



Zoning Board of Appeals AGENDA

Monday, October 28, 2024 - 6:30 PM

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

A. Zoning Board of Appeals

- 1) 6:30PM-Public Hearing Cont.-Case#2023-BBB Auto Inc.(Chuiduk)-Special Permit
- 2) Approval of Minutes-September 23, 2024
- 3) 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 #: 2023
Filed: _____
Hearing: 8.23.24
Expires: _____

Application to Board of Appeals for SPECIAL PERMIT as provided in the Zoning and other By-laws.

Applicant BBB Auto Inc (Aleksandr Chuduk)

Address 266 Walnut St, Agawam, MA 01001

Application is hereby made for a SPECIAL PERMIT as provided by Section 180, Paragraph 44 of the By-law. 114-5

Premises affected are situated on Walnut St Street; _____ feet distant

from the corner of _____ Street and known as street number 266.

Property is zoned as Automotive BusA.

Reason(s) for request of Special Permit:

Adding auto sales license class II

alexchuduk@gmail.com

Signature of owner or his authorized agent: A. Chuduk

Telephone #: 413-478-7560

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



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

OFFICE ONLY Date Filed: RECEIVED BY INSPECTION SERVICES AUG 01 2024 TOWN OF AGAWAM

Application for Zoning Determination

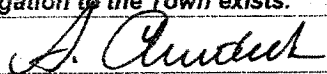
FILING INSTRUCTIONS: Deliver this form (no fee required) to Inspection Services.

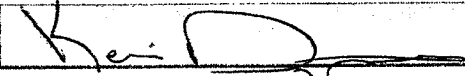
For digital submissions, please confirm receipt. A complete application will be processed within 30 days.

The applicant must pick-up, or arrange for the receipt of, this processed form.

1) PROPERTY INFORMATION							
a. Street Address 266 Walnut st				b. Zoning District Bus A			
c. Assessor's Map J15 2-4		d. Lot(s)		e. Registry of Deeds Book 19374 (23025)		f. Page 243 (267)	
g. Overlay Districts ☐ Historic Preservation ☐ 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 Aleksandr Chuduk				b. Applicant Phone 413-478-7566			
c. Applicant Email alexchuduk@gmail.com							
d. Applicant Mailing Address 266 Walnut St, Agawam MA 01001							
e. Applicant Relationship to Property ☒ Owner ☐ Agent ☐ Other:							
f. Representative Name (if any)				g. Rep. Phone			
h. Rep. Email							
i. Owner Mailing Address 266 Walnut St Agawam MA 01001							
j. Owner Name (if different) Aleksandr Chuduk				k. Owner Phone 413-478-7566			
l. Owner Email alexchuduk@gmail.com							
m. Owner Mailing Address							
3) PROJECT & SITE DETAILS							
NOTE: Any omission of requested information may result in an INCOMPLETE determination							
	Existing		Proposed		-FOR BUILDING DEPT. REVIEW- REQUIRED / NCU		
			☐ No changes to building, site or lot				
a. Lot Size	841 430 SF		33047 SF		LOT SIZE		
b. Frontage	200 FT		46 FT		FRONTAGE		
c. Front Lot Line	200 FT		46 FT		FRONT SB		
d. Side Lot Line (Left/Right)	L: FT 440 R: 360 FT		L: 219 FT R: 100 FT		SIDE SB		
e. Rear Lot Line					REAR SB		
f. Building Height	18 FT		18 FT		BLDG HT		
g. Total BLDG/Res Area	SF	SF	SF	SF	AREA LIM		
h. BLDG Coverage (Footprint)	SF	% of lot	SF	% of lot	LOT COVER		
i. Impervious Coverage	SF	% of lot	SF	% of lot	IMPERVIOUS		
j. Parking/Loading Spaces	P: 100	L: 5	P: 50	L: 5	PARKING		
k. Bicycle/EV Charge Spaces	B:	EV:	B:	EV:	BIKE/EV		
l. Signs (Size & Type)	x		T: Existing no change		SIGNS		
m. Fence (Size & Type)	LIN FT Fenced yard		LIN FT around				
n. Wetland Area	SF		SF				
o. Utility Services ☐ Town Water ☐ Town Sewer				☐ Town Water ☐ Town Sewer			
				NON-CONFORMING USE ☐			

p. Current Use of Property	Auto repair and storage of 50 cars		
q. Proposed Use of Property	Automotive repair and auto sales class II		
r. Project Description	Car Dealers License approval request		
s. I have attached additional narrative, plans or supporting materials (any oversize plans should also be included in an 8.5 x 11" format)	☒ Yes ☐ 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.	☐ Yes ☒ No ☐ 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.	☐ Yes ☒ No ☐ 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.	☐ Yes ☒ 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	8/1/24
☒ 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
A 180-44- USE A 114-5- Special Permit	☐ Building Permit(s) ☐ Electrical Permit(s) ☐ Plumbing/Gas Permit(s)	☒ Special Permit(s) ☐ Site Plan Review ☐ Variance	☐ Planning Board ☒ Board of Appeals ☐ City Council
Town Building Official		Issue Date	8/1/2024

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

A 114-5- Existing site plans on file. approved 9/20/2019.



Town of Agawam Planning Board

36 Main Street, Agawam, Massachusetts 01001-1801

Tel. 413-726-9737 Fax 413-786-9927

September 20, 2019

Larisa Mironova and Anna Chaduk
BBB Auto, Inc.
266 Walnut Street
Agawam, MA 01001

Dear Ms. Mironova and Ms. Chaduk:

At its duly called meeting held on September 19, 2019, the Agawam Planning Board approved the Site Plan entitled "Site Plan In Agawam, MA, Prepared for: BBB Automotive Inc., 266 Walnut Street, Agawam, MA", prepared by Anderson Associates and dated January 2019, revised: September 3, 2019. The approval is conditional upon all professional staff comments being addressed.

If you have any questions, please contact this office at 726-9737.

Sincerely,

Mark R. Paleologopoulos, Chairman
Agawam Planning Board

Cc: Building Inspector
Engineering Department
Town Clerk
File #8883

*Want to use same aproved plan,
no changes to the site, need
only extra license (auto sales)*

Page 6 of 47

Property Address: 266 Walnut St Agawam, MA

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT, Anna Chuduk of 266 Walnut St Agawam, MA

For consideration paid of less than one hundred and 00/100 (\$100.00) Dollars

GRANTS to Aleksandr Chuduk, individually, of 266 Walnut St Agawam, MA

With QUITCLAIM COVENANTS, the land with buildings and improvements thereon known as 266 Walnut St Agawam, MA more particularly described as follows;

See Attached Exhibit A

being the same premises conveyed to the Grantor herein in a deed dated 7/31/12 and recorded in Book 19374 Page 243 of the Hampden County Registry of Deeds.

NO TITLE EXAM PERFORMED IN CONJUNCTION WITH DEED PREPARATION

*[remainder of page intentionally left blank,
signature page to follow]*

Property Address: 266 Walnut St Agawam, MA

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NO TITLE EXAM PERFORMED IN CONJUNCTION WITH DEED PREPARATION

*[remainder of page intentionally left blank,
signature page to follow]*

This deed releases any and all homestead rights created either automatically by operation of law or by a written declaration that is recorded, and I, Anatoliy Chuduk, hereby warrant and represent that there are not any other persons entitled to any rights of Homestead under M.G.L. c. 188 in the premises conveyed by this deed, and further I, , do under oath depose and say that there are no other persons entitled to claim the benefit of the existing estate of homestead in and to the property herein conveyed. By executing this Deed, I, Anatoliy Chuduk being a non-owner spouse of 266 Walnut St Agawam, MA, do hereby relinquish and terminate my homestead rights in said property.



Anatoliy Chuduk

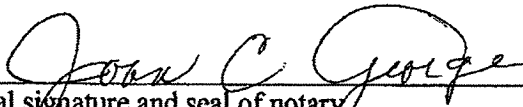
Non owner spouse signing to release

All homestead rights

COMMONWEALTH OF MASSACHUSETTS

Hampden County, ss.

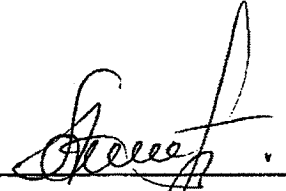
On this 30th day of Dec 2019, 2019, before me, the undersigned notary public, personally appeared Anatoliy Chuduk to me through satisfactory evidence of identification, which were Massachusetts Drivers Licenses to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose and his free act and deed.



official signature and seal of notary

My commission expires: Aug 08, 2025
(19)

Sealed and executed this day of Dec, 2019.

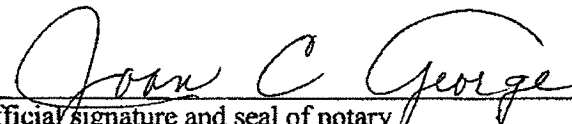


Anna Chuduk

COMMONWEALTH OF MASSACHUSETTS

Hampden County, ss.

On this 30th day of Dec 2019, before me, the undersigned notary public, personally appeared Anna Chuduk proved to me through satisfactory evidence of identification, which were Massachusetts Drivers Licenses to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose and his free act and deed.



official signature and seal of notary

My commission expires: Aug 08, 2025

EXHIBIT "A"
Legal Description
266 Walnut Street, Agawam, MA 01001

The land in Agawam, Hampden County, Massachusetts, on the Easterly and Westerly side of Walnut Street and being more particularly bounded and described in five parcel as follows:

PARCEL 1: A Certain tract or parcel of land situate in said Agawam, bounded and described as follows: Beginning on the westerly side of Walnut Street at the southeasterly corner of land now or formerly of Rose M. Roberts and running thence:

- WESTERLY:** along land of said Roberts one hundred (100) feet to said Roberts' southwest corner; thence
- NORTHERLY:** along land of said Roberts sixty (60) feet to land now or formerly of the Heirs of Horace B. Worden; thence
- WESTERLY:** on last named land, one hundred twenty (120) feet to other land of said Heirs; thence
- SOUTHERLY:** on last named land one hundred twenty (120) feet to other land now or formerly of Laura S. Worden; thence
- EASTERLY:** on other land now or formerly of Laura S. Worden, two hundred twenty (220) feet to said Walnut Street, and thence
- NORTHERLY:** along said Walnut Street, sixty (60) feet to the point of departure.

Said premises are subject to the rights of the Amherst Power Company or its successor and the rights of the American Telephone & Telegraph Company under easements of record in said registry.

PARCEL 2: Certain real estate situated in said Agawam on the westerly side of Walnut Street, bounded and described as follows: Beginning at a point in the westerly side of Walnut Street at the southeasterly corner of land formerly of one Veideman now supposed to be of one Lowell and running thence

- WESTERLY:** at right angles with said Walnut Street along last named land, one hundred (100) feet to land now or formerly of Laura S. Worden; thence

SOUTHERLY: in a line parallel with said Walnut Street along other land now or formerly of the said Laura S. Worden sixty (60) feet; thence

EASTERLY: at right angles with said Walnut Street along other land now or formerly of said Laura S. Worden, one hundred (100) feet to said Walnut Street; and thence

NORTHERLY: along said Walnut Street sixty (60) feet to the point of departure.

SUBJECT to restrictions of record.

SUBJECT also to rights of the American Telephone and Telegraph Company to maintain certain lines as set forth in instrument recorded in said Registry in Book 621, Page 431, and to rights of the Amherst Power Company as set forth in instruments recorded in said Registry in Book 863, Page 42 and Book 873, Page 323.

PARCEL 3: Beginning at the northeasterly corner of this parcel, this point being one hundred ten (110) feet westerly from an iron pipe at a point in the westerly line of Walnut Street five hundred seventy-five and 75/100 (575.75) feet northerly from the intersection of the said westerly line of Walnut Street with the northerly line of Springfield Street; thence

S. 77° 59' 10" W, along land now or formerly of John and Rose Peretti about three hundred sixty (360) feet to a brook at land of the Turners Falls Power & Electric Company; thence

SOUTHERLY: along said brook and land of the said company about one hundred eighty-four (184) feet to a stake at land now or formerly of Borgatti; thence

N. 77° 59' 10" E. along said land now or formerly of Borgatti, two hundred eighty-three and 43/100 (283.43) feet to a stake; thence

N. 12° 00' 50" W. along land of Keefe, one hundred twenty (120) feet to a stake; thence

N. 77° 59' 10" E. along said land of Keefe, one hundred ten (110) feet to a point; thence

N. 12° 00' 50" W. along land now or formerly of Winifred E. Daly sixty (60) feet to the place of beginning.

Being a portion of Parcel 1 in a deed to Joseph J. Borgatti, et ux from Laura S. Worden et als, dated August 19, 1940 and recorded in the Hampden County Registry of Deeds,

Book 1697, Page 553. Said first parcel is designated as Parcel "C" on an unrecorded plan entitled "Plan of Land in Agawam, Mass., Owned by Joseph J. & Anna F. Borgatti Survey & Plan By John E. Malley, C.E. Dec. 9, 1944 Scale 1"=40'."

EXCEPTING from the foregoing that Parcel of land conveyed by Philip T. Keefe and Minnie W. Keefe to Nelson E. Trevallion by deed dated June 14, 1962 and recorded as aforesaid in Book 2884, Page 77.

SUBJECT to certain easements of record for the transmission of electricity and water pipe lines.

PARCEL 4: The land in Agawam, Hampden County, Massachusetts, bounded and described as follows: Beginning at an iron pin at the northwesterly corner of land now or formerly of S. Bottaro, formerly of Laura S. Worden, said iron pin being distant N. 12° 0' 50" W. measured along said land of said Bottaro, two hundred eighty-eight and 18/100 (288.18) feet from the iron pin in the northerly line of Springfield Street at the southwest corner of said land of said Bottaro, said point of beginning also being distant S. 77° 59' 10" W. measured along said land of said Bottaro, two hundred twenty (220) feet from an iron pin in the westerly line of Walnut Street, said last mentioned iron pin being distant southerly measured along said westerly line of Walnut Street, six hundred sixty-two (662) feet from a granite bound in said westerly line of said Walnut Street; and running thence from the iron pin at the point of beginning S. 77° 59' 10" W. along land now or formerly of one Keefe, forty (40) feet to a point; thence running S. 12° 0' 50" E. along land now or formerly of Trevallion, five (5) feet to an iron pin; and thence turning an interior angle of 104° 2' 10" and running easterly along land now or formerly of Trevallion, forty-one and 22/100 (41.22) feet to an iron pin at said land of said Bottaro; and running thence N. 12° 0' 50" W. along last named land, fifteen (15) feet to the point of beginning.

SUBJECT to restrictions and encumbrances of record.

Together with and subject to a driveway easement as modified by document dated December 3, 1997 and recorded in the Hampden County Registry of Deeds in Book 10111, Page 588.

PARCEL 5: Beginning at a point in the easterly line of Walnut Street distant one hundred forty (140) feet northerly of the intersection of said easterly line of Walnut Street with the northerly line of Springfield Street; thence

NORTHERLY: along said Walnut Street about three hundred forty-three and 80/100 (343.80) feet to other land now or formerly of Borgatti; thence

EASTERLY: along said other land now or formerly of Borgatti, about one hundred five (105) feet to the Agawam River; thence

SOUTHERLY: along said Agawam River to land now or formerly of H. Preston Worden; thence

WESTERLY: along said land now or formerly of H. Preston Worden about one hundred sixty-four (164) feet to the place of beginning at Walnut Street.

Excepting from the foregoing that parcel of land conveyed by Philip T. Keefe, et ux to Andrew C. Gallano and David C. Gallino dated January 19, 1956 and recorded as aforesaid in Book 2445, Page 267.

The above parcel is subject to certain easements of record for the transmission of electricity and water pipe lines.

Being a portion of the SECOND PARCEL as described in a deed to the grantor herein and her late husband dated May 20, 1946 and recorded in Hampden County Registry of Deeds Book 1824, Page 589.

CHERYL A. COAKLEY-RIVERA, ESQ.
HAMPDEN COUNTY REGISTRY OF DEEDS



Town of Agawam
Inspection Services Department
1000 Suffield Street, Agawam, Massachusetts 01001
Telephone - (413) 821-0632

Kevin Duquette
Inspector of Buildings
inspections@agawam.ma.us

August 26, 2024

To: Office of Planning and Community Development:

Re: Z.B.A.- Special Permit Comments for 266 Walnut Street;

Inspection Services has no zoning issues or concerns for the special permit approval for the above referenced address.

Respectfully,

Kevin Duquette
Inspector of Buildings
Town of Agawam

AGAWAM PLANNING BOARD
August 1, 2019

Members Present:

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

Members Absent:

Nicholas Pandolfi

Also Present:

Pam Kerr
Amanda Boissonneault

Ms. Baldwin called the meeting to order at 6:00 PM.

A. Site Plan Cont. – 466 S. Westfield St. – The Villas at Pine Crossing – Shibley/Sweeney

Terry Reynolds with T. Reynolds Engineering, Attorney Daniel Garvey and applicants Victor Shibley and Kathleen Sweeney were in attendance. An Order of Conditions was issued by the Conservation Commission on July 11, 2019, and new comments from the Engineering Department were received prior to the meeting. Mr. Reynolds went over the changes that have been made since they were last before the Planning Board, including the removal of two units (now 44 units) and the removal of the infiltration basin. The rain garden has been moved out of the buffer zone, and along with a sub-surface system, will be handling all stormwater management. The passive recreation area has been redefined to the perimeter of the project area, and the size and position of a few units have been altered. Ms. Baldwin asked if there are landscaped areas in the defined passive recreation area. Mr. Reynolds answered yes, near the South Westfield Street side of the property. Mr. Reynolds explained there is at least 50% open space on the west side of the property without counting the wetland area. Ms. Kerr asked about the two shared driveways that exist on the northwest and northeast corners of the development. Mr. Reynolds said there is a full 20 feet in front of each garage door prior to the shared portion of the driveway. The Board Members and applicants discussed the comments from Engineering. Mr. Paleologopoulos asked about the potential issue with the construction entrance and site distance. Mr. Reynolds explained temporary signs can be placed prior to the entrance to warn of construction equipment entering and exiting. Mr. Reynolds said they will be working in conjunction with the Engineering Department once the MassDOT Route 187 project begins, and said the applicants are responsible for any striping and side walk ramps that will need to be installed on their property after the installation of sidewalks on South Westfield Street. Comment 10 from the Engineering Departments memo reads “typically, the Town charges for the inspection of water, sewer, drainage, and roadway in condominium projects. In lieu of charging these fees, the Engineering Division is requesting that the applicant pay an inspector to be hired by the Town. The owner shall also submit their own as-built plans reflecting any significant changes and certifying that the work was properly installed.” The applicants stated they were in agreement with the proposal to pay for an inspector for the project. The Board Members discussed being comfortable with the current Engineering Department comments being

AGAWAM PLANNING BOARD

August 1, 2019

addressed by the applicants, and discussed any major changes to the development would require the applicants to come back to the Planning Board.

Motion made by Ms. Baldwin and seconded by Mr. Elfman to approve the Site Plan for 466 South Westfield Street, conditional upon all professional staff comments are to be addressed, including the August 1, 2019 memo from the Engineering Department, in lieu of charging inspection fees for water, sewer, drainage and roadway construction, the developer shall pay for an inspector to be hired by the Town for these inspections, homeowner's association documents shall be provided to the Board for their review and approval, a final set of construction drawings to be provided to the Board, and any substantial changes require a revised plan to be submitted to the Planning Board.

VOTE 4-0

B. Site Plan Cont. – 299 Main St. – Organics Recycling Facility

Sean Reardon with Tetra Tech and Sol Ucciani with Vanguard Renewables were in attendance. Mr. Reardon provided a response to the Engineering Department on July 29, 2019, and new Engineering comments were received prior to the meeting. Engineering recommended that the owner of the site routinely trim the trees along Main Street to maintain adequate site distance; Mr. Reardon was in agreement. Ms. Kerr explained an access easement for the driveway would be required. Mr. Reardon said they will submitting an ANR plan to create the lot, which is a lengthier process through land court. Mr. Reardon explained and answered the other two Engineering comments, which satisfied the Board members.

Motion made by Mr. Tedeschi and seconded by Mr. Elfman to approve the Site Plan for 299 Main Street, conditional upon all professional staff comments are to be addressed, an ANR plan is to be submitted for the creation of the lot prior to the issuance of a building permit, and an access easement shall be provided to the Board to allow for the driveway to this facility to be located off the existing driveway.

VOTE 3-0-1 (Tedeschi)

C. Site Plan – 266 Walnut St. – BBB Auto – Chuduk

Ron Huot with Anderson Associates, James Ferrera and applicants were in attendance to present the plan for BBB Automotive. Mr. Ferrera explained the property owners intent to use the existing commercial garage for light auto repair and storage of no more than 50 cars. Comments from the Engineering Department were received prior to the meeting. Mr. Paleologopoulos questioned comment 2, and asked if the applicants knew if they were allowed to have parking in the WMECO easement. Mr. Huot said they would need to look into if the driveway easement allows for that. Ms. Baldwin asked how many employees there would be at the business. Mr. Ferrera answered that it would depend on how well the business is doing. Mr. Tedeschi asked if junk cars would be stored on the property. Mr. Ferrera answered there would be no junk cars or abandoned vehicles stored on the lot. There will be no sales, only light repairs such as oil changes, tire rotations and break replacements. Mr. Ferrera also stated they will not be storing tractor trailers on the site, and that all the trailers that were located at the rear of the property have been removed. The applicants requested to be continued to the Planning Board's first

AGAWAM PLANNING BOARD
August 1, 2019

September meeting in order to have adequate time to address all of the Engineering Departments comments.

Motion was made by Mr. Tedeschi and seconded by Mr. Elfman to continue the Site Plan Review for 266 Walnut Street until the Planning Board's September 5, 2019 meeting.

VOTE 4-0

D. Site Plan – 835 Suffield St. – Car Wash - Cumberland Farms

Attorney Thomas R. Reidy with Bacon Wilson, P.C., Civil Engineer Phil Henry with Civil Design Group, Dawn Johnson with Cumberland Farms, Erin Fredette with McMahon Associates Engineers and Planners, and Brian Koning, Senior Consultant with Cavanaugh Tocci were in attendance to present this site plan for a new car wash facility. A 2,695 sq. ft. automated car wash is being proposed on the northern side of the property where Parthenon Restaurant currently exists. Hours of operation are to be 7:00 AM to 11:00 PM, seven days a week, with the car wash and vacuums preprogrammed to start and shut down at those specific times. There will be no new curb cuts proposed, with traffic moving in a counter clockwise motion into the two bay car wash. In order to be sensitive to abutting properties, the restaurant is to be razed, and the proposed car wash will be built closer to Suffield Street, approximately 100 feet from the rear property line. Two vacuum islands, totaling four vacuums, will be located in between the car wash and Suffield Street. Approximately 8-9 vehicles will be able to que before encroaching on the current parking lot, and a bypass lane will be installed. Automatic doors will close once a vehicle is inside the carwash in an effort to reduce noise, and a door will be placed in between the car wash bays to also help reduce noise. Arborvitaes will be planted along the rear fence line, and a new lawn area will be installed in between the bypass lane and new parking spaces. A new sign, that will mimic the current Cumberland Farms sign, will be installed with landscaping that will not obstruct site distance. With a reduction of approximately 2,600 square feet of impervious area, the applicants will be able to utilize the existing drainage structures. Mr. Koning went over the sound study with the Board members, explaining there will be an under a ten decimal increase of sound at any given time of operation. The dryers inside the car wash will be set at 83%, which will provide the same quality of vehicle drying while reducing noise. Mr. Tedeschi asked if the board could receive certification in writing stating the dryers have been set by the manufacturer to that level. The applicants stated a sound level certification can be submitted to the Board upon completion of construction. Older light poles at the rear of the property will be eliminated except for one, with six new light poles to be installed near the car wash and vacuum stations. All lighting will be shielded and broadcast down. The closest light pole to the rear property line will be approximately 60 feet away. Ms. Fredette went over the traffic study with the Board members, which showed that with the addition of vehicle trips associated with the proposed car wash, the driveways would be expected to continue to operate acceptably during peak hours. City Councilor Cavallo and City Councilor Bitzas were in attendance, and expressed concern about excessive noise and additional traffic being added to an already busy area. Ms. Kerr asked if an ANR plan could be submitted to combine the two parcels, the applicants agreed. The Board members reviewed a memo from the Engineering Department, dated August 1, 2019, that recommended approval of the plan.

AGAWAM PLANNING BOARD

August 1, 2019

Motion made by Mr. Elfman and seconded by Mr. Tedeschi to approve the Site Plan for 835 Suffield Street, conditional upon an ANR plan being submitted to the Board combining the two parcels, a landscape maintenance note to be added to the plan that states “all plantings must be maintained and that the portion of the public way abutting the parcel, including the tree belt, shall be maintained in a safe and attractive condition by the owner of the parcel,” the submittal of a sound level certification to the Board, and the hours of operation to be 7:00 AM to 11:00 PM, seven days a week.

VOTE 4-0

F. Approval of Minutes

1. July 18, 2019

Motion was made by Mr. Tedeschi and seconded by Ms. Baldwin to approve the July 18, 2019 minutes as written.

VOTE 2-0-2 (Elfman and Paleologopoulos abstained)

G. Correspondences - None

The meeting adjourned at 8:00 PM

AGAWAM PLANNING BOARD
September 19, 2019

MEMBERS PRESENT:

Mark R. Paleologopoulos, Chairman
Nicholas Pandolfi
Mario Tedeschi

MEMBERS ABSENT:

Violet Baldwin
Charles Elfman

ALSO PRESENT:

Pamela Kerr

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

1. SITE PLAN – 266 Walnut Street – BBB Auto – Chaduk

Jim Ferrara was in attendance to present a revised plan that has been submitted to address the Engineering Department comments. He explained that parking spaces have been moved and readjusted; a stormwater permit application will be submitted to the DPW; snow storage has been shown on the plan; the oil/water separator will be upgraded per the Building Inspector; and they have attempted to contact Eversource but were not successful. He stated that according to the owners, Eversource makes an inspection of their ROW approximately once per year and they have left the easement accessible for Eversource and emergency vehicles. He stated that no vehicles will be stored on the rear portion of this property. Mr. Paleologopoulos asked for the sign location. Mr. Ferrara stated that there will be a small sign on the building by the office. He went on to explain that eight parking spaces have been moved to the rear, all exterior lighting will be shielded; and additional landscaping has been provided.

Motion was made by Mr. Tedeschi and seconded by Mr. Pandolfi to approve the Site Plan for 266 Walnut Street conditional upon all professional staff comments being addressed.

VOTE 3-0

2. SITE PLAN – 1246, 1266 & 0 Springfield Street – Eagle Investments, LLC

Rob Levesque of R. Levesque Associates was in attendance as well as the applicant, Jim Baldyga. Mr. Paleologopoulos asked if they had received the Engineering Department comments. Mr. Levesque stated yes and he intends to address them. He presented the plan this evening and stated that this is a proposed three building commercial development with two curb cuts on Springfield Street on the former Cincotta farm land next to Stop and Shop. He explained that one of the proposed buildings will be a financial institution with a drive up window which

necessitated a Special Permit application with the Zoning Board of Appeals. The other two buildings (7200 SF each) will be retail space, office space, restaurant space. The parking is located centrally and contains 74 spaces. Three dumpsters are shown. He stated that the exact uses are unknown but the owner intends to have high end tenants. He stated that potential clients are day spa, office space, or restaurant. Elevations of the proposed buildings were provided and they are all single story and all have cupolas. He stated that a Notice of Intent has been filed with the Conservation Commission as the site contains a large amount of wetlands. Mr. Tedeschi asked for the dimensions of the proposed retail buildings. Jim Baldgysa stated the retail buildings will be 60' x 120'. Mr. Levesque stated that the financial building is approximately 2300 SF. He went over the Planning Department comments, one of which is the number of parking spaces. He explained that at this time the parking is based on speculation since they do not know who the tenants will be. He stated that if the tenants are all retail then a significant amount of spaces would be needed (54 per building) and that the bank use only requires a few. He went on to say that any restaurant sited in this location would be small to medium size and that the Town only has parking guidelines. He went on to say that he would be willing to come back to the Board when they have potential clients but reiterated that the owner is looking at spa, restaurant, office/professional services as targeted uses. He stated that 24 spaces would be required for professional offices in the buildings. Mr. Tedeschi asked if they could screen the east side of the east building. Mr. Levesque stated that the east building is situated so that it faces the interior of the site (the parking area) and that they can provide additional screening as the back of the building is what will be seen when traveling west on Springfield Street. Mr. Paleologopoulos asked about snow storage. Mr. Levesque stated that the Conservation Commission will not likely allow snow to be pushed into the resource areas. He will look at potential locations for snow storage and indicated that during large events they will likely have to truck the snow off-site. Mr. Paleologopoulos asked about any proposed site lighting. Mr. Levesque indicated that a photometric plan will be provided showing that no lighting will spill over onto the abutting properties and all lighting will be shielded. He went through the Engineering Department comments briefly and stated that a phasing plan will be submitted as well as an ANR plan dividing the property into three lots. Cross easements will also be needed.

Motion was made by Mr. Pandolfi and seconded by Mr. Tedeschi to continue the Site Plan for 1246, 1266 & 0 Springfield Street to the next meeting (October 3, 2019).

VOTE 3-0

3. CHAPTER 61A – 497 South Westfield Street – DePalma/Tirone

The Board received notice from the Law Department of the Town's notification of their right of first refusal for the 53.6 acre 497 South Westfield Street property owned by Ralph DePalma and Joe Tirone. There is an approved housing project on this parcel. The members discussed Chapter 61A and in conclusion did not support the town spending money to purchase the property.

Motion was made by Mr. Tedeschi and seconded by Mr. Pandolfi to send a negative recommendation to Mayor Sapelli with regard to the Town exercising its right of first refusal to purchase 497 South Westfield Street.

VOTE 3-0

4. APPROVAL OF MINUTES – September 5, 2019

Motion was made by Mr. Tedeschi and seconded by Mr. Pandolfi to approve the minutes of September 5, 2019 as written.

VOTE 2-0-1 (Pandolfi abstained)

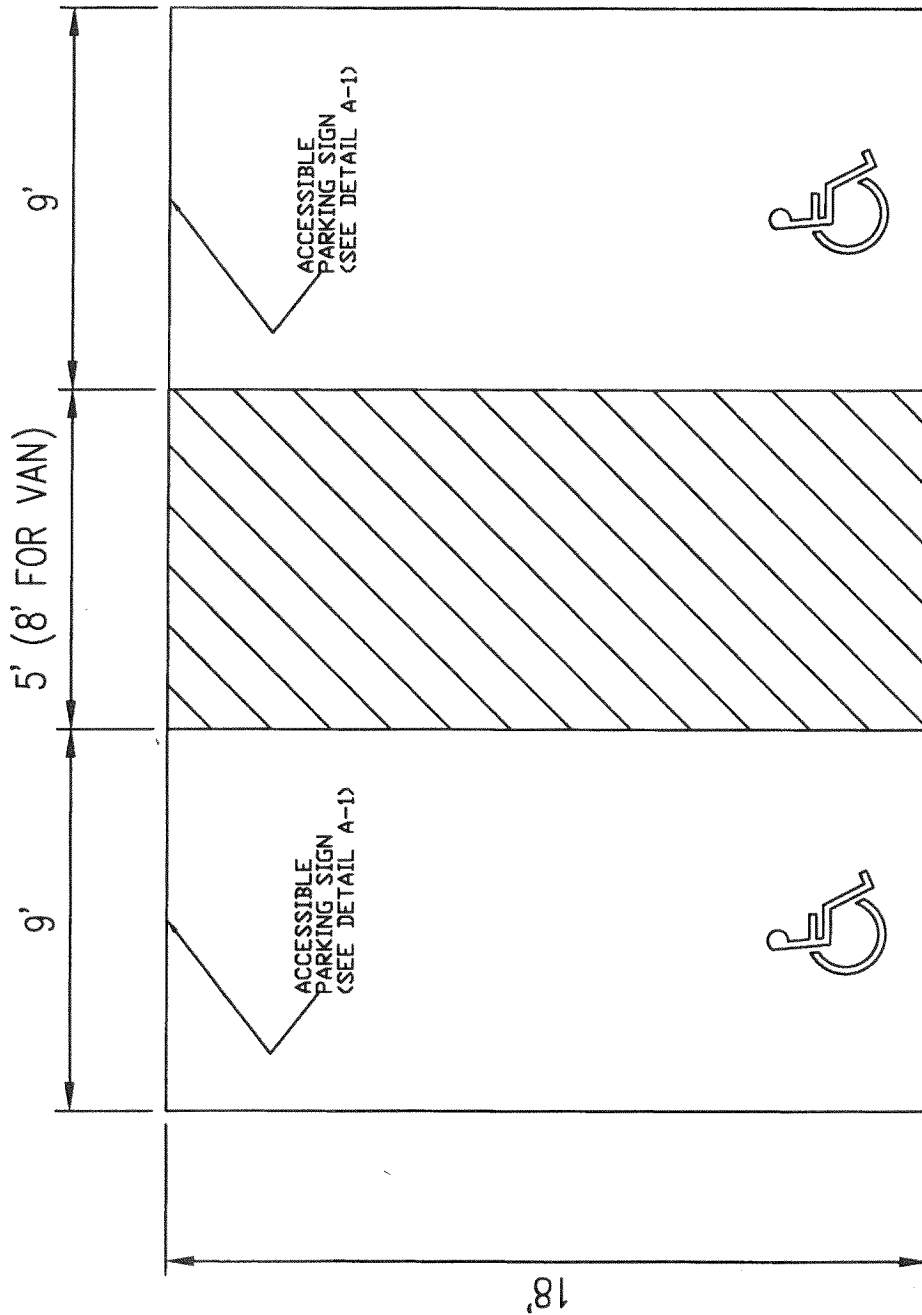
5. DISCUSSION & POSSIBLE VOTE TO WITHDRAW – Zoning Amendment –
Permitted Uses in Business A

The members discussed the Zoning Amendment to Permitted Uses in Business A which they sponsored and agreed to withdraw the proposal at this time and resubmit at a later date.

Motion was made by Mr. Pandolfi and seconded by Mr. Tedeschi to send a letter to the City Council requesting that the Zoning Amendment to Permitted Uses in Business A be withdrawn, without prejudice.

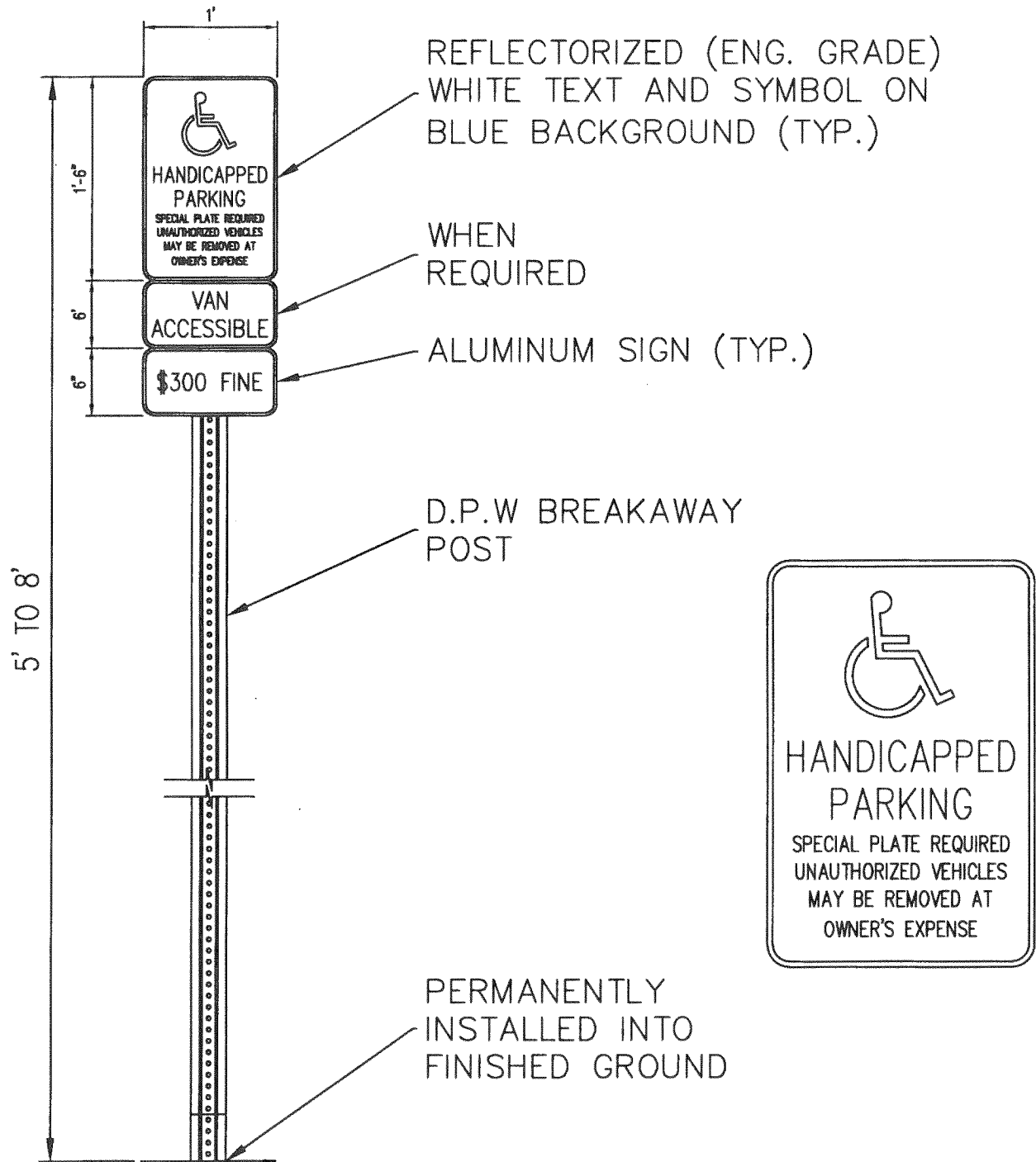
VOTE 3-0

The meeting adjourned at 6:50 PM.



NOTE: SEE AAB 521 CMR 23.00 FOR REQUIRED NUMBER OF SPACES AND PROPORTION OF VAN ACCESSIBLE SPACES.

DRAWN BY: JGD DATE: 01/13/10 REV: DWG. NO.: APPROVED BY: MCC	REVISIONS	PROJECT TOWN OF AGAWAM CONSTRUCTION STANDARDS	SHT. NAME ACCESSIBLE PARKING SPACE	SHT. NO. A-2
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SCALE: N.T.S.

NOTE: MAXIMUM MOUNTING DISTANCE FROM HEAD OF STALL IS 10'

PLEASE SEE: MGL C.40§21-22A, AAB 521 CMR 23.00, AGAWAM CODE §169-28

DRAWN BY: JGD	PROJECT	SHT. NAME	SHT. NO.
DATE: 01/08/10	TOWN OF AGAWAM	ACCESSIBLE PARKING SIGN	A-1
DWG. NO.: 1	CONSTRUCTION STANDARDS		
APPROVED BY: MCC			



Aerial photo of project site dated April 23, 1983 – partial agricultural land cover



Aerial photo of project site, Imagery @2019 Google –
hard pack gravel used for parking by BBB Automotive Inc.

AGAWAM OFFICE OF PLANNING & COMMUNITY DEVELOPMENT

SITE PLAN REVIEW

DATE: July 24, 2019

DATE RECEIVED: July 11, 2019

DISTRIBUTION DATE: July 12, 2019

PLANNING BOARD MEETING DATE: August 1, 2019

APPLICANT INFORMATION

1. **Name of Business:** BBB Auto, Inc.
Address: 266 Walnut Street
2. **Owner:** Larisa Mironova/Anna Chuduk
Address: 266 Walnut Street, Agawam

Telephone: (413) 478-7566 **Fax:** (413) 420-0622
3. **Engineer:** Anderson Associates
Address: 375 Walnut Street Ext., Agawam, MA 01001

Telephone: 525-4145 **Fax:** (413) 273-1776

PLAN REVIEW

Scale: 1" = 40'

Date: January 2019

Title Block (Street Address, Applicant's Name, Address, Scale, Name of Preparer of Plan): O.K.

Description of Project: Proposed auto repair/storage (not more than 50 cars).

Description of Site: Site is Zoned Business A and is currently a residential lot with an existing garage that was constructed within the last two years.

Provision for Traffic Flow: The plan shows two existing curb cuts on to Walnut Street. One is a concrete driveway (width not provided) and the second shown as the entrance/exit to the business (34.5' wide).

Parking: The Planning Board's Parking Guidelines recommend 1 parking space for each 300 square feet of gross floor area and one (1) parking space for each employee. Information on the number of employees has not been provided. The size of the garage has not been provided. Six (6) customer and employee parking spaces are shown.

Drainage: See Engineering comments.

Public Utilities: All utilities must be shown on the plan.

Landscaping/Screening and Buffers: Proposed landscaping consists of "potted plants". This proposed business directly abuts Walgreens to the south and a single family residence to the north and is located in close proximity to the intersection of Springfield/Walnut Streets which is currently being improved by the State. Additional landscaping should be provided and the following landscape note must be placed on the plan: "All plantings must be maintained and that portion of the public way abutting the parcel and including the treebelt shall be maintained in a safe and attractive condition by the owner of the parcel."

Sign Location: Must be shown.

Exterior Lighting: The height and wattage of all lighting must be shown on the plan. Lighting shall not spill over in residential lots.

Rendering or Elevations: None provided. Buildings are existing. Photos should be provided.

Dumpster Location: The dumpster is shown. Type and height of fencing to be provided.

Other Comments or Concerns:



TOWN OF AGAWAM

Department of Public Works

1000 Suffield Street • Agawam, MA 01001

Tel (413) 821 0600 • Fax (413) 821 0631

Christopher J. Golba • Superintendent

MEMORANDUM

To: Planning Board
CC: File
From: Engineering Division
Date: August 1, 2019
Subject: Site Plan – BBB Automotive Inc. – 266 Walnut Street

Per your request, we have reviewed the Site Plan entitled “BBB Automovite Inc – 266 Walnut Street, Agawam, MA; Prepared for: Larisa Mironova and Anna Chuduk, 266 Walnut Street, Agawam, MA; Prepared by: Anderson Associates, 375 Walnut Street Extension, Agawam, MA; Scale: 1” = 40’; Dated: January 2019,” and we have the following comments:

1. A large portion of the project site currently used for parking is located within an Eversource (formerly Western Massachusetts Electric Company (WMECO) easement. The Owner should contact Eversource to verify if the location of the parking area will interfere with operations, such as repair or installation of utility structures, within the easement.
2. As indicated on the submitted site plan, eight (8) of the existing parking spaces and part of the existing southern driveway are located on the Walgreens Pharmacy property. As shown on the Construction Plans for the Morgan-Sullivan Bridge project, there is a 20-foot easement located along the southern property line of the project site (Book 9103 Page 175 in the Registry of Deeds) permitting use of a driveway at #266 Walnut Street. Is there a similar easement or agreement in place for the parking spaces?
3. The Owner will be required to obtain a Stormwater Permit Application from the Department of Public Works.
4. Aerial photography from 1983 (see attached) indicate that much of the project site had previously been pervious area. Current Google imagery and the submitted site plans show these pervious areas are now hard pack gravel which is generating more runoff from the site. The Owner shall submit a plan for mitigating the additional runoff from the project site in accordance with the Agawam Stormwater Management Plan under Agawam Town Ordinance Chapter 175-35.
5. The oil/water separator required for the sanitary sewer system shall be shown on the site plan.
6. Snow storage areas shall be shown on the site plan.
7. In accordance with the most current Standards for Accessible Design required by the Americans with Disabilities Act (ADA), an accessible route must be provided to the parking areas and all buildings designed for public use. All walkways and ramps must be in compliance with said Standards and the standards of the Architectural Access Board (AAB).

8. The submitted site plan shows a total of 56 parking spaces on the project site. In accordance with Section 208 of the ADA Standards, 3 handicap accessible parking spaces must be provided on site. The design of accessible parking spaces shall be in accordance with ADA/AAB and Town Standards. Signage for accessible parking spaces shall be in compliance with Town Standards (see attached detail).
9. All proposed signage must be installed in accordance with MUTCD regulations. All signs shall have a high intensity prismatic retroreflective surface. All sign pots shall be breakaway posts.
10. At the team meeting for this project, it was indicated that all activities related to the business would be located on the eastern side of the site and the western side would not be used. The Owner shall show on the site plan how they will delineate the separate areas so that no work is done on the western side of the site.

Engineering reserves the right to make additional comments as new information is submitted. If you have any questions, please do not hesitate to contact this division.

Sincerely,


Vladimir Cáceres
Civil Engineer


Michael Albrow, P.E.
Assistant Town Engineer



TOWN OF AGAWAM
Department of Public Works

1000 Suffield Street • Agawam, MA 01001

Tel (413) 821 0600 • Fax (413) 821 0631

Christopher J. Golba • Superintendent

MEMORANDUM

To: Planning Board
CC: File
From: Engineering Division
Date: September 5, 2019
Subject: Site Plan – BBB Automotive Inc. – 266 Walnut Street

Per your request, we have reviewed the Site Plan entitled “BBB Automovite Inc – 266 Walnut Street, Agawam, MA; Prepared for: Larisa Mironova and Anna Chuduk, 266 Walnut Street, Agawam, MA; Prepared by: Anderson Associates, 375 Walnut Street Extension, Agawam, MA; Scale: 1” = 40’; Revised: September 3, 2019.” Engineering recommends approval of the plans. However, we have the following comments:

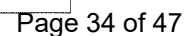
1. A large portion of the project site currently used for parking is located within an Eversource (formerly Western Massachusetts Electric Company (WMECO) easement. The Owner should contact Eversource to verify if the location of the parking area will interfere with operations, such as repair or installation of utility structures, within the easement.
2. According to the owner, a new oil/water separator is to be installed onsite, which must be approved by Inspection Services.

Engineering reserves the right to make additional comments as new information is submitted. If you have any questions, please do not hesitate to contact this division.

Sincerely,


Vladimir Cáceres
Civil Engineer


Michael Albro, P.E.
Assistant Town Engineer





AGAWAM FIRE DEPARTMENT

800 MAIN STREET, AGAWAM, MA 01001
TELEPHONE (413) 786-0657 FAX (413) 786-1241



ALAN SIROIS, CHIEF OF DEPARTMENT
FRANK MATUSZCZAK, DEPUTY CHIEF
JACOB N. G. DUSHANE, FIRE INSPECTOR
DAN LIZOTTE, TRAINING OFFICER

afdchief@agawam.ma.us
afddeputy@agawam.ma.us
afdinsp@agawam.ma.us
afdtraining@agawam.ma.us

July 9, 2019

Review For:
BBB AutoInc.
Dated: 07-09-2019
Prepared by Anderson Associates.

Board Members;

I have reviewed the site plan submitted before you for BBB Auto Inc. and attended the team meeting for this project. BBB Auto Inc. was responsive to the needs of the fire department based on the code requirements we provided to them. Several items were addressed and are included in this set of plans for the site.

Therefor:

The plans that were submitted to this office have been approved by the fire department.

If there are any questions please contact this office.

Fire prevention is everyone's responsibility.

Lt. Jacob N.G. Dushane
Fire Inspector
afdinsp@agawam.ma.us
(413) 786-0657 EXT 8883

COMMONWEALTH OF MASSACHUSETTS
DIVISION OF THE TRIAL COURT

HAMPDEN, SS.

HAMPDEN SUPERIOR COURT
CIVIL ACTION NO. 2079CV000389

Aleksandr Chuduk	d/b/a	)
BBB Auto, Inc.		)
<i>Plaintiff,</i>		)
		)
v.		)
		)
Agawam Zoning Board of Appeals,		)
Dorene Prouty,		)
Gary Geiger,		)
Richard Maggi,		)
Aldo Mancini, Jr.,		)
<i>Defendants.</i>		)

PLAINTIFF'S INTERROGATORIES
PROPOUNDED TO DEFENDANT AGAWAM ZBA

Plaintiff, pursuant to Mass. R. Civ. P. 33, propounds the following interrogatories to be answered by the Agawam Zoning Board of Appeals under oath in accordance with the instructions and definitions contained herein.

INSTRUCTIONS

A. Rule 33(a) requires that each interrogatory must be answered separately and fully in writing under the penalties of perjury, unless it is objected to, in which event the reasons for the objection must be stated in lieu of the answer. Each answer or objection must be preceded by the interrogatory to which it responds. The answers must be signed by the person making them. Objections made to any interrogatory must be signed by the person or attorney making them. The party upon whom the interrogatories have been served must serve a copy of the answers and objections, if any, within 45 days after the service of the interrogatories, and must forthwith file the original answers.

B. In answering these interrogatories you are required to make full and complete answers. You must include in your answers all information that you know or that is available to you, including any and all information that you can obtain from (1) making inquiry of your principals, agents, employees, attorneys, representatives, any persons acting or purporting to act on your behalf, and any other persons in active concert and participation with you or with them, whether past or present and without regard to whether or not their relationship with you currently exists or has been terminated; and (2) making examination of any and all documents or tangible things in your possession, custody or control that in any way refer or relate to the information sought by these interrogatories.

C. Each interrogatory is to be construed as asking for the source of any information provided in your answer thereto, including the identification of each person from whom you obtained any information provided in your answer and a description of any documents or tangible things relied

upon by you in making your answer. Unless otherwise specifically so stated in your answer, your answer will be deemed a statement by you of your own knowledge.

D. If you sue or are sued in more than one capacity or if your answers would be different if suing or sued in any different capacity, such as an agent, corporate officer, director, partner or the like, then you are required to answer separately in each capacity.

E. You are required, if you object to any interrogatory on the ground of privilege, work product, trade secret or on any other grounds, to state for each such objection the precise nature of the objection made and a complete description of all facts, if any, upon which you or your counsel rely in making the objection.

F. YOU ARE SPECIFICALLY REQUESTED PURSUANT TO MASS. R. CIV. P. 26(e)(3) TO SUPPLEMENT SEASONABLY ALL OF YOUR ANSWERS TO THESE INTERROGATORIES TO INCLUDE ANY INFORMATION ACQUIRED BY YOU AFTER THE DATE OF YOUR ANSWERS.

DEFINITIONS

To "identify" or to provide "identification of" a person means to state his or her full name, current or last-known address, telephone number, and employment now and at the times material to the occurrences giving rise to the Complaint.

To "identify" or to provide "identification of" a document means to state the type of document (e.g., letter, memorandum, telegram, tape recording, etc.), its date, its author, the person or persons to whom directed, and the identification of the present custodian thereof.

"Certificate of Use" shall refer to the certificate of use to sell cars, or other comparable license to sell cars issued by the Town of Agawam.

INTERROGATORIES

1. Please identify the person answering these interrogatories, including the name, occupied, address, and telephone number of that person.
2. Please identify each and every district in the town of Agawam where the sale of cars is a permitted use.
3. Identify each and every use certificate to sell cars that the town of Agawam has issued since November 15, 2004. *ANY OTHER ZPD DECISIONS ON USED CAR LICENSES*
4. For each and every use certificate identified in interrogatory 3, identify the name of the license holder, the address of the business, and the date the certificate was issued.
5. For each and every use certificate identified in interrogatory 3, identify the zoning district for that use certificate.
6. Please state whether any of the license holders identified in interrogatory 4 obtained relief from the zoning ordinance prior to the issuance of the certificate.

7. Please identify each and every decision issued by the Zoning Board of Appeals since 2004 which provided relief to an applicant in a Business A District.
8. Please state whether or not the town of Agawam officially or unofficially has a cap or quota limiting the issuance of certificates of use to sell cars, and, if so, what the limitation or quota is.
9. Please state each and every fact that the Board relied upon in denying the Plaintiff his application for the certificate of use. *BOARD DECISION*
10. If you received feedback from an abutter, other Agawam department, or neighborhood council or group concerning the Plaintiff's application which is the subject matter of this case, please state (1) the source of the feedback and (2) the substance of that feedback with as much detail as possible.
11. If it is your position that the size, shape and/or topography of 266 Walnut Street in Agawam impairs the Plaintiff's ability to operate selling cars, please state each and every reason for holding that position.

COMMONWEALTH OF MASSACHUSETTS
DIVISION OF THE TRIAL COURT

HAMPDEN, SS.

HAMPDEN SUPERIOR COURT
CIVIL ACTION NO. 2079CV000389

Aleksandr Chuduk	d/b/a	)
BBB Auto, Inc.		)
<i>Plaintiff,</i>		)
		)
v.		)
		)
Agawam Zoning Board of Appeals,		)
Dorene Prouty,		)
Gary Geiger,		)
Richard Maggi,		)
Aldo Mancini, Jr.,		)
<i>Defendants.</i>		)

PLAINTIFF'S REQUEST FOR THE PRODUCTION
OF DOCUMENTS PROPOUNDED TO DEFENDANT **AGAWAM ZBA**

The Plaintiff hereby requests, pursuant to Mass. R. Civ. P. 34, that the Defendant produce for inspection, photocopying or photographing at the office of the Rich Herbert Law, P.C., located at 430 Main Street, Suite 3, Agawam, MA 01001, within thirty (30) days hereof, the following documents and tangible things in the Defendant's possession, custody or control that embody, refer to, or relate to the Agawam Zoning Board of Appeals and the Plaintiff. Unless otherwise specified, all requests relate to the date in which you adopted the present zoning ordinance, which is the period of November 15, 2004 through the date of this request for production.

REQUESTS

1. Copies of each and every zoning ordinance, bylaw, or other written rule or regulation relating to your answer to interrogatory 2.
2. Copies of each and every use certificate identified in your answer to interrogatory 3.
3. Copies of each and every decision issued by the Zoning Board of Appeals as they relate to relief obtained by license holders relative to your answer to interrogatories 6 and 7.
4. Copies of each and every zoning ordinance, bylaw, or other written rule or regulation relating to your answer to interrogatory 8.

COMMONWEALTH OF MASSACHUSETTS
DIVISION OF THE TRIAL COURT

HAMPDEN, SS.

HAMPDEN SUPERIOR COURT
CIVIL ACTION NO. 2079CV000389

Aleksandr Chuduk	d/b/a	)
BBB Auto, Inc.		)
Plaintiff,		)
		)
v.		)
		)
Agawam Zoning Board of Appeals,		)
Dorene Prouty,		)
Gary Geiger,		)
Richard Maggi,		)
Aldo Mancini, Jr.,		)
Defendants.		)

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4. Copies of each and every zoning ordinance, bylaw, or other written rule or regulation relating to your answer to interrogatory 8.

RESPECTFULLY,
THE PLAINTIFF,
THROUGH COUNSEL:



Richard L. Herbert
Rich Herbert Law, P.C.
BBO #694841
430 Main Street, Suite 3
Agawam, MA 01001
(413) 212-9849 Telephone
(413) 304-6000 Facsimile
Rich@RichHerbertLaw.com

Dated: March 31, 2022

CERTIFICATE OF SERVICE

I, Richard L. Herbert, do hereby certify that on this date I served a copy of this document to all parties to this action, or their counsel, by **first class mail and email to:**

Stephen Buoniconti
36 Main Street
Agawam, MA 01001
solicitor@agawam.ma.us

Date: March 31, 2022



Richard L. Herbert



Town of Agawam

Department Of Public Works

DPW
1000 Suffield Street
Agawam, MA 01001
Phone: 413-821-0600
Fax: 413-821-0631

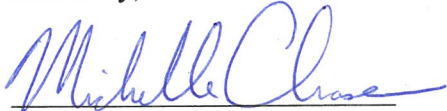
MEMORANDUM

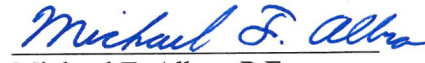
To: Planning Board
CC: File
From: Engineering Division
Date: September 23, 2024
Subject: Case #2023 – Special Permit - #266 Walnut Street

Per your request, we have reviewed the Special Permit application for a Class II auto sales license for BBB Auto Inc. located at #266 Walnut Street. Based on our review, the Engineering Department has no issues with this application provided that any changes made to the property are in accordance with the previously approved Site Plan dated September 3, 2019.

Engineering reserves the right to make additional comments as new information is submitted. If you have any questions, please do not hesitate to contact this division.

Sincerely,


Michelle C. Chase, P.E.
Town Engineer


Michael F. Albro, P.E.
Assistant Town Engineer

The following members attended the public meeting:

Doreen Prouty-Chair

Richard Maggi-Vice Chair

Gary Geiger-Clerk

Aldo Mancini-Alternate Member

Stefanie Kesecker- Administrative Assistant

Chair Prouty opened the meeting at 6:30pm and introduced the Board members and explained the public hearing process.

Case #2022-131 Coronet Circle-Savonin-Variance

Sitting on this case-Prouty-Chair, Vice-Chair-Maggi, Geiger-Clerk

A. 6:00PM-PUBLIC HEARING CONT.-Case#2022-131 Colemore Street-Savonin-Variance.

Chairperson Prouty read a letter into the minutes from Sandra O'Dea-76 Maynard, who wrote in opposition to this Variance.

Petitioner Viktor Savonin, 131 Coronet Circle, was present for this agenda item and requested a continuance to the November 25, 2024 meeting.

Motion was made by Mr. Geiger and seconded by Mr. Maggi to continue the public hearing to the November 25, 2024 as requested.

Prouty-yes, Maggi-yes, Geiger-yes.

Motion was made by Mr. Maggi and seconded by Mr. Geiger to take the agenda out of order.

Prouty-yes, Maggi-yes, Geiger-yes, Mancini-yes.

C. Approval of Minutes-August 12, 2024

Motion was made by Mr. Maggi and seconded by Mr. Geiger to approve the August 12, 2024 minutes, as amended.

Prouty-yes, Maggi-yes, Geiger-yes, Mancini-yes.

D. Any other matter that may legally come before the Zoning Board of Appeals

None

Motion was made by Mr. Maggi and seconded by Mr. Geiger to put the agenda items back in order.

Prouty-yes, Maggi-yes, Geiger-yes, Mancini-yes.

Case #2023-BBB Auto, Inc.-Chuduk-Special Permit

B. 7:00PM-PUBLIC HEARING-BBB AUTO INC.-Chuduk-Special Permit

Sitting on this case-Prouty-Chair, Maggi-Vice-Chair, Geiger-Clerk

Petitioner-Aleksandr Chuduk-63 College Highway, Southwick, MA was present for this agenda item. He stated he is seeking an Special Permit for an Auto Sales License Class II. He stated he would not be changing anything from the approved Site Plan of September 3, 2019. He stated he is using a portion of the property to park cars.

Chairperson Prouty asked about the front setback. Mr. Chuduk stated it was over 40ft. She also asked if there would be more than 50 vehicles. He stated there would not be more than 50 vehicles and that would include the ones being repaired, the ones for sale, and any vehicles parked at this location would not exceed 50 vehicles.

Mr. Maggi asked about the lot on the western side of the street. Mr. Chuduk stated sometimes tenants and neighbors use the property. Mr. Maggi asked if it was his intent to use this portion of the property as part of his business. Mr. Chuduk stated no. Mr. Maggi asked about the 112 vehicles listed on the plan. Mr. Chuduk stated that is just the amount of space that allows for cars to be parked, but the maximum number of vehicles would not exceed 50. Mr. Maggi asked if the business was auto body repair. Mr. Chuduk stated no, just engine repair and used car sales.

Chairperson Prouty read a memo from Inspection Services dated August 26, 2024 that stated they did not have any zoning issues or concerns regarding this petition.

Chairperson Prouty read a memo from the Engineering department, dated September 23, 2024 that stated the Engineering Department has no issues with the application, provided any changes made to the property are in accordance with the previously approved Site Plan dated September 3, 2019.

Chairperson Prouty then opened the hearing to the public.

Deanne Duclos-260 Walnut Street spoke to the Board on behalf of her mother, Joanna Duclos-260 Walnut Street, who was also in attendance. She stated her understanding of the presentation was that the total amount of cars on the property would not exceed 50. She stated she felt if this Special Permit were granted it would negatively affect the resale value of the home. She expressed her safety concerns for her mother that this business could potentially generate. Ms. Duclos stated the only buffer between her mother's home and the proposed used car lot is a fence. She went on to speak about pedestrian safety and speeding vehicles in this area. She spoke of the noise level, noise pollution, security lighting, and hours of operation. Ms. Duclos asked how many car repair and used dealerships were needed in this area. She stated herself and her mother were both against granting this Special Permit.

There was no other public comment.

Chairperson Prouty then asked if anyone wanted to add their name and address for the record in opposition to this Special Permit.

- Jeff Duclos-73F Edward Street-Chicopee-opposed
- Elijah Cook-57A High Street-opposed
- Dianne Ziegert-58 Spruce Street-opposed
- Lorie Harpin-32 Lake View Circle-opposed
- David Delancey-34 Thalia Drive-opposed
- Joanna Duclos-260 Walnut Street-opposed

Chairperson Prouty then asked if anyone in attended wanted to add their name and address for the record in support of the Special Permit.

There was none.

Chairperson Prouty stated the Zoning Board of Appeals looks at the social, economic, and community needs, as well as traffic, utilities, neighborhood character, natural environments, and whether it will have any negative fiscal impact on the Town. She stated Chapter 114-5 states that a person seeking a Class I or Class II Auto Sales License must obtain a Special Permit through ZBA according to Chapter 180-11. She stated the applicant must present a Site Plan that meets all the requirements of Chapter 180-13(c)3, that shows the specific area to be utilized for the car lot, motor vehicle displays, permanent buildings, permanent driveways, buffer zones, lighting, total square footage, and any comments from abutters. She stated after receiving the Special Permit the applicant then submits it to the City Council as the licensing authority.

Jeff Duclos-73F Edward Street-Chicopee asked how hazardous waste, such as fuel and oil spills are handled. Chairperson Prouty stated this was under the purview of the Building Inspector and the Engineering Department.

Lorie Harpin-32 Lake View Circle-asked if the property would be inspected or monitored. Councilor Russo stated it would be when they renew their permit.

Motion was made by Mr. Geiger and seconded by Mr. Maggi to continue the public hearing to the October 28, 2024 at 6:30pm.

Prouty-yes, Maggi-yes, Geiger-yes, Mancini-yes.

Motion was made by Mr. Geiger and seconded by Mr. Maggi to adjourn the meeting.

Prouty-yes, Maggi-yes, Geiger-yes.

Meeting adjourned at 8:00pm.