

The following members attended the public meeting:

**Doreen Prouty-Chairman**  
**James Marmo - Vice Chairperson**  
**Joseph Conte-Clerk**  
**Gary Suffriti-Alternate**  
**Betty Manchino - Secretary**

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**1. Case #1828-Trustees Longbrook Estates**

Chairperson Prouty opened this public meeting at 6:30PM. Sitting on this case was Prouty, Marmo, and Conte.

Chairperson Prouty stated she had three questions pertinent to this application:

1. These lots still appear approved on the initial variance requested by the petitioners which might mean the variance is still in effect.

2. Attorney Pacella stated that the building had to be moved at the request of the Conservation Commission and there is not proper documentation in this regard.

3. The findings for a variance indicate there must be a hardship and she feels this is hard to justify as a hardship when the builders could have built six units instead of the eight units.

Mr. Conte stated that this case is a hardship as the builder has about \$400,000 invested in this building and taking the building down might make him eligible to file for bankruptcy. The builder did not build this building intentionally with violations and he did not have the knowledge of the variance filed in 1986.

Mr. Marmo feels the same way as Mr. Conte that its not feasible for the builder to tear down this building.

Mr. Conte suggested that the petitioner withdraw the initial special permit and apply for a new variance for the whole building.

Chairperson Prouty made the motion to break from the Public Meeting seconded by Mr. Conte to address this withdrawl of the petition to Attorney Pacella.

Attorney Pacella stated that GFI wishes to withdraw the initial application and submit a new application for an application for a variance.

Chairperson Prouty made the motion to reopen the Public Meeting seconded by Mr. Conte. Chairperson Prouty made the motion to accept GFI's request to withdraw their application without prejudice and submit a new petition for a variance seconded by Mr. Marmo and the vote was unanimous.

Public Meeting closed at 6:52PM.

## 2. Case #1828-Trustees of Longbrook

Chairperson Prouty opened this public meeting at 6:58PM. by reading the public notice. Sitting on this case was Marmo, Suffriti and Prouty.

Attorney Thomas Moriarty, 45 Braintree Hill, Braintree, MA was representing the petitioners. The Trustees concern is that the roadway leading to this building is zoned as agricultural and that the WMECO property should be rezoned to residential as the property owners use this roadway as a means of egress and ingress.

Mr. Conte stated that if that was the case you would have to disqualify about 35 roads in the Town of Agawam that are currently zoned this way. He stated that a roadway cannot be zoned residential to business. The Planning Board laid out the road use for this subdivision.

Attorney Moriarty stated that this multifamily use cannot be used in an agricultural zone and that the builder would have to rezone the WMECO property.

Chairperson Prouty read into the record a letter from the Building Inspector dated 1986 and the Planning Board's approval for this subdivision dated 1988 and she had a copy of the amended site plan dated June 1988.

Attorney Christopher Johnson, representing the Inspector of Buildings, Dominic Urbinati, stated the initial permit was issued in 1986 and there is construction still being added in 2008. Crossing the WMECO property is a new issue that should have been addressed in the past. After discussions with Attorney Schmidt the time to challenge the roadway is long past due and statute of limitations has run out. Mr. Urbinati did not deny this decision he is just enforcing the decision made on this property in 1986. Attorney Johnson stated the Board of Trustees is responsible for these roadways as the time has passed on this duly granted easement.

Mr. Conte stated that it is up to the Planning Board to set the layout of the roads in this subdivision.

Chairperson Prouty opened the public hearing to those in attendance and speaking in favor was Attorney Moriarty who is still requesting that a zone change be granted for this roadway on this subdivision.

Speaking in opposition to this petition was Attorney Pacella, from Attorneys Eagan, Flanagan, and Cohen, Springfield, MA.

Patricia Reese, 72 Dogwood Lane, Mary Fleury, 70 Dogwood Lane, Darlene Lamothe Building 39, Ed Cordan, Building 39, Mary Ann Brindle, 179 Brookfield Lane, Paula Pazza, 153 Brookfield Lane, Michelle Weinberg, Building 39, April Ricardi, 168 Brookfield Lane, Alice White, 45 Dogwood Lane, Marilyn Lake, 142 Brookfield Lane, Mary Calerico, 170 Dogwood Lane, Brandon Donovan, 63 Cricket Lane, Anna Collera, 114 Brookfield Lane, were all in opposition.

Vice Chair Marmo made the motion to close the public hearing at 7:45PM seconded by

Mr. Suffriti and the board went directly into a public meeting.

Chairperson Prouty stated she was not able to make a decision this evening and Mr. Suffriti suggested that the board hold a special meeting on this application seconded by Mr. Marmo.

Chairperson Prouty stated that she would schedule a meeting when she has finished her research on this matter and would post the meeting with 48 hours notice and that Attorney's Moriarty and Pacella would be advised of said meeting.

**3. Minutes of June 8, 2008 – Prouty motion to accept seconded by Marmo vote was unanimous.**

**Chairperson Prouty made the motion to adjourn at 7:55PM seconded by Conte.**