

Members Present:

Doreen Prouty – Chairperson
Richard Maggi – Vice Chair
Gary Geiger – Clerk
Aldo Mancini Jr. – Alternate

Members Absent:

Vincenzo Ronghi – Alternate

Chairperson Prouty opened the meeting at 5:00 PM:

A. Public Hearing Cont. – Chapter 40B – Wayfinders, Inc. – 586 Mill St. – Case #1978

Chairperson Prouty reopened this public hearing. Attorney Hardee went over the work session proposal that was submitted to the Board on May 8, 2019. The proposal includes a contribution of \$3000.00 to town study to consider a roundabout at Mill Street and Cooper Street, and to improve the sidewalk in front of Lot 4 to an 8-foot multi use sidewalk. Chairperson Prouty stated the Engineering Department submitted a memo dated June 10th that recommends the 8 foot side walk to be installed in front of all 4 parcels owned by Chicopee Kendall LLC. Attorney Hardee said she just received this memo prior to the meeting, and would need to discuss this with her clients. Mr. Peznola recommended the Board have an open discussion about the waivers the applicants have requested while the public hearing is still open. The Board and applicants reviewed the ten waivers that were requested. Chairperson Prouty read into the record the memo from the Engineering Department that was received prior to the meeting. In regards to the waiver requested for Chapter 180-43 F, the Engineering Department encourages two parking spaces per unit versus the proposed 1.8 parking spaces. There is a discussion between the Board members and applicants, and the applicants agreed to revise their waiver request to allow for two parking spaces per unit. During the April 22nd presentation of the peer review of the waivers, the waiver of Chapter 180-25 A & C and Chapter 180-25 were deemed to be unnecessary; both the Board and applicants were in agreement. The applicants submitted a draft porous pavement maintenance agreement on June 6, 2019. Mr. Maggi asked numerous questions about the proposed use and maintenance of porous pavement. Mr. Peznola advised the Board could create conditions specific to the maintenance of the porous pavement. Chairperson Prouty would like the Board members to consider requiring a fence to be installed between the proposed development and an abutter that requested it.

Chairperson Prouty opened the meeting to the public.

Donna Jago, 1028 River Road, asked to make a presentation at the next public hearing. Ms. Jago stated she has some comments about what she would like to see at the facility. Chairperson Prouty advised the public hearing will need to be closed at the July 8, 2019 meeting.

Corinne Wingard, 194 Elm Street, stated she is against the installation of a fence, and would rather see those funds go towards solar energy.

No one else spoke for or against. Chairperson Prouty continued the public hearing to Monday, July 8, 2019 at 6:00 PM

B. 6:30 PM – Public Hearing – Variance – 186 Maple St. – Tirone – Case #1982

Chairperson Prouty recused herself from the hearing.

Mr. Maggi opened this public hearing by reading the legal notice, explaining the procedures of the hearing and appeal period if the variance is granted, and introducing the members of the Board. Sitting on this case were Vice Chair Richard Maggi, Clerk Gary Geiger and Alternate Aldo Mancini Jr.

Mr. Tirone gave a history of the property. The property was purchased in 2006 and the house was demolished in 2007. Mr. Tirone applied for a zone change from Residence A2 to Residence B in 2014 but was denied by the City Council. Mr. Tirone applied for the same zone change in 2016 but withdrew his petition. The former Building Inspector Erik Wight gave Mr. Tirone a building permit for a single-family home in 2016, but Mr. Tirone was unable to start construction due to health concerns. This building permit has since expired. Mr. Tirone explained the new Building Inspector, William Scott, said that he would need to apply for a variance to build on this non-conforming lot. The lot is currently short on frontage; Residence A2 requires 110 feet, the lot currently has 100.12 feet, and square feet; Residence A2 requires 15,000 sq. ft., the lot currently has 11,971.97 sq. ft. This is a corner lot, and also has 120 feet of frontage on Spencer Street.

Mr. Maggi explained the three criteria the applicant needs to meet in order to receive a variance. Mr. Maggi questioned how Mr. Tirone received the original building permit without coming to the ZBA first. Mr. Maggi asked if Mr. Tirone would be building the home. Mr. Tirone said his company would be building and selling the single family home. Mr. Maggi asked if Mr. Tirone's company was dormant while he was dealing with health issues; Mr. Tirone answered no. Mr. Maggi then asked why Mr. Tirone did not start construction during the timeframe of his building permit; Mr. Tirone answered that his company did not build any homes while he was out of work. His company only performed remodeling jobs during that time. Mr. Maggi asked what type of home he is proposing. Mr. Tirone said he would build an approximately 2000 sq. foot 3 bedroom home that would fit into the neighborhood. Mr. Tirone explained he would not be able to make a profit on a home smaller than 2000 sq. ft.

Mr. Maggi opened the hearing to the public.

Mary Grasso, 14 Spencer Street, stated all the homes in the neighborhood are ranch and cape style homes. Ms. Grasso would like to see a single family home built on the property that matches the neighborhood. Currently the lot is overgrown and is an eye sore to the neighborhood. Ms. Grasso is completely against a duplex being constructed on this lot.

Nicole and Eric Sakowicz, 27 Spencer Street, are in favor of the construction of a single family home.

No one else spoke for or against.

Mr. Maggi closed the public hearing and went directly into a meeting. The members were all in agreement of granting the variance and discussed conditions that include only allowing the construction for a single family home, the home fitting into the character of the neighborhood, and that the home can be no larger than 1800-2000 square feet.

Mr. Maggi called for a vote in favor of approving this special permit and conditions discussed.

Maggi – Yes, Geiger – Yes, Mancini Jr. – Yes. All in favor.

Chairperson Prouty returned to the meeting.

C. 7:00 PM – Public Hearing – Variance – 11 Wilson Street – Ruha – Case #1983

Chairperson Prouty opened this 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, Vice Chair Richard Maggi and Clerk Gary Geiger.

Property owner Vladimir Ruha and Attorney Joseph Conway were in attendance to present this variance request. Mr. Ruha explained the property was purchased from the Town, and is currently split zoned Residence A2 and Business A. The original single family home was demolished at the request of the Town. Mr. Ruha is requesting a variance in order to use a small portion of the Residence A2 property to construct a larger duplex with a garage for each unit. Without the granting of this variance, a duplex can only be built on the Business A portion of the property, which will only allow for a smaller duplex. Attorney Conway explained the current zoning is haphazard, he believes the split zoning of the property fulfills the three variance requirements.

Chairperson Prouty read a letter into the record received on May 24, 2019 from abutter Ms. Callahan at 19 Wilson Street recommending approval of the variance.

Chairperson Prouty explained the three requirements necessary to receive a variance. Chairperson Prouty stated the applicant would be able to build a single family home in both zones by right, and does not feel the split zone prohibits him from utilizing the property. Mr. Maggi believes a substantial hardship exists due to applicant only being able to use a portion of the property for a duplex. Mr. Geiger stated he likes the duplexes Mr. Ruha builds, and believes one would be an improvement to the neighborhood. The Board members discussed continue the public hearing to allow for more research.

Chairperson Prouty opened the hearing to the public; no one spoke for or against.

Motion made by Mr. Maggi and seconded by Mr. Geiger to continue the public hearing for 11 Wilson Street to Monday, July 8, 2019 at 6:15 PM.

Vote 3-0

D. 7:30 PM – Public Hearing – Special Permit – 149 School Street – Buiso – Case #1984

Applicants Jimmy & Lisa Buiso were in attendance to present this special permit request. Ms. Buiso explained the location of the proposed addition to the rear of the home was adjusted to continue the existing 14.5-foot side yard.

Chairperson Prouty opened the hearing to the public; no one spoke for or against.

Chairperson Prouty explained the twenty (20) day appeal period, closed this public hearing and went directly into a public meeting. The Board members were in agreement to grant the petition because the applicant's proposal will not increase the nonconformity.

Chairperson Prouty called for a vote in favor of approving this request.
Prouty – Yes, Maggi – Yes, Geiger – Yes. All in favor.

Conditions were discussed. Chairperson Prouty asked Mr. Maggi. and Mr. Geiger to approve the following conditions:

1. The side yard for the proposed addition will be consistent with the existing nonconforming side yard of 14 feet, 5 inches as shown on the plan submitted and drawn by Mr. Edward Chapdelaine, Professional Land Surveyor; dated Nov. 15, 2018 and signed by the members of this board.
2. The petitioner shall record with the Hampden County Registry of Deeds a "Notice of Special Permit" form, which shall be provided by this Board and proof of said filing must be submitted to this Board and to the Inspector of Building.
3. This Special Permit shall become null and void if construction does not commence within three (3) years from the date of this decision.

E. 7:45 PM – Public Hearing – Variance – 57 High Street – Calabrese – Case #1981

Mr. Calabrese submitted a request on May 20, 2019 to continue the public hearing for his variance petition to the Board's next meeting.

Motion made by Mr. Maggi and seconded by Mr. Geiger to continue the public hearing for 57 High Street to July 22, 2019 at 6:30 PM.

Vote 3-0

F. Approval of Minutes

1. April 22, 2019 – Motion made by Mr. Geiger and seconded by Mr. Maggi to approve the minutes of April 22, 2019 as written

Vote 3-0

2. May 13, 2019 – Motion made by Mr. Maggi and seconded by Mr. Geiger to approve the minutes of May 13, 2019 as written.

Vote 3-0

G. Amendment of Minutes

1. January 14, 2019 - It was brought to the Board's attention that there are two errors under item #1, Public Hearing – Rosewood Way – 586 Mill Street Lot 4 – Case #1978, page 4, paragraph 5. Both Susan Grossman, 131 Moore Street and Kathy Arnold, 50 Brookline Avenue, are for the proposed development, not against.

Motion made by Mr. Maggi and seconded by Mr. Geiger to amend the approved minutes for January 14, 2019 to include the following changes to item 1, page 4, paragraph 5: Susan Grossman – 131 Moore Street – In favor of development, Kathy Arnold – 50 Brookline Avenue – In favor of development.

Vote 3-0

2. March 25, 2019 – Under item #3, the minutes there were approved during the March 25, 2019 meeting were the minutes for March 11, 2019, not February 25, 2019.

Motion made by Mr. Geiger and seconded by Mr. Maggi to amend the approved minutes for March 25, 2019 to include the following change to item 3: Motion to approve the March 11, 2019 minutes by Mr. Geiger, seconded by Mr. Maggi.

Vote 3-0

Motion made by Mr. Geiger and seconded by Mr. Maggi to table approval of the April 22, 2019 minutes to the next meeting.

Vote 3-0

H. Discussion of any topics that the Chair did no reasonably anticipate – None

The meeting adjourned at 8:15 PM

Submitted by Amanda Boissonneault