

The following members attended the public meeting:

Doreen Prouty, Chairwoman
James Marmo, Vice-Chairman
Joe Conte, Clerk
Gary Suffriti, Alternate
Betty Manchino, Secretary

1. Case # 1814, Grimaldi

Chairwoman Prouty opened this public hearing at 6:30PM by reading the legal notice and explaining the procedure to be followed. Sitting on this case were Prouty, Suffriti and Conte.

Representing the petitioner was Michael Shue from D.L.Bean. He explained that his client, Mr. Grimaldi, wishes to construct a building at the rear of his property for storage of his vehicles. Currently, his vehicles are being damaged and he wishes to have them enclosed. For this permit, it was classified as a trucking terminal, but all Mr. Grimaldi wishes to do is house his own construction vehicles (i.e. bobcats, heavy equipment). This enclosure will be a 60' by 60' building at the rear of 343 Main Street.

Chairwoman Prouty questioned why this plan was recorded in the Land Court and not at the Hampden County Registry of Deeds. She was advised by Mr. Shue that when the current plan was approved it required it to be filed in Land Court. It was filed in 1985 but due to the backlog at Land Court, it took to 1987 to be recorded. Chairwoman Prouty read into the record the Planning Board memo and the Safety Officer's memo. Mr. Conte stated that the Safety Officer's memo stated they would need two traffic lanes going through this property, but since it is not a trucking terminal, a single width road would be appropriate. Chairwoman Prouty opened this hearing to anyone who wished to speak. There was no one speaking in favor or against this petition. The 20 day appeal period was explained and the hearing was closed at 6:41PM. The board went directly into a public meeting.

Chairwoman Prouty made a motion to grant this permit with the usual conditions which include: building according to the plans submitted, must be recorded at the Hampden County Registry of Deeds, construction must commence within two years of this decision and all building requirements must be met.

The vote to grant this special permit is as follows:

Conte- yeah

Suffriti – yeah

Prouty – yeah

This special permit is granted. This meeting was closed at 6:47PM.

2. Case # 1812 Baldyga

Chairwoman Prouty opened this hearing at 6:50PM by reading the legal notice and explaining the procedure. Sitting on this case were Prouty, Suffriti and Conte.

Mr. David Mill, 18 Wales Rd., Monson, MA, the contractor for the project, stated a second story will be added to the existing structure. The current structural foundation will not be changed at all. Chairwoman Prouty read into the record the Safety Officer's memo which stated that there would be no negative safety hazard with this addition. The Fire Inspector sent his memo back with no comment. This hearing was opened to the public. Speaking in favor of this petition was Kathy Ayre, 54 Avalon Place, Feeding Hills, MA. No one spoke in opposition. The Chairwoman explained the 20 day appeal process and closed the hearing at 6:55PM and went directly into a meeting.

The Board agreed to the usual conditions which include: building according to the plans submitted, recording this decision with the Hampden County Registry of Deeds, construction must meet all regulations and construction must commence within two years from the date of this decision.

Chairwoman Prouty called for a vote of the three members to grant this request for a special permit, the results which are:

Conte – yeah

Suffriti – yeah

Prouty – yeah

This special permit was granted and this meeting was closed at 7:00PM.

3. Case # 1813, Melnik

Chairwoman Prouty opened this hearing at 7:02PM by reading the legal notice and explaining the procedure to be followed. Sitting on this case were Prouty, Suffriti and Conte.

Mr. Peter Juliak, 24 Dover St., Agawam, MA, representing the petitioner, Mr. Melnik, explained that the request is to build an addition to the side of the house with the same roof level. Chairwoman Prouty read the memo received from the Conservation Commission. Mr. Melnik stated his property is no longer in the 100 year floodplain. It has been redesignated to the 500 year floodplain.

The memo received from the Safety Officer which stated there would be no negative impact was read into the record. This hearing was opened to the public. Speaking in favor of this petition were Mr. & Mrs. Juliak, 24 Dover St., Agawam, MA. Chairwoman Prouty explained the 20 day appeal period. The hearing was closed at 7:10PM and the Board went directly into a meeting.

Chairwoman Prouty stated she is willing to grant this special permit with the condition that Mr. Melnik must submit proof that his property is no longer located in the 100 year floodplain. The Board also agreed to the usual conditions that include: building must be done according to the plans submitted, this special permit must be recorded in the Hampden County Registry of Deeds, all building requirements must be met and construction must commence within two years from the date of this decision.

Chairwoman Prouty called for a vote to grant this special permit, the results are which:

Conte – yeah

Suffriti – yeah

Prouty – yeah

This special permit has been granted. This meeting was closed at 7:15PM

4. Case # 1809, Pananas

Chairwoman Prouty reopened this hearing at 7:18PM. Sitting on this case were Prouty, Suffriti and Conte.

Mr. John MacMillian of Rinehart Associates represented Mr. Pananas, who is requesting a revision to the plan originally approved in 2005. In this newly submitted plan, Mr. Pananas is reducing the parking to 197 spaces. He is adding an outdoor patio to the rear of the building for dining purposes. Memos approving this petition from the Planning Board and Conservation Commission were read into the record. There will be no fountain in front of the building as shown on the new plan. The Safety Officer has a concern on the curb cut at St. Jacques Ave and Mr. MacMillian was asked if this concern had been addressed. He stated it has not. Chairwoman Prouty advised him to contact the Safety Officer to solve this issue. She also stated that a deed showing the petitioner is the owner of this property must be submitted. Members Conte and Suffriti were in agreement with these issues.

Chairwoman Prouty made a motion to continue this hearing to Monday, February 11th and was seconded by Mr. Suffriti. All were in favor.

5. Case # 1810 and # 1811, Six Flags

Chairwoman Prouty reopened both hearings at 7:40PM. Sitting on these cases were Prouty, Suffriti and Conte.

Mr. John Furman from VHB Engineers, Chuck Davis and Larry Litton of Six Flags, Atty. Gary Shannon and Richard Maloney, Design Engineer for the ride, were present for the petitioner. The Board members agreed to discuss Case # 1811 first, which concerns the subject property being located in the floodplain.

Mr. Furman stated that the Conservation Commission had walked the site in question with Six Flags officials and an Order of Conditions was recorded and all the standard conditions had been met by Six Flags. Mr. Suffriti questioned who will be checking out the earth removal on this project and was advised that Chuck Davis will be in charge of this duty. Chairwoman Prouty opened this hearing for Case # 1811 to the people in attendance and no one spoke in favor or against this petition. The Chairwoman explained the 20 day appeal period and closed this hearing at 7:55PM. The Board went directly into a meeting.

Chairwoman Prouty made a motion to approve this special permit with several conditions, which include: the work to be done must be in accordance with the Order of Conditions granted by the Agawam Conservation Commission on January 10, 2008, adhere to local, state and/or federal regulations regarding the property located within the floodplain, this special permit must be recorded in the Hampden County Registry of Deeds and construction must commence within two years from the date of this decision.

Chairwoman Prouty called for a vote to grant this special permit, the results of which are as follows:

Conte- yeah

Suffriti – yeah

Prouty – yeah

This special permit has been granted.

Discussion of Case # 1810 regarding the height of the ride began immediately. The memos received from the Safety Officer and the Planning Board were read into the record.

Mr. Conte stated that at the last hearing he asked for building plans for this enclosed ride to be submitted so he could review these plans. Mr. Conte stated that this review is necessary to insure the safety of the people inside this ride enclosure. Chairwoman Prouty stated that this Board does not approve the actual building plans. She also stated that this Board has not received any communication from either the building inspector or the fire inspector expressing concerns about this petition. Mr. Conte stated he has personally met with them and both have major concerns regarding the safety of this ride.

Mr. Furman stated that the final plan will be submitted to Mr. Conte. Mr. Richard Maloney, designer of this ride, is willing to meet with the building and fire inspectors to answer any questions that may arise. Mr. Conte wishes to meet again with the Building Inspector and the Fire Inspector to discuss the final plans. Mr. Conte was advised by the Chairwoman that if two or more members plan to attend this meeting, the meeting will need to be posted 48 hours in advance. Mr. Conte will contact Mr. Davis of Six Flags and advise him of the date and time for this meeting with officials.

Mr. Furman also advised the Board that the original height requested in this application was 65 feet but in the final plans it has changed to 70 feet. Mr. Larry Litton, General Manager for Six Flags, asked the Board members if they needed any other information because they would like to start construction on this ride as soon as possible. Members Prouty and Suffriti stated they do not.

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Chairwoman Prouty made a motion to continue Case # 1810 until February 11th. Seconded by Mr. Suffriti. All were in favor. The hearing was closed at 8:15PM

6. Minutes of November 26th and December 10th, 2007 : approved unanimously

7. Election of Officers

Prouty made a motion to elect Mr. Jim Marmo as Vice Chairman

Vote- Prouty- yeah

Marmo- yeah

Conte- yeah

Prouty made a motion to elect Mr. Joseph Conte as Clerk

Vote Prouty- yeah

Marmo- yeah

Conte- yeah

Marmo made a motion to elect Ms. Doreen Prouty as Chairwoman

Vote Marmo- yeah

Prouty- yeah

Conte- vote withheld

Mr. Conte state his reasons for withholding his vote include his disagreement over which Town Officials Ms. Prouty speaks with and that she does not always accept his opinion as fact.

8. Letter of complaint regarding Michaels Restaurant

The Board received a letter containing several complaints against Michael's Restaurant from Edward & Jean Landry of 24 Campbell Dr., who are abutters to this restaurant. At the last meeting, Mr. Conte was questioning whether or not Mr. B'Shara had the right to get rid of the 15 foot wide barrier as required under Special Permit, Case # 996, dated February 11, 1982. After much research, he could not find any evidence to negate that condition. Ms. Prouty stated that she also researched this issue and agrees with Mr. Conte. The Board has agreed to send Mr. B'Shara a certified warning letter stating he must adhere to the conditions imposed upon this property under all special permits granted to this subject property. Mr. Suffriti will draft this letter and send it to Mr. B'Shara.

There was no other issue to discuss. Chairwoman Prouty made a motion to closed this meeting and seconded by Mr. Conte. All were in favor and the meeting was closed at 8:50PM.