

The following members attended the public meeting:

- Doreen Prouty - Chairperson**
- James Marmo - Vice Chairperson**
- Joseph Conte-Clerk**
- Gary Suffriti-Alternate**
- Jennifer Bonfiglio - Secretary**

1. Case # 1820-Six Flags New England

Chairperson Prouty opened this public hearing at 11:00 AM by reading the public notice and introducing the Board members. Sitting on this case was Prouty, Marmo and Conte.

Representing Six Flags was Mr. John Furman of Vanesse, Brustlin, Inc. Also in attendance were Larry Litton; President Six Flags New England, Mark Winsell, Attorney Gary Shannon, Chuck Davis, Melissa Pinkerton, Jason Freeman and Mike Vitabelli.

The petitioner advised he will follow the presentation that was previously given to Planning and Conservation. Plans were presented and differences will be outlined from the previously approved ZBA Case # 1811.

Member Conte asked if the Conservation Commission has approved and was satisfied with the approval and amended Order of Conditions.

The board was advised by Mr. Furman to refer to the summary page where it is indicated that the flood plain calculations have changed due to revised grading. The fill is compensated on a foot by foot basis. Joe questions if it is possible to put a reserve in a compensatory storage. Mr. Furman explains the reserve areas are to allow for over compensation.

Member Suffriti asked if a certificate of elevation had been received. Mr. Furman stated that it will be received post construction, although they do have a letter from Decara Land Surveyor that certifies the project to date.

Chairperson Prouty agrees with Member Conte that they defer to Conservation. An order of conditions has been received and they have no further questions.

Chairperson Prouty read into record the order of conditions dated March 27, 2008. She also read the memo from Chief Campbell and a letter from Senator Stephen Bouniconti dated April 2, 2008.

Chairperson Prouty opened this hearing to the public.

No one spoke in favor or against. Chairperson Prouty asks if the board is ready to vote.

Chairperson Prouty explained the twenty day appeal period and then closed the public hearing.

Chairperson Prouty distributes a draft of the decision to the Board members for approval. Member Conte stated that he does not agree with the sentence about the appeal period, but will sign the decision. Chairperson Prouty explained that she added that sentence to decisions after a seminar she attended conducted by Kathy Roth. Chairperson Prouty reads the conditions of this decision to the attendees and then calls for a vote.

Marmo-yeah

Conte-yeah

Prouty-yeah

Chairperson Prouty closed this meeting at 11:20 AM.

2. Case # 1821-Six Flags New England

Chairperson Prouty opened this public hearing at 11:20 AM by reading the public notice. Board members and Six Flags attendees already introduced.

Mr. Furman representing Six Flags explained that the height of the building is not being changed. The building is currently approved for exceeding the Town's height requirements. A letter from Decara Engineering dated 3/3/08 is introduced. Building was under construction at that time and the height was 69.27 feet due to the certification from Decara. Mr. Furman explains they are here today to change the reference of the site plan. No changes in height is being requested. The changes that are being made are outlined by Mr. Furman by referencing page C4 of the plans originally approved. The project area is encompassed by two retaining walls. The building was too tight up against the wall. Fire Code indicates a 10 foot separation is needed. The building was shifted 10 ft, 1 inch towards the direction of the other wall. The building size has not changed, just the Q line. The exterior Q line was shortened. Chuck Davis added that there has been no structural change, just the footprint has changed. In addition, exits have been shifted due to the exterior foot print, although entrances and exits are not subject to approval.

Member Conte indicated that the Building Inspector, Nick Urbinati has only the structural plans, and not the footprint. He also stated that his main interest is safety; the means of egress and fire safety. He indicated that Inspector Urbinati has not received any approval from the state. Member Conte indicates also that he is satisfied with the footprint.

Attorney Gary Shannon, representing Six Flags, indicated that he met with individuals from the State on 4/3/08 along with Chuck Davis. He advised that the fire suppression system was approved unanimously. The egress was approved also by the board if the building code is followed. Six Flags is waiting for the written decision. He states the Board of Appeals (BOA) decision is not dependent on that, it is out of the BOA jurisdiction.

Member Conte states that BOA has jurisdiction over every nail and screw entering the building. He asked for structural drawings back in December and according to our application, all plans are necessary to act. He also stated that the Board gave jurisdiction to the Building Inspector.

Chuck Davis attended the meeting with the State and confirmed the two decisions regarding Egress and Fire Suppression system. He stated also that the State Building Inspector advised him not to give plans to anyone. They should only be given to the zoning office and distributed through them. Member Conte feels that she has no authority over the BOA and will contact her directly. Chuck Davis stated that the local Building Inspector has the plans. The submission to the Building Inspector has not changed.

Chairperson Prouty feels that the BOA does not have authority over how the building is built.

Conditions of approval will require building state and federal guidelines be followed.

Gary Shannon suggests that the approval be based on the condition that the building inspector receives plans to maintain consistency.

Member Marmo feels it is the responsibility of Six Flags to provide plans.

Member Conte designated the Building Inspector as authority in past. He will go with previous decision conditions and give the Building Inspector authority.

Member Suffriti also requesting decision and conditions similar to previous granted decision.

Member Suffriti questions the possibility of the egress changing. Member Conte advises that if the footprint is changed again, they will have to come back from another Special Permit. Chuck Davis states there will be no change in the egress. The current plan is building code compliant.

Mike Vitabelli, Regional Director of Office of Business Development confirms what Chuck Davis states happened at the 4/3 meeting.

Member Suffriti, reacting to the letter from Senator Bouniconti, is upset that the Board is painted as the bad guy. He is concerned and questions why the Senator did not contact the Board.

Gary Shannon feels that board is mutually respectful. There has been no malice or intention to deceive. Six Flags is currently in full compliance.

Member Conte agrees that Six Flags has not said anything negative about the Board in the press and again states that this is all about safety of the ride.

Member Marmo read a letter into records written by himself as follows:

“As all parties are aware, the construction of Dark Knight ride commenced prior to the Board of Appeals approval regarding the height requirement and flood zone exception. The plans were submitted involving the construction of this structure were incomplete and incorrect. You have put the burden of fault on yourself, and have failed to be accountable for your actions. I would like Six Flags Corporation to issue a public apology and accept complete responsibility for the difficult position you have put the Town of Agawam in, and the departments that were involved, in an effort to try to issue you a building permit for this project.”

Chairperson Prouty read into record a letter from Senator Bouniconti, a memo from the Planning Board dated 3/21/08 approving the site plan, and a memo from Chief Campbell regarding safety.

Chairperson Prouty questions if traffic predictions were done. John Furman feels attendance will not change. This ride replaces a current attraction.

Gary Shannon states that the Board is well meaning and hard working.

Larry Litton, president Six Flags states that this process has been painful for all involved. They have tried hard to be compliant, have tried not to comment publicly, are working with local and state officials. He admits mistakes have been made they wish were not made. He hopes the process can move forward. He feels the relationship is good and hopes to maintain an open communication.

Member Suffriti states there have been many meetings and if plans were set from the beginning, this would not have gone this far. Larry Litton states that he shares the frustration.

Chairperson Prouty opened the meeting to the public.

Paul Cavallo, 6D Castle Hill Rd., City Councilor commends the Board. He states that he sees the frustration and agrees mistakes have been made, although now corrected. As a councilor he feels there must be a resolution. As a citizen he supports the Board.

No one speaks in favor or against.

Members Marmo states that he spoke with the Building Inspector earlier today and feels Chuck Davis's and Nick's statements seem to differ. He also questions how the Board can vote without the plans.

Chairperson Prouty disagrees and feels a vote with the condition of Nick's approval will do. She states the plans may change anyway. It is the job of the Building Inspector to ensure all codes are met. Six Flags admitted a mistake and it is time to move forward. The Board will give the authority to Nick. Member Suffriti advised Member Marmo he can vote with the condition that if the footprint is changed, they will have to come back. Member Marmo feels then the burden will be on Nick. Member Conte agrees that it should be on Nick as it is his job.

Chairperson Prouty explains the appeal period and instructions, closes the public hearing, and goes directly into a public meeting.

Member Marmo indicated that he would like the condition regarding the foot print change put in the decision. Chairperson Prouty indicated that the amended decision is the same as the previously approved decision. She asks John Furman if he is sure the height will not change. He states he is sure. Member Conte stated he will not sign this decision with the condition that this special permit is for height only. Member Marmo agreed. Chairperson Prouty stated she will cross out that condition. All agree.

Chairperson Prouty calls for a vote:

Marmo-yeah

Conte-yeah

Prouty-yeah

Chairperson Prouty closed this meeting at 12:15 PM.

3. Approval of Minutes March 14, 2008 and March 24, 2008 – Chairperson Prouty motion to approve, seconded by Mr. Marmo – unanimous.