

Members Present:

Doreen Prouty – Chairperson  
Aldo Mancini – Acting Vice Chair  
Gary Geiger – Acting Clerk

Members Absent:

Richard Maggi – Vice Chair  
Gary Suffriti – Clerk

Chairperson Prouty opened the meeting at 6:30 PM:

**1. Case #1974: Steven Ceberek – 368 Rowley Street**

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, Acting Vice Chair Aldo Mancini, and Acting Clerk Gary Geiger.

The petitioner Steven Ceberek, 368 Rowley Street, Agawam, Massachusetts, he has an in-law apartment on the second floor towards the rear of the house. A tenant claimed it was not a legal apartment and the Building Inspector agreed. Mr. Ceberek was advised by the Building Inspector to add a second egress, and explained he would like to move the existing deck over and add an exit where there is currently a window.

Chairperson Prouty said she spoke with Building Inspector Erik Wight. Mr. Wight said the petitioner is in compliance with all setbacks, but never took out a permit to create a two-family dwelling. This is a preexisting non-conforming lot, and a two-family residence would be considered a substantially greater extent of the use. Mr. Ceberek would have needed to request permission from the Board under Chapter 180 section 7(D).

A letter from Safety Officer Sgt. Steven Grasso, dated June 15, 2018, was read into the record.

Member Geiger asked how many people live in the second floor. Mr. Ceberek said no one lives there now, and prior to that, there was only one tenant. Member Mancini Jr. asked what the petitioner pays property tax on. Mr. Ceberek said the Assessor's Office has an in-law apartment shown for his property. Chairperson Prouty said that adding a second egress is out of the ZBA's jurisdiction and belongs to the State. The setbacks meet the requirements and the proposed deck location does not affect the current setbacks. Chairperson Prouty said she has no problem with the petitioner's request, this property is considered a legal nonconforming lot that enjoys separate lot protection.

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

Chairperson Prouty explained the twenty (20) day appeal period, closed this public hearing at 6:45 p.m. and went directly into a public meeting. Chairperson Prouty said she is in favor of granting a special permit because the lot enjoys single lot protection, the proposed work will not

be detrimental to the neighborhood, and the Safety Officer said it would have no impact on pedestrian, bicycle, or motor vehicle safety; Members Geiger and Mancini Jr. agreed.

Chairperson Prouty called for a vote in favor of approving this request.

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

Conditions were discussed. Chairperson Prouty asked Member Mancini Jr. and Member Geiger to approve the following conditions:

1. All relevant setback and side yard zoning regulations are to be met as shown on the drawing submitted by the petitioner with this application.
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 Buildings.
3. This Special Permit shall become null and void if construction does not commence within three (3) years from the date of this decision.

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

**2. Case #1972: Public Hearing Continued – City of Springfield – M Street Ext.**

Chairperson Prouty reopened this public hearing. Gary Pierce and Ken Ryan from Covanta, Jessica Roberts with Tighe and Bond and Scott Donelon from the City of Springfield were in attendance. Mr. Pierce informed the Board that they received approval from the Board of Health on July 11, 2018 and site suitability approval from DEP on July 19, 2018. After all local permits are received, the next step will be to file with DEP for a major modification permit.

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

Chairperson Prouty explained the twenty day appeal period, closed this public hearing at 6:58 p.m. and went directly into a public meeting. Chairperson Prouty said she is in favor of granting the special permit because approvals from the Board of Health, Conservation Commission, DEP and Planning Board have been received, and it is an appropriate use for a landfill. Members Geiger and Mancini Jr. agreed.

Chairperson Prouty called for a vote in favor of approving this request.

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

Conditions were discussed. Chairperson Prouty asked Member Mancini Jr. and Member Geiger to approve the following conditions:

1. The new final closure height shall be no higher than 222 feet MSL.
2. The City of Springfield shall notify this Board of any changes in the operation and/or ownership of this facility.
3. This landfill is to be used solely for disposal of residual ash and contaminated soils as approved by Mass DEP.
4. The proposed project shall not extend beyond the current footprint of the the Cell 2 area.

5. The petitioner shall maintain the trees and appropriate vegetation along the buffer/Route 5 area along with the entrance located off Route 5.
6. 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 Buildings.
7. This special permit shall become null and void if construction does not commenced within three (3) years from the date of this decision.

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

### **3. Discussion – Fees**

Chairperson Prouty asked the members of the Board to think about charging a fee for an Appeal of the Building Inspectors Decision. Currently there is no fee, and the Board is paying for the legal ads.

### **4. Approval of Minutes – May 14, 2018 and June 11, 2018**

Motion was made by Chairperson Prouty and seconded by Member Geiger to approve the minutes of May 14, 2018. All in favor.

Motion was made by Chairperson Prouty and seconded by Member Mancini Jr. to approve the minutes of June 11, 2018 with a minor correction. All in favor.

### **5. Any topics that the Chair did not reasonably anticipate - None**

Chairperson Prouty closed the meeting at 7:00 PM

Submitted by Amanda Boissonneault