

The following members attended the public meeting:

Doreen Prouty - Chairperson
James Marmo - Vice Chairperson
Joseph Conte-Clerk
Betty Manchino - Secretary

1. Case #1819-GFI Longboork LLC

Chairperson Prouty opened this public hearing at 6:30PM by reading the public notice. Sitting on this case was Prouty, Marmo, and Conte.

Representing GFI was Attorney Joseph Pacella from Eagan, Flanagan and Cohen, Springfield, MA. Also present were John Deliso and Jim Goodman from GFI. Attorney Pacella explained that his clients were seeking a variance for Units 305 and 304 at Longbrook Estates. This parcel is landlocked surrounded by three sides of the wetlands and the other side is a parcel owned by WMECO. The original owners received a special permit from the ZBA dated April 6, 1987. The original owners in 2002 had applied to the conservation commission for building approval at this site and received an order of conditions. The old developers sold this development and the new developers received a building permit for parcels #304 and #305 from the Building Inspector, everyone had signed off on this project, and the developers laid the foundation for this building. Recently, the condominium association filed a complaint with Dominic Urbinati, Building Inspector regarding the boundary lines of this building as not in compliance by 7.33 feet. Due to this variance violation the Building Inspector issued a cease and desist order on this project. The topography of the land surrounding this building has not allowed any other projects to be developed and the only abutter to this property that could be aggrieved is WMECO, who does not wish to sell and of their property in case they should need the land for the placing any future lines in this neighborhood.

The conditions on this property is the same as it was in 1987 when the former owners had received their permit from the ZBA and Attorney Pacella is asking the current ZBA to approve this permit based on the uniqueness of this property, the topography of the sloping backyards, the perennial stream, and it abuts high tension wires. He also stated that enforcement of taking these two buildings down would cause a hardship to his clients as all that is left to construct these buildings is flooring and cabinetry work. His clients built this building in good faith and they would suffer a real hardship if they should have to tear it down. This building is in a common area owned by the condominium trust association and all they are asking for is the same special permit as was requested in 1987.

Chairperson Prouty opened this meeting to the public and speaking in favor was Herb Weinberg who is seeking to purchase one of these units for his daughter. Dick Cunningham, 153 Brookfield Lane, in favor and stated that there has been great success with the developers on various issues and in good faith they built what they thought was OK by the previous permit and had no intentions to violate the law. This does not effect any members of the condominium association and the only abutters effected is WMECO. Jill Dotman, 62 Arbor Lane was in favor of this permit. Ed Corton, a perspective buyer of Building 39, who believes the developer worked in good faith and he is waiting for them to finalize their new home as he already has mortgage approval on his unit.

Chairperson Prouty read into the record a letter from Attorney Thomas Moriarty, representing the Condominium Association opposing the construction of this building. Attorney Moriarty then spoke regarding this building being built in the wrong place and that GFI started construction without the proper construction permits. All this property is unique with the topography but if GFI had only built 10 units they would not have had to seek this variance. They should have sought the proper variance before they started building not after the building has been built.

Mr. Ralph DePalma, former owner of the development, stated that all units in the development are the same, and there would be no loss or gain to the association if this permit is granted.

Speaking against this permit was Walter Nemes, 73 Dogwood Lane, Constance Marini, 39 Dogwood Lane, James Graham, 11 Ash Lane, Bruce Cone, 170 Brookfield Lane, and Mary Hill, 140 Brookfield Lane.

Speaking in favor of this permit was Brandon Donovan, 60 Cricket Lane, Kathy Neilsen, 15 Fordham Ave., Ed Cordan, Building 39, Darlend Lamothe, Building 39, Barbara and Emile Bangle of Westfield, MA, and Bev Lawson, 62 Arbor Lane.

Attorney Pacella responded to Attorney Moriarty's dialogue by saying the trustees were to ones to file the lawsuit against the developer and that sent them to the ZBA. The former conservation commission decision is what dictated where this building could be built not the petitioners idea. This was a good faith mistake on behalf of his clients and would be an extreme hardship if this building should have to be torn down.

Chairperson Prouty read into the record the memo's from the Safety Officer and the Fire Inspector who had no issues with this petition.

Chairperson Prouty closed this public hearing at 7:50PM and the board went directly into a public meeting.

Chairperson Prouty requested to continue this public meeting as she wishes to contact the Chairman of the Conservation Commission regarding their decision in compliance of this project.

Mr. Conte stated that it would be a terrible financial hardship on this developer if they should have to tear this building down.

Chairperson Prouty made the motion to continue this public meeting to May 12th at 6:50PM seconded by Vice-Chair Marmo.

2. Case#1822-Aleksandra Paliy

Chairperson Prouty opened this public hearing at 8:00PM by reading the public notice. Sitting on this case were Prouty, Marmo and Conte.

Mark Shrue from D.L. Bean represented Mr. Paliy. He explained that they needed a special permit because they were adding an addition to a house that lies in the 500 year flood plain. After research, the ground for this addition is graded above the 500 year flood plain requirements.

Chairperson Prouty read into the record memos from the Safety Officer and the Fire Inspector who had no problems with this petition.

Ralph Webster, 137 Leonard Street, had no objection to this permit.

Chairperson Prouty explained the twenty day appeal period.

Chairperson Prouty closed the public hearing at 8:05PM and the board went directly into a public meeting.

Chairperson Prouty made the motion to accept this application with the usual conditions and called for a vote:

Marmo-yeah

Conte-yeah

Prouty-yeah

3. Case#1823-Aleksandra Paliy

Chairperson Prouty opened this public hearing at 8:07PM by reading the public notice. Sitting on this case were Marmo, Conte and Prouty.

Mark Shrue, from D.L. Bean explained that the petitioner is wishing to add a 28 foot addition to the current house and in order to carry the roof line they need a variance to be in compliance. The addition would be for additional bedrooms on top of the garage.

Chairperson Prouty read into the record memos from the Safety Officer and the Fire Inspector who had no issues with this permit.

Mr. Ralph Webster, 137 Leonard Street spoke in favor of this permit.

Chairperson Prouty explained the 20 day appeal process and closed the public hearing at 8:12PM and the board went directly into a public meeting.

Chairperson Prouty stated that she saw no reason not to grant this permit and made the motion for the board to vote:

Marmo-yeah

Conte-yeah

Prouty-yeah

This permit was granted under the usual conditions that all zoning and building requirements must be met, must register at the Hampden County Registry of Deeds, and this permit becomes null and void if construction does not commence within two years from the date the decision is stamped in the Town Clerk's Office.

Chairperson closed this meeting at 8:10PM.

4. Approval of Minutes April 14th and April 18th – Chairperson Prouty motion to approve seconded by Mr. Marmo – unanimous.

Mr. Conte requested that the Chairperson request the Town Council for funding (\$230) to receive a copy of the minutes from their stenographer for the April 4th meeting with Six Flags.

Chairperson Prouty asked if anyone would like to attend a meeting given by Mass Federation for Planning on May 8th at the Yankee Peddler. Mr. Marmo, Mr. Conte, and Ms. Prouty would all like to attend and Chairperson Prouty will request funding from the Mayor.

Mr. Conte presented a plan for the Pride station on Springfield Street submitted by Councillor Rossi to have an angle cut on the curbing so that it will be used for entrance only and hinder anyone trying to exit this business.

Chairperson Prouty made the motion to adjourn and seconded by Mr. Conte. All in favor.
Meeting closed at 8:45 P.M.