agriculture, residential, energy production |
| r. Project Description | |
| The project proposes an approximately 6.7 acre dual use agrivoltaic solar array, gravel access road, concrete equipment pads, and perimeter fencing within an existing agricultural field. Associated equipment includes underground electrical conduit along the proposed gravel access road and overhead electrical lines along the existing driveway to interconnect the array to existing electrical infrastructure on Shoemaker Lane. | |
| s. I have attached additional narrative, plans or supporting materials (any oversized plans should also be included in an 8.5 x 11" format) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| t. Work is proposed in or within 100' of a wetland or 200' of a stream/river, or construction will occur within the Floodplain district. If so, CONSERVATION COMMISSION review is required. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unsure |
| u. The following projects shall be required to comply with the requirements of a STORM DRAIN PERMIT: [1] Any alteration to sites on parcels of one acre or greater. [2] Any alteration to individual lots less than one acre, but which are contiguous or are deemed part of a common project which is one acre or greater. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure |
| v. The project will affect at least one of the following; additional gross floor area by 2,000 square feet, any change of use, changes to parking and/ or curb cuts. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

4) CERTIFICATION

This determination is based only on the information provided, which I represent as accurate. The issuance of a Zoning Determination does not relieve the Applicant of the responsibility to obtain other zoning or non-zoning permits, as may be required, and this determination is based on the zoning in effect at the issue date and grants no protection from any pending or future zoning changes. Additional information may be requested and required to properly process this form. Any non-zoning related comments provided are cursory in nature; Applicants should follow-up with appropriate Town Departments. Sec. 1-7 of the Town of Agawam's General Ordinances authorizes the denial of a license or permit where an outstanding debt or obligation to the Town exists.

| | | | |
|------------------|-------------------------------------------------------------------------------------|-------------|--------|
| Signature |  | Date | 2/2/26 |
|------------------|-------------------------------------------------------------------------------------|-------------|--------|


Applicant Applicant's Representative

ZONING DETERMINATION - OFFICE USE ONLY

Approved Denied: The proposed use is not permitted in the subject zoning district
 Only permissible with variance relief from the Zoning Board of Appeals

Approved **Pending additional approval:**

| Per Zoning Ordinance Section(s) | Required Permit(s) | Approval Required | Permitting Authority |
|---------------------------------|-------------------------------------------------|--------------------------------------------|-------------------------------------------|
| A180-154-B | <input type="checkbox"/> Building Permit(s) | <input type="checkbox"/> Special Permit(s) | <input type="checkbox"/> Planning Board |
| | <input type="checkbox"/> Electrical Permit(s) | <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Board of Appeals |
| | <input type="checkbox"/> Plumbing/Gas Permit(s) | <input type="checkbox"/> Variance | <input type="checkbox"/> City Council |

| | | | |
|-------------------------------|-------------------------------------------------------------------------------------|-------------------|----------|
| Town Building Official |  | Issue Date | 2/3/2026 |
|-------------------------------|-------------------------------------------------------------------------------------|-------------------|----------|

*This determination may be appealable to the Zoning Board of Appeals under the provisions of MGL Ch. 40A Sec. 8.
Revised 09/08/2022*

** Zone change required from the City Council.*

Minutes: March 9, 2026

Members in attendance:

Doreen Prouty, Chair
Rich Maggi, Vice-Chair
Aldo Mancini, Clerk
Vincenzo Ronghi, Alternate
Viktor Savonin, Alternate

Absent:

1. DOMMENKO, Case # 2042 (continued public hearing)

Sitting on this case: Prouty, Chair; Savonin, Acting Vice-Chair, Mancini, Clerk

Town Councilor Anthony Russo stated he will be introducing an amendment to the Town's Zoning Ordinance regarding fences. This amendment, if passed, will allow fences built higher than 6 ½ feet to be allowed with a building permit. Mr. Russo continued he is hoping this amendment will be passed by the council no later than the end of April. With this new information, the petitioner asked to continue the hearing until at least late April. Members Mancini, Savonin and Prouty agreed to continue this hearing to May 11th at 6:30pm.

2. Member Ronghi made a motion to go out of order and skip to agenda item #3.

Seconded by Member Mancini. All in favor. Motion made to approve February 9, 2026 meeting minutes. Seconded by Member Savonin. All in favor.

3. Member Ronghi made a motion to go out of order and skip to agenda item #4.

Seconded by Member Mancini. All in favor. Chair Prouty stated a new case is coming before this Board, scheduled for April 13th. This case involves an appeal from the Building Inspector's denial of a building permit application to install a solar array on property located on Shoemaker Lane. The appeal states the project involves a solar array known as a agrivoltaic use, meaning it is allowed in conjunction with the agricultural/horticultural use of the property.

4. TSIMOSHAK, Case # 2043, (public hearing)

Sitting on this case: Prouty, Chair; Maggi, Vice-Chair; Mancini, Clerk

Mr. Tsimoshak stated he wishes to operate a used car dealership on the subject property. He submitted a plan showing items such as the location of the building, employee parking, location where vehicles will be sited, lighting and sign. Chair Prouty explained the submitted plan does not show most of the necessary information as required under Ch. 180-13 (C3) nor Ch. 114-5. The subject property owner, Greg Dombrowski, was also present at the hearing. Member Maggi suggested this hearing be continued so the petitioner can return with the required information needed for the Board to make a

decision. Mr. Dombrowski stated he will contact Levesque & Ass. The petitioner then requested this hearing be continued to March 23rd. Members Prouty, Maggi and Mancini agreed to continue this hearing to Monday, March 23rd at 7pm.

Motion to adjourn was made by Member Ronghi and seconded by Member Savonin. All in favor. Chair Prouty closed the meeting at 7:25pm.

The following members attended the public meeting:

Richard Maggi-Vice Chair
Aldo Mancini-Clerk
Vinny Ronghi-Alternate
Viktor Savonin

Members Absent:
Doreen Prouty-Chair

Vice Chair Maggi open the meeting at 6:30pm.

- A. 6:30PM-Public Hearing-Case#2043-371 South Westfield Street-Tsimoshak-Special Permit

The Zoning Board of Appeals received a request to continue this agenda item to the April 13, 2026 meeting.

Motion was made by Mr. Mancini and seconded by Mr. Ronghi to continue the Public Hearing-Case#2043-371 South Westfield Street-Tsimoshak-Special Permit to the April 13, 2026 meeting as requested.

VOTE 4-0-0

- B. Approval of Minutes-March 9, 2026

The members did not discuss or vote the March 9, 2026 minutes.

- C. Any other matter that may legally come before ZBA

None

Motion was made by Mr. Ronghi and seconded by Mr. Savonin to adjourn the meeting.

VOTE 4-0-0

Meeting adjourned at 6:37pm.