

Members Present:

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

Members Absent:

Gary Suffriti – Clerk

Chairperson Prouty opened the meeting at 6:30pm.

1. Case #1975: Mass Veterinary Cardiology Services, Inc. – 305 Suffield Street

Chairperson Prouty opened this hearing at 6:30PM, introduces the members and explains the procedure to be followed. Mr. Greg Neffinger, 76 Bonair Ave. West Springfield, MA, Architect, spoke for the petitioner. He states the building is historic and the petitioner would like to build an addition which would increase much needed space. The interior of the existing structure will be rearranged to be used for procedures and the new addition for exam rooms and office space. The addition will not be closer to the rear yard boundary than the original building.

Chairperson Prouty reads the Traffic Safety Officer Sgt. Grasso’s memo into the record. Both the Planning Board’s site plan review approval and the engineering memo are also read. The Chairperson then opens the hearing for public input. There are no public questions or comments for or against this petition. Ms. Prouty explains the 20 day appeal period, closes the hearing and directly opens into a meeting.

Chairperson Prouty states she is of the opinion that this special permit request can be approved. MGL, Ch.40A , Section 6 allows for a nonconforming structure to be enlarged as long as the nonconformity is not increased. Ch. 180-7 of the town’s ordinances also allows a nonconforming structure to be enlarged. The new addition will not increase the existing nonconforming rear yard dimension. All other zoning requirements will be met. The other members agree and have no further comments. Chairperson Prouty calls for a vote to approve this special permit request. Maggi-yes, Mancini-yes, Prouty-yes.

The members unanimously approved the following conditions:

1. to be built according to the plan provided and signed by the board members
2. no animals are to be kept outdoors
3. no boarding of animals
4. no curb cuts along Cooper St. property boundary
5. register with Hampden County Registry of Deeds
6. special permit shall lapse after three years from the date of this decision if no construction is begun

Chairperson Prouty closed this case at 6:55PM

2. Case #1976: Robert Labun – 531 River Road

Chairperson Prouty opened this hearing at 7PM by introducing the members and explaining the procedures to be followed. Att. Gary Liquori, 84 Park St. West. Springfield spoke for the petitioner. Mr. Labun is appealing a June 4th letter regarding a previous stop work order issued by Eric Wight, Agawam's Inspector of Buildings. Inspector Wight states that, in his opinion, an apartment is being built on the premises. Inspector Wight's determination is based on the definition in Mass. State Building Code (789CMR9th edition) Section 107.6 regarding dwelling units. The original building permit of August 14, 2017 was approved for office spaces and car storage.

Att. Liquori states they disagree with the Building Inspector's interpretation. There is no closet or area for sleeping quarters. There will be no stove/oven, gas or 220 voltage electrical service. There will be a refrigerator and microwave in the upstairs "break room". The petitioner is willing to remove the upstairs shower. The downstairs bath, including shower, and the washer/dryer will remain for the convenience of the owners. Such accommodations are not unusual for a business, although this request is for personal use. Chairperson Prouty reads a June 4th e-mail from Inspector Wight to Mr. Labun clarifying the stop work order. He further advises Mr. Labun that he may appeal his decision to the ZBA and must comply with the ZBA conditions if this appeal is successful.

The Chairperson opens the hearing to the people in attendance. Doug Dryer, 228 Southwick St. states he is the plumber for this project and all plumbing inspections have passed. There is nothing in any code that states a shower is not allowed in this zone. Doesn't understand why this has become an issue. Sue Prew, 300 Leonard St. is concerned about traffic, noise, etc. She understands this parcel is zoned for business but to her it seems this is more of a recreational use, not business. Art Grout, 313 Leonard St, is in support of petition and does not understand why shower should be eliminated. Natalie Clifton, 243 Leonard St., is not in favor. She is concerned about noise and more cars than just those of the owners being worked on. Chris Carney, 549 Russell Rd. Westfield, MA is the architect for this project. He feels he is also liable for the stated use of the property and is willing to sign an affidavit that there will be no apartment in this structure. Att. Liquori states this use will be less noisy than if a normal business were being allowed. Chairperson Prouty asked if anyone in attendance wished to speak in name only for or against this petition. No one did.

Chairperson Prouty stated she is not ready to make a decision tonight. She wishes to speak with Inspector Wight and also refresh her knowledge regarding appeals. Vice-chair Maggi asked about the appeal form, the special permit form and notices from the Building Inspector. Att. Liquori stated he spoke with Att. Buoniconte (town attorney) and was told petitioner was given the wrong form. The Chairperson and Att. Liquori discuss what authority the ZBA has in this appeal. Mrs. Labun asked to know the reasons for a yes or no vote on appeals. Chairperson Prouty again stated she would like to do more research before making a decision.

This hearing is continued to Monday, August 22nd at 6:30pm at this same location.

3. Approval of Minutes – July 23, 2018

Member Maggi made a motion to approve the July 23, 2018 meeting minutes and seconded by member Mancini. All in favor.

Member Maggi made a motion to close this meeting and seconded by member Mancini. All in favor.

Chairperson Prouty closed the meeting at 8:05PM.

Submitted by Chairperson Prouty