

Members Present:

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

Members Absent:

Vincenzo Ronghi – Alternate

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*Draft Minutes Approved on April 22, 2019*

*Approved Minutes Amended on June 10, 2019*

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***Please note: The recording device used for this meeting did not function properly. Below is a summary of the March 25, 2019 meeting as recollected by the Chair and reviewed by the applicants.***

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Chairperson Prouty opened the meeting at 6:30 PM:

1. Haig Babikyan, Case # 1980, (public hearing and meeting)

Chairperson Prouty read the legal notice and introduced the members sitting on this case. They are: Chair Doreen Prouty, Vice-Chair Richard Maggi, and Clerk Gary Geiger.

Mr. Haig Babikyan stated he is employed by Mr. Harold Tramazzo, owner of the Hangar restaurant being proposed for this subject location. Mr. Tramazzo stated this petition may remain in his employee's name. Mr. Tramazzo wishes to remove conditions #1, 2 and 3 previously issued under Case # 1715, dated May 24, 2004. Condition #1 limits the number of seats located at the bar. Condition #2 limits the type of music and hours to be played. Condition #3 limits alcohol being served to 11PM. Mr. Tramazzo stated this restaurant does classify as a "family style" restaurant since children frequent his other Hangers' locations.

Chairperson Prouty questioned who is the current owner of this subject property. Mr. Tramazzo stated Michael B'Shara is selling this property to him. There is a current signed Purchase and Sales Agreement between himself and Mr. B'Shara. Chairperson Prouty stated a copy of the P&S Agreement must be submitted to this board and Mr. Tramazzo agreed.

The Chair read into the record a response from Ms. Kathleen Auger, Agawam Health Inspector and a letter from Mr. Charles H. Lorenz who is opposed to this petition. The Chair then opened this hearing to the people in attendance. Many area residents spoke. The primary concerns were noise and the closing hour of 2 AM. Currently, the neighbors said there is no excessive noise associated with the current restaurant and are fine with the closing hour of 10PM. Two residents are concerned this new restaurant will lower their property values and increase their auto insurance rates. Two residents spoke in favor of this petition as proposed, which included a

direct abutter.

Mr. Tramazzo stated he is a responsible owner and is responsive to the concerns of the area residents at all of his other locations. Chairperson Prouty explained why this business is a legal non conforming use. She also noted this parcel has received numerous special permits, beginning in 1929.

Chairperson Prouty explained the 20 day appeal period, closed this hearing at 7:45PM and opened directly into a meeting.

Chairperson Prouty stated the term “family style restaurant” is used in many of the previously granted petitions. It also appears from the area residents comments that the current operation of “Michael’s Pasta in the Pan” restaurant is acceptable. Member Maggi stated this is not a location where a business should be allowed to stay open late. It is amid a totally residential neighborhood and being allowed to remain open until 1AM or 2 AM changes the character of the restaurant from a “family style” to more of a “bar”. Member Geiger also agreed saying children probably will not be frequenting this restaurant in the later hour. The members agreed that 1) the seating at the bar does not need to be limited since patrons can drink alcoholic beverages wherever they sit, 2) hours during which alcohol is served is regulated by the Agawam Liquor Commission, 3) there still will be no live bands but the noise issue can be controlled by other means and 4) hours of operation can be limited to earlier than what is being requested.

Chairperson Prouty called for a vote to grant this request with conditions. The vote: Maggi-yes, Geiger- yes and Prouty- yes. The following conditions were also unanimously approved: 1) Conditions #1, 2 and 3 of the previously granted special permit (Case # 1715, dated May 24, 2004) are to be voided, 2) hours of operation will be from 11AM to 11PM, and 3) music cannot be heard beyond the interior walls of the building with all doors and/or windows only opened for ingress/egress purposes. All other conditions pertaining to the subject property from previously granted petitions are to remain in effect. The Chair closed this meeting at 7: 50PM.

## 2. Way Finders, Inc.

Chairperson Prouty reopened this hearing at 7:55PM. Sitting on this case are Chairperson Prouty, Vice-Chair Maggi and Clerk Geiger.

Mr. Stephen Savaria, representative from Fuss & O’Neill for the petitioner, spoke regarding the ongoing traffic study and explained the petitioner’s response to the Beta peer review findings dated February 21, 2019. All issues raised by the peer review consultant were addressed and answered both in writing (memo dated February 27, 2019) and orally at the hearing.

Mr. Kien Ho from BETA commented on the petitioner’s February 21st. response. Among the continued concerns by Mr. Ho are adequate parking on site for the residents and visitors, intersection at Mill/Line streets, sidewalk enlargement to 8 feet wide, intersections at Mill/Poplar and Mill/Springfield streets signals coordinating with each other, and pay for a traffic study regarding the intersection of Cooper/Mill Streets.

Att. Felicity Hardee, representing the petitioner, stated she does not believe the requests mentioned for off site mitigations is legal under M.G.L. Ch.40B, CMR Ch. 760. It was realized that the section she was referring to from Mr. Peznola memo of March 22nd to Way Finders is not the same memo received by this board. Our memo is dated March 21st. and does not contain that information.

Chairperson Prouty read into the record memos received from the mayor's office addressing the driveway safety concerns from the police departments, which had been forwarded to the Chairperson's e-mail. Another memo, received by this board from Mayor Sapelli, is requesting that the ZBA consider and authorize local housing preference to Agawam residents in its decision. A February 26, 2019 memo from the Agawam Fire Inspector was also read into the record.

Mr. Mark Darnold from the Berkshire Design Group is representing the petitioner for the site engineering details. He conducted a slide presentation, some of which addressed the civil peer review done by VHB. Landscaping issues and the use of a new "porous pavement" roadway system inside the development were explained.

Chairperson had to end this hearing due to time constraints at 8:55pm. It was agreed by all parties involved to continue this hearing to Monday, April 22nd at 6PM.

3. Motion to approve the March 11, 2019 minutes (*amended June 10, 2019*) by Mr. Geiger, seconded by Mr. Maggi. All in favor.

4. No other business discussed.

Chairperson Prouty closed the meeting at 9PM.

Submitted by Chairperson Prouty