



City Council AGENDA

Monday, September 15, 2025 - 6:00 PM

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

A. Approval of Minutes

- 1) Minutes dated **June 16, 2025**

B. Agenda Items

- 1) **ZC-2025-3** - Petition for Zone Change by VIP Homes & Associates, LLC for property located at 430 North West Street, Feeding Hills section of Agawam, Hampden County, Massachusetts (Assessor's Parcel ID: C13-4-4) from Business B to the Residence B District
- 2) **TOR-2025-8** - An Ordinance to amend Chapter 121 of the Code of the City of Agawam entitled Noise (Sponsored by Mayor Johnson and Council Vice President Russo)
- 3) **PH-2025-10 (TOR-2025-9)** - An Ordinance to amend Section 180-8 of the Code of the City of Agawam entitled Supplementary Regulations by adding paragraph N regarding construction hours (Sponsored by Mayor Johnson and Council Vice President Russo) (Two Readings Required)
– **Public Hearing date set for October 6, 2025 (Referred to Legislative Committee)**

C. Any other business that may legally come before the Committee

D. Adjournment

R LEVESQUE ASSOCIATES, INC.

40 School Street, P.O. BOX 640, Westfield, MA 01085

p 413.568.0985 · f 413.568.0986 · www.rlaland.com



September 10, 2025

Via email: BBard@agawam.ma.us

Rosemary Sandlin, Council President
Town of Agawam City Council
36 Main Street
Agawam, Massachusetts 01001

RE: Request to Withdraw Without Prejudice – Zoning Map Amendment Petition
430 North West Street
Feeding Hills, Massachusetts 01030
(Parcel ID: C13-4-4)
RLA Project File No. 250116

Dear President Sandlin and Councilors:

On behalf of the applicant and property owner, VIP Homes & Associates, LLC c/o Mr. Vladimir Ruha, R Levesque Associates, Inc. is requesting to withdraw without prejudice the above-referenced zoning map amendment petition. Given the negative recommendation from the Planning Board, the applicant requests the ability to revisit the project and determine whether to return to the Town with a revised filing.

Should you have any questions or comments regarding this request, please do not hesitate to contact our office at your earliest convenience.

Sincerely,
R LEVESQUE ASSOCIATES, INC.

Nina Fazio

Nina Fazio
Permitting Coordinator

cc: Planning Board



Town of Agawam

Planning Board

36 Main Street
Agawam, MA 01001
Telephone:
413-786-0400 ext. 8245
Fax: 413-786-9927

September 5, 2025

Rosemary Sandlin, President
Anthony J. Russo, Vice President
Edward Borgatti, Councilor
George Bitzas, Councilor
Thomas D. Hendrickson, Councilor
Dino R. Mercadante, Councilor
Robert E. Rossi, Councilor
Gerald F. Smith, Councilor
Peter Smus, Councilor
Anthony R. Suffriti, Councilor
Maria F. Valego, Councilor

Agawam City Council
36 Main Street
Agawam, MA 01001

Dear Councilors:

At its duly called meeting held on September 4, 2025 the Agawam Planning Board voted 3-1 to send a negative recommendation to the City Council regarding the proposed zone change on 430 North West Street from Business B to Residence B.

If you have any questions, please contact this office at 413-786-0400, extension 8245.

Sincerely,

Frank DeStefano, Vice Chairperson
Agawam Planning Board

cc: Clerk, Solicitor, File

**PETITION FOR ZONE CHANGE BY VIP HOMES & ASSOCIATES, LLC
FOR PROPERTY LOCATED AT 430 NORTH WEST STREET,
FEEDING HILLS SECTION OF AGAWAM, HAMPDEN COUNTY,
MASSACHUSETTS (ASSESSOR PARCEL ID: C13-4-4)
FROM BUSINESS B DISTRICT TO RESIDENCE B DISTRICT**

WHEREAS, VIP Homes & Associates, LLC (the "Petitioner") is the owner of the parcel of land located at 430 North West Street in the Feeding Hills Section of Agawam, Hampden County, Massachusetts (Assessor Parcel ID: C13-4-4) (the "Parcel") which is more particularly described in a deed to the Petitioner which is recorded in the Hampden County Registry of Deeds in Book 21927, Page 342; and

WHEREAS, VIP Homes & Associates, LLC submitted a Petition to change the zoning on the Parcel dated July 24, 2025 which was received on July 28, 2025 from the Business B District to the Residence B District; and

WHEREAS, the Petitioner indicates in its Petition that "*The proposed zoning amendment is intended to allow for residential development on the site, consistent with the character of surrounding uses... [and it]... would support the applicant's plan to divide the subject property for residential construction ...*"; and

WHEREAS, the Petitioner further indicates in its Petition that the zone change "*will be desirable and without substantial detriment to the public good*"; and

NOW THEREFORE, the Agawam City Council hereby resolves to change the zoning of the Parcel of land located at 430 North West Street in the Feeding Hills Section of Agawam, Hampden County, Massachusetts (Assessor Parcel ID: C13-4-4) which is more particularly described in a deed to the Petitioner which is recorded in the Hampden County Registry of Deeds in Book 21927, Page 342 from the Business B District to the Residence B District.

Dated this _____ day of _____, 2025.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin, President

APPROVED AS TO FORM AND LEGALITY



Christopher S. Cappucci, Solicitor

From:

R LEVESQUE ASSOCIATES, INC.

A Land Planning Services Company

www.rlaland.com

40 School Street, P.O. Box 640, Westfield, MA 01085
(O) 413-568-0985 (F) 413 -568-0986

To: Town of Agawam City Council

36 Main Street

Agawam, MA 01001

Attention: Barbara Bard

LETTER OF TRANSMITTAL

Date: July 28, 2025

Project No: 250116

Project Name: 430 North West Street

RE: Zoning Map Amendment

We Are Transmitting to You:

☐ Under Separate Cover VIA _____

☐ Original Drawings

☒ Plans

☐ Photographs

☐ Response Letter

☐ Stormwater Report

☐ Specifications

☐ Photographs

☒ Other Filing Fee

☒ App. Zoning Map Amendment Petition

Copies	REV Date	REV #	Description
4			Application Packet (1 original, 3 copies)
4			Proposed Zone Change Plan – Tabloid (11" x 17")
4			Existing Zone Change Plan – Tabloid (11" x 17")
1			Filing Fee

These are Transmitted as Noted Below:

☒ For Approval

☐ For Review & Comment

☐ For Information

☐ For Action

☐ For Endorsement

☐ For Recording

☐ As Requested

☐ For Corrections

☐ _____

Remarks: Hello, all materials have been emailed to you, as well. Please contact us with any
questions or comments you may have. Thank you for your time and attention to this submission.

Copies To

Vlad Ruha
Planning Board

Received by:

AGAWAM CITY COUNCIL
2025 JUL 28 PM 2:40

Delivered by: Jeanne Cook - RLA

Note: If Enclosures are not as noted, please notify us at once.

Request for Zoning Map Amendment

Under Town of Agawam Zoning Ordinance § 180-3 – Districts enumerated; Building Zone Map.

Proposed Residence B (RB) Zoning District

Project Location:

430 North West Street
Feeding Hills, Massachusetts 01030
(Parcel ID: C13-4-4)

Submitted To:

Town of Agawam City Council
36 Main Street
Agawam, Massachusetts 01001

Applicant & Property Owner:

VIP Homes & Associates, LLC
c/o Mr. Valdimir Ruha
29 Avalon Place
Feeding Hills, Massachusetts 01030

RLA Project File No. 250116

July 24, 2025

R LEVESQUE ASSOCIATES, INC.

A LAND PLANNING SERVICES COMPANY

40 School Street, Westfield, MA 01085

p 413.568.0985 · f 413.568.0986 · www.rlaland.com

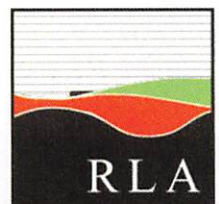


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I. PETITION LETTER

RL LEVESQUE ASSOCIATES, INC.

40 School Street, P.O. BOX 640, Westfield, MA 01085

p 413.568.0985 · f 413.568.0986 · www.rlaland.com



July 24, 2025

Rosemary Sandlin, Council President
Town of Agawam City Council
36 Main Street
Agawam, Massachusetts 01001

RE: Request for Zoning Map Amendment – Proposed Residence B (RB) Zoning District
430 North West Street
Feeding Hills, Massachusetts 01030
(Parcel ID: C13-4-4)
RLA Project File No. 250116

Dear President Sandlin and Councilors:

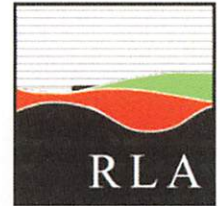
On behalf of the applicant and property owner, VIP Homes & Associates, LLC c/o Mr. Vladimir Ruha, R Levesque Associates, Inc. is submitting this Request for Zoning Map Amendment for the above-referenced property in Feeding Hills, Massachusetts.

PROPERTY DESCRIPTION

The subject property is located east of North West Street and north of North Street Extension and consists of approximately 1.36 ± acres. The subject property is owned by VIP Homes & Associates, LLC and is recorded under the Hampden County Registry of Deeds in Book 21927, Page 342. A copy of the deed reference is included within this petition packet under Section 3. According to the Town of Agawam online Assessor's database, the subject property is located within the Business B (BB) zoning district. A Locus Map depicting the property's location and current zoning is included within this petition packet under Section 2.

ZONING MAP AMENDMENT PETITION

The petitioner respectfully requests that the Town of Agawam City Council grant the above-referenced Zoning Map Amendment under the Massachusetts General Laws Chapter 40A Section 5 to amend the Town of Agawam Building Zone Map to allow for the entirety of the subject property to be rezoned to the Residence B (RB) zoning district, as promulgated under Article VI of the local zoning regulations.



STATEMENT OF PURPOSE

The proposed zoning amendment is intended to allow for residential development on the site, consistent with the character of surrounding uses. The proposed zoning map amendment to Residence B would support the applicant's plan to divide the subject property for residential construction that aligns with the existing development patterns in the area.

STATEMENT OF JUSTIFICATION

Facts to support a finding that the proposed Zoning Map Amendment will be desirable and without substantial detriment to the public good:

1. The applicant intends to rezone the property from a business-oriented zoning district to a residential-oriented zoning district to allow for future development and improvements at this site.
2. There is no significant impact to the neighborhood in requesting the proposed Zoning Map Amendment as similar residential areas currently exist within the general vicinity of the subject properties.
3. The subject property is well suited for residential use and has ample space to utilize for construction.
4. The subject property is located in a primarily residentially utilized neighborhood and the proposed residential use of the site better aligns with the neighborhood than the existing allowable business uses.

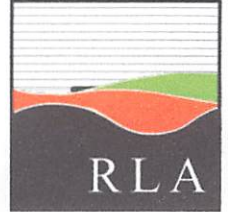
CONCLUSION

Understanding the above, the proposed Zoning Map Amendment is not detrimental to the public good and does not substantially derogate from the intent of and purpose of the Town of Agawam Zoning Ordinance. Based on the foregoing, and all the supplemental information attached, the applicant respectfully requests that the Town of Agawam City Council grant the requested Zoning Map Amendment under the Town of Agawam Zoning Ordinance to allow for the entirety of the subject property to be rezoned to the Residence B (RB) zoning district.

R LEVESQUE ASSOCIATES, INC.

40 School Street, P.O. BOX 640, Westfield, MA 01085

p 413.568.0985 · f 413.568.0986 · www.rleland.com



Applicant and Property Owner:

Vladimir Ruha
VIP Homes & Associates, LLC c/o Mr. Vladimir Ruha

As required, a copy of this submission has been provided electronically via email to the Town of Agawam City Council and Planning Board. We are requesting to be placed on the City Council's next available agenda. Should you have any questions or comments regarding this submission, please do not hesitate to contact our office at your earliest convenience.

Sincerely,

R LEVESQUE ASSOCIATES, INC.

Nina Fazio

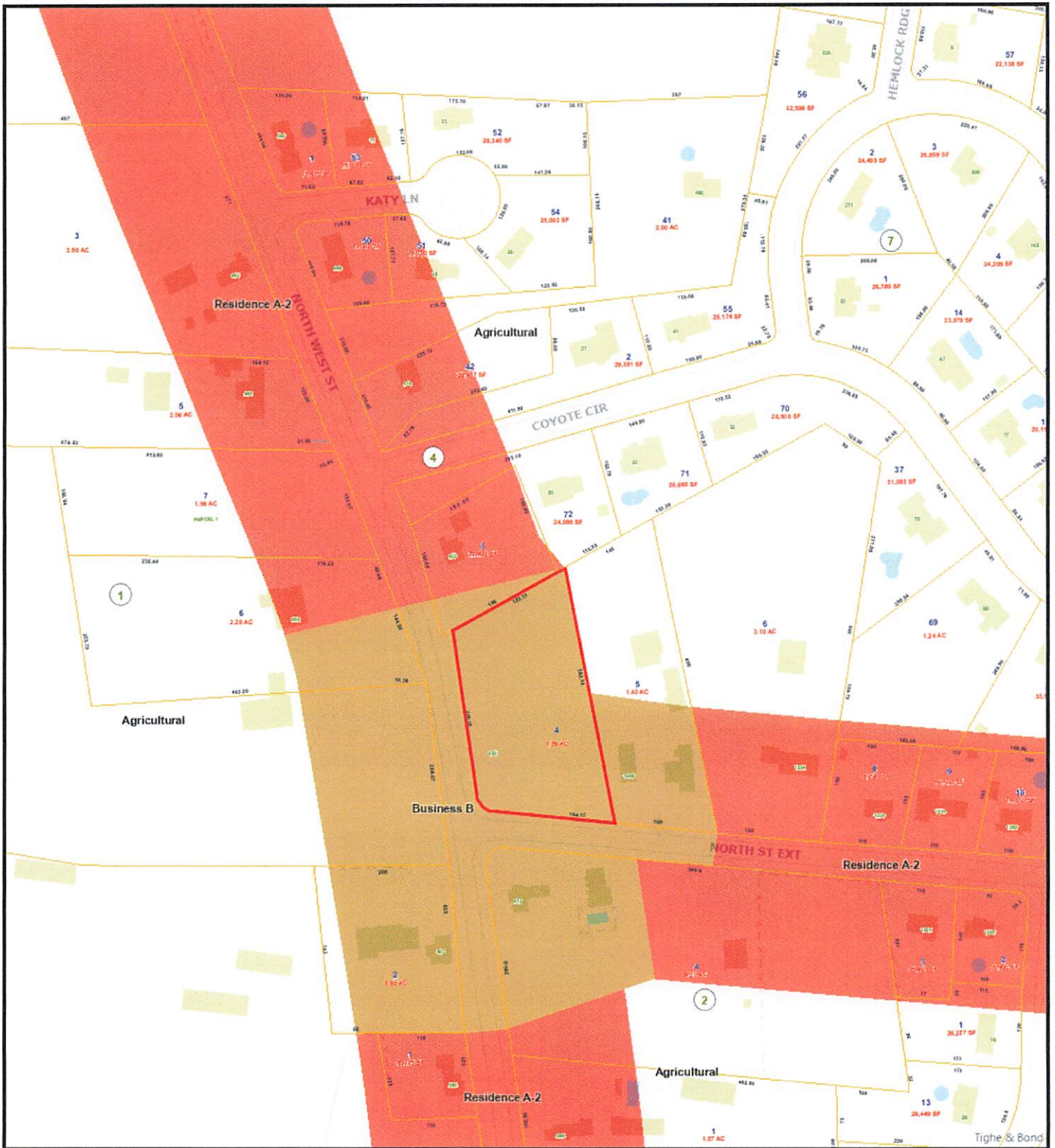
Nina Fazio

Permitting Coordinator

ORIGINAL

2. LOCUS MAP

(SOURCE: TOWN OF AGAWAM GIS)



Locus Map

4/1/2025 1:20:28 PM

Scale: 1"=200'

Scale is approximate

The information depicted on this map is for planning purposes only.
It is not adequate for legal boundary definition, regulatory
interpretation, or parcel-level analyses.



3. DEED REFERENCE

(SOURCE: HAMPDEN COUNTY REGISTRY OF DEEDS)

DEED

KNOW ALL MEN BY THESE PRESENTS that, WE, RUSSELL D. JENKS, an unmarried man, of 430 N. West Street, Feeding Hills, Hampden County, Massachusetts and RONALD R. CORRIVEAU, a married man, of 773 N. West Street, Feeding Hills, Hampden County, Massachusetts, as joint owners,

For consideration of One Hundred Thirty-five Thousand and No/100 (\$135,000.00) Dollars,

Grant to VIP Homes & Associates, LLC, of 29 Avalon Place, Feeding Hills (Agawam), Hampden County, Massachusetts,

with Warranty Covenants

A certain parcel of land situated on the Northerly side of North Street and the Easterly side of North West Street, Agawam, Hampden County, Massachusetts and being more particularly bounded and described as follows:

Beginning at an iron pin set in the easterly line of North West Street, said iron pin being located at the southwesterly corner of land now or formerly of William Hopkins; thence S. 8° 45' 25" E. along North West Street, two hundred sixteen and 53/100 (216.53) feet to an iron pin; thence southerly and southeasterly in a curved line having a radius of fifty (50) feet and an interior angle of 72° 14' 02" to an iron pin, said curved line forming the intersection of the easterly line of North West Street with the northerly line of North Street; thence S. 84° 59' 27" E. along North Street, one hundred sixty-five and 87/100 (165.87) feet to an iron pin; thence N. 12° 42' 27" W. three hundred sixty-seven and 31/100 (367.31) feet to an iron pin at land now or formerly of John Hopkins; thence S. 60° 17' 49" W. along land now or formerly of said John Hopkins and William Hopkins, one hundred eighty-three and 11/100 (183.11) feet to the point of beginning. For further reference, see plan entitled "Property of Russell D. Jenks and Joan Jenks" dated July 1991 and recorded in the Hampden County Registry of Deeds Plan Book 280, Page 79.

Reserving to the grantor herein, his heirs and assigns the right of ingress and egress over a farm road running along the northwesterly line of the above described premises and subject to the rights of others lawfully entitled to use the same.

As per M.G.L. c 188 s 13, RUSSELL D. JENKS, under oath and subject to the pains and penalties of perjury, does hereby depose, state and certify that: (i) I release all rights of Homestead in the subject realty, (ii) that no spouse, no non-owner spouse, former spouse, or any other person(s) resides in the home, and (iii) at the time of delivery of this deed, no spouse, former spouse, or any other person(s) is entitled to claim the benefit of an existing estate of homestead.

RONALD R. CORRIVEAU under oath and subject to the pains and penalties of perjury states that the premises herein conveyed was not the principal residence of either himself or his spouse and neither are entitled to claim Homestead rights in the subject property.

Being the premises conveyed to the Grantors herein by deed from Russell D. Jenks dated August 31, 2017, and recorded in Hampden County Registry of Deeds in Book 21839, Page 231.

Being the premises known as 430 N. West Street, Feeding Hills (Agawam), MA 01030.

Witness our hands and seals this 1st day of November, 2017,

Abbe W. McLane
Witness

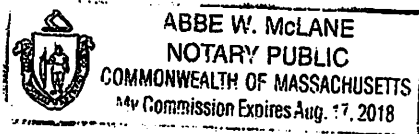
Russell D Jenks
RUSSELL D. JENKS

Ronald R. Corriveau
RONALD R. CORRIVEAU

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss

On this 1st day of November, 2017, before me, the undersigned notary public, personally appeared RUSSELL D. JENKS and RONALD R. CORRIVEAU and proved to me through satisfactory evidence of identification, which were valid driver's licenses, to be the persons whose names are RUSSELL D. JENKS and RONALD R. CORRIVEAU signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose.



Abbe W. McLane
Abbe W. McLane, Notary Public
My Commission Expires: August 17, 2018

MASSACHUSETTS STATE EXCISE TAX
HAMPDEN COUNTY REGISTRY OF DEEDS
Date: 11-01-2017 @ 09:46am
Ctl#: 49 Doc#: 64788
Fee: \$615.60 Cons: \$135,000.00

DONALD E. ASHE, REGISTER
HAMPDEN COUNTY REGISTRY OF DEEDS

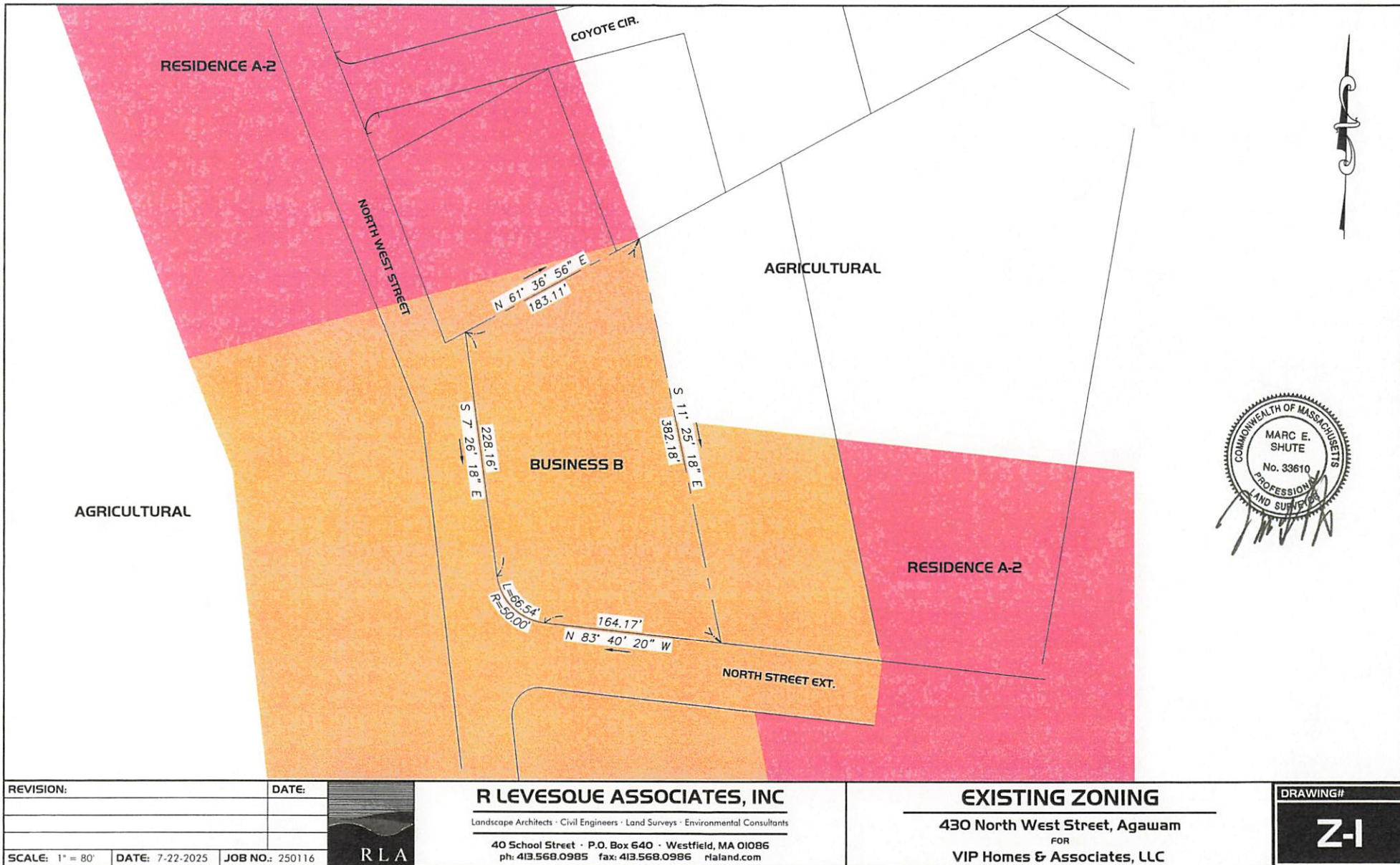
APPENDIX A: EXISTING SITE PLAN

SITE PLAN ENTITLED "EXISTING ZONING"

PREPARED FOR VIP HOMES & ASSOCIATES, LLC

PREPARED BY R LEVESQUE ASSOCIATES, INC.

DATED JULY 22, 2025



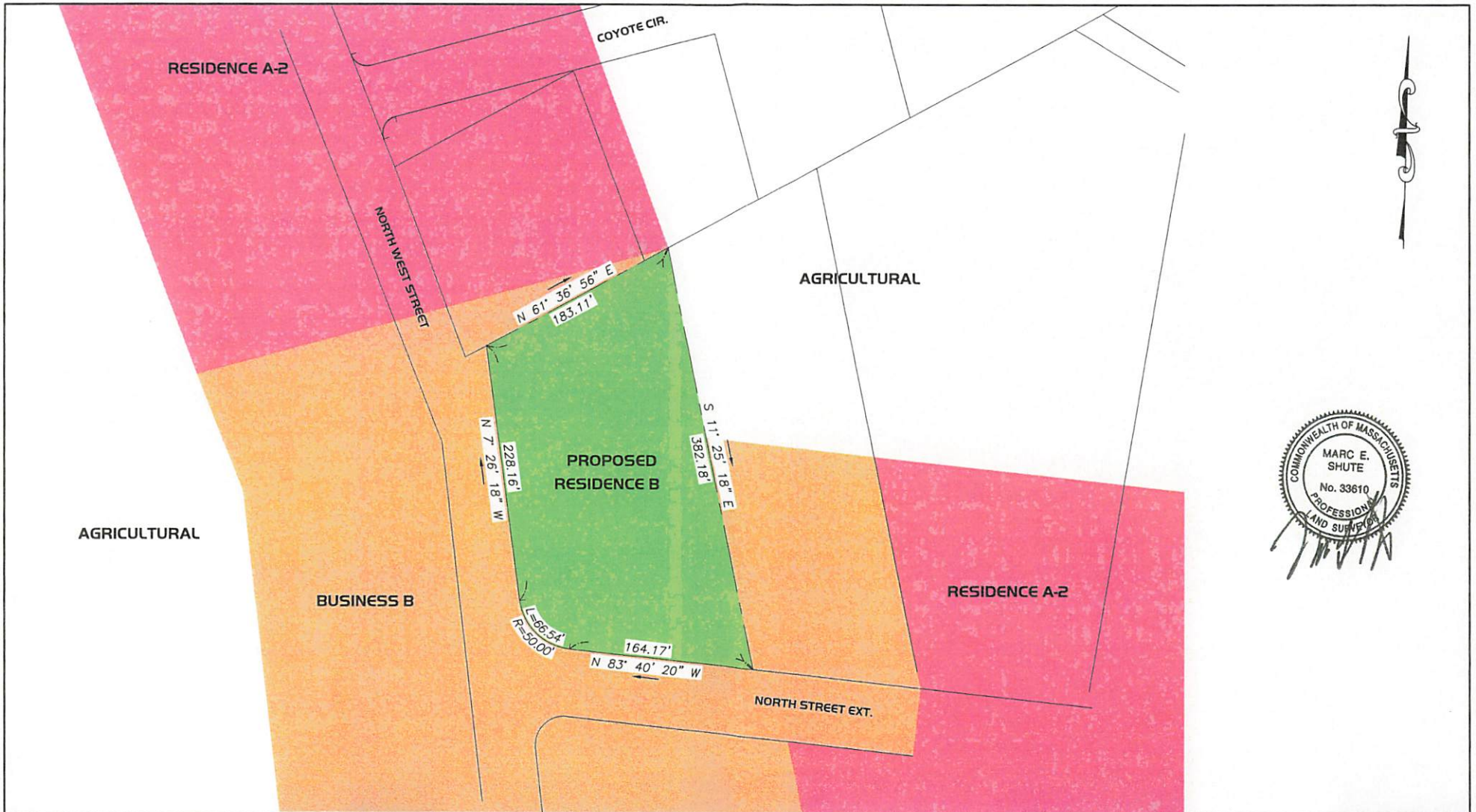
APPENDIX A: PROPOSED SITE PLAN

SITE PLAN ENTITLED "PROPOSED ZONE"

PREPARED FOR VIP HOMES & ASSOCIATES, LLC

PREPARED BY R LEVESQUE ASSOCIATES, INC.

DATED JULY 22, 2025



REVISION:		DATE:		R LEVESQUE ASSOCIATES, INC Landscape Architects · Civil Engineers · Land Surveys · Environmental Consultants 40 School Street · P.O. Box 640 · Westfield, MA 01086 ph: 413.568.0985 fax: 413.568.0986 rland.com	PROPOSED ZONE 430 North West Street, Agawam FOR VIP Homes & Associates, LLC	DRAWING#
						Z-2
SCALE: 1" = 80'	DATE: 7-22-2025	JOB NO.: 250116				

TOR-2025-8

**AN ORDINANCE TO AMEND CHAPTER 121 OF THE
CODE OF THE CITY OF AGAWAM ENTITLED NOISE**

(Sponsored by Christopher C. Johnson, Mayor and Anthony Russo, Council Vice President)

WHEREAS, Chapter 121 of the Code of the City of Agawam which for lack of a better title is Agawam's noise ordinance was adopted in 1990; and

WHEREAS, Agawam's existing noise ordinance is outdated and needs to be updated to reflect current considerations regarding what is unreasonably loud, disturbing and/or unnecessary noise; and

WHEREAS, the proposed new Chapter 121 takes into consideration such factors as what is usual and customary noise incidental to suburban life; the character of the zoning and the customary and natural noise incident to the operation of businesses or industries permitted by our zoning so as not to work an undue hardship upon lawful business and industrial establishments and emergency situations; and

WHEREAS, it is in the best interests of the City of Agawam to update Chapter 121 which is our noise ordinance; and

NOW THEREFORE, the AGAWAM CITY COUNCIL hereby makes the following amendment to Chapter 121 of the Code of the City of Agawam entitled "Noise":

Amend Chapter 121 entitled "Noise" by striking the existing provisions in their entirety and substituting the following provisions in their place:

§ 121-1 Prohibited noises enumerated.

Pursuant to Massachusetts General Laws, Chapter 40, § 21, Clause 22, as amended from time to time, the creation of or failure to abate or control any unreasonably loud, disturbing and/or unnecessary noise is prohibited. This chapter is intended to prohibit preventable and unnecessary noise and is not intended nor shall it be construed to regulate the usual and customary noise incidental to suburban life.

In all applications of this chapter, due consideration shall be given to the character of the zoning, and the customary and natural noise incident to the operation of businesses or industries permitted by zoning so as not to work an undue hardship upon lawful business and industrial establishments.

§ 121-2 Exemptions.

This chapter shall not be construed so as to apply to the following:

- a. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work or in training exercises related to emergency activities.
- b. Any lawful program or activity supervised, licensed or permitted by the appropriate authority within the Town of Agawam or the state or federal government. Any person or entity licensed or permitted by the Town of Agawam, who is alleged to have caused unreasonable noise, as defined above, in violation of this chapter shall be subject to the violation procedures and penalties as established by the relevant license or permit granting authority within the Town of Agawam.
- c. Emergency situations, which are defined as a situation wherein immediate work is necessary to restore property to a safe condition following a public calamity, natural disaster, snow emergency, or where immediate work is required to protect persons or property from imminent exposure to danger.

§ 121-3 Enforcement.

The provisions of this chapter may be enforced by any police officer.

§ 121-4 Violations and penalties.

- a. **Criminal Enforcement.** Any person aggrieved by such disturbance of the peace may complain to the Police Department about such unreasonable or excessive noise. The Police Department shall verify the complaint and may, in their sole discretion, thereupon arrest and/or make application in the appropriate court for issuance of a criminal complaint for violation of Massachusetts General Laws Chapter 272 §53 which sets forth the elements of and penalties for disturbing the peace.
- b. **Noncriminal Enforcement.** In addition to the procedure for enforcement as described above, the provisions of this chapter may be enforced by noncriminal complaint pursuant to the provisions of Massachusetts General Laws Chapter 40, §21D, as amended from time to time. The fine for any violation disposed of through this procedure shall be one hundred (\$100.00) dollars for the first offense; two hundred (\$200.00) dollars for the second offense; and three hundred (\$300.00) dollars for the third and each subsequent offense. Each day such violation continues shall be deemed a separate offense. Unpaid fine(s) shall be subject to the municipal charges lien pursuant to Massachusetts General Laws Chapter 40, §58, as amended from time to time.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin, President, Agawam City Council

APPROVED AS TO FORM AND LEGALITY



Christopher S. Cappucci, Solicitor

Existing Chapter 121 entitled "NOISE"

§ 121-1. Prohibited noises enumerated.

Pursuant to MGL C. 40, § 21, Clause 22, the creation of or failure to abate or control any unreasonably loud, disturbing and/or unnecessary noise is prohibited. Without limiting the generality of the foregoing, the following acts are hereby declared to be unreasonably loud, disturbing and/or unnecessary noise in violation of this section:

A. Motor vehicles:

- (1) The sounding of any horn, whistle or signal device on any motorized vehicle, including but not limited to an automobile, bus, truck, motorcycle or motorscooter, while in motion or not in motion, except as a danger signal if another vehicle is approaching in an erratic or out of control manner.
- (2) The operation of any motorized vehicle, including but not limited to an automobile, bus, truck, motorcycle or motorscooter, in such a manner or in such a condition as to cause unreasonably loud, disturbing and/or unnecessary noise.

B. Radios, stereos, phonographs, musical instruments and/or other audio/video equipment: the playing of any radio, stereo, phonograph, musical instrument and/or other audio/video equipment in such a manner or at such volume as to annoy or disturb the quiet, comfort or repose of other person(s).

C. Churches and schools: the creation of any unreasonably loud, disturbing and/or unnecessary noise on any area adjacent to any church, school or other educational or religious institution while the same is in session.

D. Peddlers and hawkers: the shouting and/or crying of peddlers, hawkers and/or other street vendors which annoys or disturbs the quiet, comfort or repose of other person(s).

E. Use of drums and/or loudspeakers for sale or display: the use of any drum, loudspeaker, musical instrument or other voice amplification device for the purpose of attracting attention by creation of noise for sale or display of merchandise. Amusement parks, civic and religious organizations shall be exempt from the provisions of this subsection.

§ 121-2. Enforcement.

The Police Department shall have the authority to enforce the provisions of this chapter.

§ 121-3. Violations and penalties.

Whoever violates this chapter shall be fined not more than \$300 nor less than \$100 for the first offense. Second and subsequent offenses shall result in a mandatory fine of \$300. Whoever violates any provision of this chapter shall pay restitution to the Town of Agawam in an amount equal to all costs and expenses, including reasonable attorney's fees, incurred by the town in the prosecution of this chapter.



Town of Agawam

Christopher C. Johnson, Mayor
36 Main Street
Agawam, MA 01001
Telephone: 413-786-4520

Memorandum

To: Agawam City Council
From: Christopher C. Johnson, Mayor
Re: TOR-2025-8 and TOR-2025-9 (Noise Ordinance and Construction Hours)
Date: August 28, 2025

Attached please find TOR-2025-8 (a rewrite of our noise ordinance) and TOR-2025-9 (a modification to our supplementary zoning regulations regarding construction hours). Council Vice President Russo approached me regarding a complaint that he received from a resident regarding some very early construction activity on a weekend. I researched the topic and came up with the two ordinance amendments.

In looking at noise ordinances from surrounding communities and comparing them to our current ordinance, it became apparent that our ordinance needed to be updated. The proposed ordinance takes into consideration what is usual and customary noise incidental to suburban life. This is an important consideration because suburban life is not completely quiet, so not all noise that an individual finds subjectively to be unreasonably loud or disturbing is prohibited.

It also takes into consideration, the character of the zoning and the customary and natural noise incident to the operation of businesses or industries permitted by our zoning so as not to work an undue hardship upon lawful businesses and industrial establishments. If you live near business or industrially zoned property which has operating businesses, a certain level of noise is to be expected.

The proposed noise ordinance also contains a definition of emergency situations and more clearly exempts noise generated pursuant to such situations. It is not uncommon to receive complaints regarding snow removal operations conducted at night or in the early morning hours. This is noise that is incidental to an emergency situation and should not be prohibited. The Police Chief reviewed the draft noise ordinance and believes it is a substantial improvement over our existing ordinance.

The modification to our supplementary zoning regulations regarding construction hours sets reasonable times for construction activities for weekdays and weekends. It also exempts emergency situations and allows the Inspector of Buildings to provide special exceptions. The reason it is a zoning amendment is that it will allow the Inspector of Buildings to enforce the ordinance via a stop work order. Otherwise, contractors may choose to simply pay a fine and operate outside the designated hours.

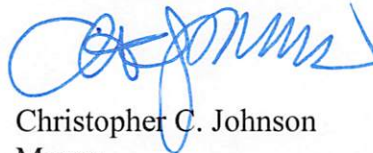
Agawam City Council

August 28, 2025
Page Two

I believe that the two ordinances taken together represent an improvement in the Town's ability to deal with noise complaints. I also believe they are reasonable in their scope and will not adversely affect our local businesses.

Please do not hesitate to contact me with any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read "C. Johnson", with a stylized flourish at the end.

Christopher C. Johnson
Mayor

**AN ORDINANCE TO AMEND SECTION 180-8 OF THE
CODE OF THE CITY OF AGAWAM ENTITLED SUPPLEMENTARY
REGULATIONS BY ADDING PARAGRAPH N
REGARDING CONSTRUCTION HOURS**

(Sponsored by Christopher C. Johnson, Mayor and Anthony Russo, Council Vice President)

WHEREAS, the Code of the City of Agawam contains no provision which regulates the hours during which construction is allowed; and

WHEREAS, construction, especially in residential areas or areas adjacent to residences, can be the source of unreasonably loud, disturbing and/or unnecessary noise; and

WHEREAS, the proposed new Paragraph N to Section 180-8 which are the enumerated supplementary zoning regulations sets reasonable limits on the times of day which construction may occur on both weekdays and weekends, it makes provision for emergency situations, and as a zoning ordinance is enforceable by the Inspector of Buildings or their designee; and

WHEREAS, the ability of the Inspector of Buildings to enforce as a zoning ordinance will allow for stop work orders to immediately cease construction activities during prohibited times; and

WHEREAS, it is in the best interests of the City of Agawam to add new Paragraph N regarding construction hours to Section 180-8 which are the enumerated supplementary zoning regulations; and

NOW THEREFORE, the AGAWAM CITY COUNCIL hereby makes the following amendment to Section 180-8 of the Code of the City of Agawam entitled "Supplementary regulations":

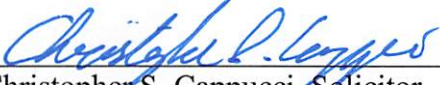
Amend §180-8 entitled "Supplementary regulations" by adding the following paragraph:

- N. No erection, demolition, alteration or repair of any building and excavation in regard thereto shall take place except between the hours of 6:00 A.M. and 8:00 P.M. on weekdays and the hours of 8:00 A.M. and 6:00 P.M. on weekends, upon the issuance of and pursuant to a building permit from the Inspector of Buildings, except for emergency work of public service utilities or general public works repairs of an emergency nature and/or emergency situations which are defined as a situation wherein immediate work is necessary to restore property to a safe condition following a public calamity, natural disaster, snow emergency or where immediate work is required to protect persons or property from imminent exposure to danger. Other special exceptions may be authorized by the Inspector of Buildings or their designee.

PER ORDER OF THE AGAWAM CITY COUNCIL

Rosemary Sandlin, President, Agawam City Council

APPROVED AS TO FORM AND LEGALITY



Christopher S. Cappucci, Solicitor



Town of Agawam

Christopher C. Johnson, Mayor
36 Main Street
Agawam, MA 01001
Telephone: 413-786-4520

Memorandum

To: Agawam City Council
From: Christopher C. Johnson, Mayor
Re: TOR-2025-8 and TOR-2025-9 (Noise Ordinance and Construction Hours)
Date: August 28, 2025

Attached please find TOR-2025-8 (a rewrite of our noise ordinance) and TOR-2025-9 (a modification to our supplementary zoning regulations regarding construction hours). Council Vice President Russo approached me regarding a complaint that he received from a resident regarding some very early construction activity on a weekend. I researched the topic and came up with the two ordinance amendments.

In looking at noise ordinances from surrounding communities and comparing them to our current ordinance, it became apparent that our ordinance needed to be updated. The proposed ordinance takes into consideration what is usual and customary noise incidental to suburban life. This is an important consideration because suburban life is not completely quiet, so not all noise that an individual finds subjectively to be unreasonably loud or disturbing is prohibited.

It also takes into consideration, the character of the zoning and the customary and natural noise incident to the operation of businesses or industries permitted by our zoning so as not to work an undue hardship upon lawful businesses and industrial establishments. If you live near business or industrially zoned property which has operating businesses, a certain level of noise is to be expected.

The proposed noise ordinance also contains a definition of emergency situations and more clearly exempts noise generated pursuant to such situations. It is not uncommon to receive complaints regarding snow removal operations conducted at night or in the early morning hours. This is noise that is incidental to an emergency situation and should not be prohibited. The Police Chief reviewed the draft noise ordinance and believes it is a substantial improvement over our existing ordinance.

The modification to our supplementary zoning regulations regarding construction hours sets reasonable times for construction activities for weekdays and weekends. It also exempts emergency situations and allows the Inspector of Buildings to provide special exceptions. The reason it is a zoning amendment is that it will allow the Inspector of Buildings to enforce the ordinance via a stop work order. Otherwise, contractors may choose to simply pay a fine and operate outside the designated hours.

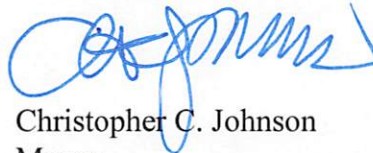
Agawam City Council

August 28, 2025
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I believe that the two ordinances taken together represent an improvement in the Town's ability to deal with noise complaints. I also believe they are reasonable in their scope and will not adversely affect our local businesses.

Please do not hesitate to contact me with any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read "C. Johnson", with a stylized flourish at the end.

Christopher C. Johnson
Mayor