
Members Present:

Doreen Prouty – Chair
Richard Maggi – Vice Chair
Gary Geiger – Clerk
Aldo Mancini - Alternate
Vincenzo Ronghi - Alternate

Members Absent:

Chairperson Prouty opened the meeting at 6:30 PM:

A. 6:30 PM – Public Hearing – VARIANCE – 5 Kimberly Circle – Robert Stephens – Case #1990

Chairperson Prouty opened the public hearing by reading the legal notice, explaining the procedures of the hearing and introducing the members of the Board. Sitting on this case were Chairperson Doreen Prouty, Richard Maggi Vice Chair, and Gary Geiger Clerk.

Applicant Robert Stephens was present to present an application for a Variance from the Town of Agawam's Zoning Ordinances, Chapter 180, Section 39 (B) to allow for the construction of a porch with less than the required front setback at the premises identified as 4 Kimberly Circle.

Dianna Stephens, 5 Kimberly Circle, explained that they want to put a porch on the front of the house to prevent snow on the roof from falling onto the walkway.

Robert Stephens, 5 Kimberly Circle, went on to say that the snow falling from the roof is a safety concern as it forms ice on the walkway and could injure someone if the snow fell on them.

The current structure is conforming as it has the required 35 foot setback. The porch addition would reduce the setback to 30 feet.

Two abutters submitted letters in favor of the project, Gary Wright, 6 Kimberly Circle and Ralph King, Jr., 22 Nicole Terrace.

Chair Prouty opened the hearing to the public at 6:45pm.

Larry Hoague, Jr., 17 Kimberly Circle, spoke in favor of this project. He stated Mr. Stephens continues to improve his house therefore improving the neighborhood.

Chairperson Prouty referred to and quoted MGL Chapter 40A, Section 10 which explains the three

specific findings which must be met in order to grant a Variance. Mr. Maggi noted that Variances are very stringent.

Mr. Ronghi stated that as long as no structure touches the ground, the applicant would not need a Variance because the setback would not apply therefore perhaps he should look into other options.

Chairperson Prouty explained the 20 day appeal process, and closed the Public Hearing.

Chairperson Prouty went directly into a meeting.

The Board discussed at length the conditions that must be met in order to grant a Variance. Chairperson Prouty stated that the first 2 conditions have not been met. It is her opinion that neither the land nor structure are unique. Freezing rain or snow falling from the dwelling's roof onto the front pathway does not constitute a hardship, financial or otherwise. Such path can be relocated to avoid this situation.

Mr. Maggi added that if the porch is not added and the snow falls on someone that could lead to a financial hardship, referring to the second condition and that the third condition has been met.

Mr. Geiger stated that he drove by 5 Kimberly Circle and feels that the proposed porch will not affect anything on the street. He feels all three conditions can be applied to this situation.

Chairperson Prouty called for a vote from each Board Member on each condition.

Condition #1 – Geiger - yes
Maggi – yes
Prouty – no
Condition #2 – Geiger – yes
Maggi – no
Prouty – no
Condition #3 – Geiger – yes
Maggi – yes
Prouty – yes

VOTE (1) in favor & (2) opposed.

As the vote must be unanimous, the Variance was denied.

Chairperson Prouty suggested that the applicant see the Building Inspector for other building ideas and reminded him of the 20 day appeal period.

The hearing was closed at 7:00.

B. Approval of Minutes

Chairperson Prouty requested that 2 changes be made to the minutes of November 25, 2019.

The first change is to eliminate the line “however 180 – 7 is about non-confirming for the use of the property and since it has always been a private residence it has then always been non-confirming.” And replace it with “The use was conforming as is the new proposed residential structures.”

The second change is to add after “the motion was made to approve the amendment” - “Members Maggi, Geiger & Prouty individually voted to approve the amendment.”

The Board voted to approve the amended minutes of November 25, 2019.

VOTE (3) yes & (0) no

C. Discussion of any topics that the Chair did not reasonably anticipate – none

Election of Officers of the Zoning Board of Appeals is held at the first meeting of each year.

Motion was made by Mr. Geiger and seconded by Mr. Maggi for the officers to remain in the same positions.

VOTE (3) YES & (0) NO

There was discussion regarding the reformulation of the Zoning Board of Appeals. Mr. Maggi suggested the Board be changed from the current 3 person Board with the requirement of a unanimous vote to a 5 member Board with no alternates and a majority vote required. Mr. Ronghi stated that a draft would need to be presented to the City Council.

Meeting adjourned at 7:30pm

Submitted by Hope Goff