
Members Present:

Richard Maggi – Vice Chair
Vincenzo Ronghi-Alternate
Aldo Mancini-Alternate

Members Absent

Doreen Prouty – Chair
Gary Geiger – Clerk

Also Present:

Stefanie Kesecker

Vice Chairperson Maggi opened the meeting at 6:30 PM.

Vice Chairperson Maggi opened the public hearing by introducing the members of the Board.

A. Case #2009-Nutbrown-1810 Main Street-Variance

Members sitting-Maggi, Ronghi, Mancini

Vice Chairperson Maggi called the meeting to order and introduced the members of the Board. He then explained to the applicant the three criteria needed for the Board to grant a Variance, §40A, section 10: *“owing to circumstances relating to soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.”*

Vice Chairperson Maggi suggest that the applicant think about withdrawing the application and revising it. Mr. Ronghi also added that if the request was denied they cannot come back before this Zoning Board of Appeals for two years, and suggested revising the dimensions of the project. Tom Whitman 71 Carmen Ave, private contractor for the applicant said they are very restricted with the layout for the building on this narrow lot. He said they can easily comply with the 120 ft. set up by Conservation Commission, but the width of the lot (75 ft.) is prohibitive and if the plan was designed any smaller the trucks would not fit into the garage for repairs. Mr. Whitman said the plans have been scaled way down from the original ones. Vice Chairperson Maggi asked if making the shape of the building rectangular rather than square would work. Mr. Whitman said they would not have the depth needed to fit the trucks. Mr. Glenn Nutbrown said it was not feasible with the location of the house and existing garage as well as the parameter to the brook. Mr. Ronghi asked if the depth was needed because of the trucks. Mr. Nutbrown responded yes and went on to say the 40’ ft. allows the truck to be pulled in and only about 2 ft. to walk around it and also for placement of tools. Mr. Nutbrown also informed the Board both of the lots beside them,

Six Flags access road for parking and the cell tower lot are not buildable lots. Mr. Ronghi asked how far from their lot to the access road. Mr. Ronghi asked if the applicant could buy a 15 foot box of land from Six Flags. Mr. Nutbrown said he would have to restart the whole process in order to do this, but he would lose his parking putting the proposed garage here. Mr. Ronghi asked about an easement with Six Flags. Mr. Nutbrown stated they could not give him the 40 ft. needed. Mr. Nutbrown informed the Board his company is permitted in Agawam and that they do not handle freight. Mr. Whitman stated the lot is a narrow 75 ft. wide and they are asking if this can be 15 ft. on either side, since the size cannot be adjusted. Mr. Nutbrown stated the topography drops about 1 ft. every 10 to 15 ft. towards the brook and even if Conservation Commission allowed it, it would be too pricey for all the fill needed. Mr. Mancini asked about a special permit instead. Vice Chairperson Maggi suggested seeing if Conservation would allow more setback into the brook area. Mr. Nutbrown said Conservation had allowed what they could, due to disturbed wetland area. Vice Chairperson Maggi asked if the cell tower lot would sell them some land and Mr. Nutbrown said for a very large sum of money. Mr. Ronghi asked if cell tower lot gave them an easement could they get the truck in, if they bought land from Six Flags. Mr. Nutbrown, said he would not be able to get the truck in this way. Mr. Nutbrown asked the Board what he was to do in a situation with non-buildable lots besides him. Mr. Ronghi went on to say this is an existing piece of property that was originally a residence, but now a business as well, and they are trying to expand it. Vice Chairperson Maggi asked how the trucks are currently repaired. Mr. Nutbrown stated if he takes the trucks elsewhere to be repaired it is not cost effective with the rising costs of everything and he can fix the trucks. Mr. Mancini said considering neighboring lots and the wetlands, he did not have a problem with the variance. Mr. Maggi made mention that no businesses or residents were present.

On item #1 owing to circumstances relating to soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located. Maggi-yes, Ronghi-yes, Mancini-yes

On item #2 a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant. Maggi-yes, Ronghi-yes, Mancini-yes

One item # 3 that desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law. Maggi-yes, Ronghi-yes, Mancini-yes

B. Approval of Minutes-November 14, 2022

Motion was made by Mr. Ronghi and seconded by Mr. Mancini to table the November 14, 2022 minutes approval until the next meeting when Chairperson Prouty is present. Maggi-yes, Ronghi-yes, Mancini-yes.

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

None

Motion made by Mr. Ronghi and seconded by Mr. Mancini to adjourn the meeting. Maggi-yes, Ronghi-yes, Mancini-yes.

Meeting adjourned at 7:35PM.