

The following members attended the public meeting:

Doreen Prouty - Chairperson
James Marmo - Vice Chairperson
Joseph Conte – Clerk
Gary Suffriti- Alternate
Michael Mercadante - Alternate

1. Chairperson Prouty opened the meeting at 6:30 PM

2. Case # 1849 – Catherine Butler

Chairperson Prouty opened this public hearing at 6:30 by reading the legal notice and introducing the members of the board. Sitting on this case were Doreen Prouty, James Marmo, and Gary Suffriti. Chairperson Prouty explained the procedures of the meeting.

Petitioner, Catherine Butler, 151 Cooper St., a 16 year resident stated that she previously had a 6' stockade fence which was infested with termites. She had to remove the fence and switched to a 6' vinyl fence. A complaint was filed and she was reported to be in violation of the zoning ordinance.

Ms. Butler indicated that a 4' fence would not be preferred because she has a day care on site and sites safety concerns. She had contacted Sgt. Niles, although no report was submitted by him.

Chairperson Prouty read a letter which was sent to the Mayor, Solicitor, and City Council into record a letter describing the background and addressing her concerns. Catherine Butler submitted a petition supporting the fence signed by 135 Agawam residents. Six letters of support were read into record from Paula Sullivan, Girard & Anita Drews, Laura Sullivan, Charles Stebbins, Maria Stebbins, Diane Barnes, and William and Valerie Douglas. Catherine Butler submitted a petition supporting the fence signed by her direct abutters.

Chairperson Prouty advised that the Town Council is sitting on changes to the Zoning Ordinance. Member Mercadante asked if any police reports were ever filed in that area. Ms. Butler is not aware of any. Member Mercadante asked what the capacity of children she can have on her daycare license. Ms. Butler states eight. Member Conte would like to see a copy of the letter of complaint concerning the fence which was received by the Building department.

Chairperson Prouty opened the hearing to the public.

Paula Sullivan, 165 Cooper Street is in favor of the fence for safety reasons. She is a direct abutter and the fence does not impede her vision.

Courtney Battles states that Ms. Butler provides day care for her children and also supports the fence for safety reasons.

Pam Murphy, 153 Cooper Street lives diagonally across the street from Ms. Butler and

supports the fence. She states Cooper Street is very busy and there is no obstruction of visibility.

Tracie DeGrandpre-Abodeeb, 40 Federal Street Ext., is a parent of children who Ms. Butler provides daycare for. She states there is a lot of activity at the house. A 6' fence is needed to keep the kids in the yard. She also states that it has enhanced the beauty.

Chairperson Prouty states that the hearing will not be closed at this time. It will be continued to June 22nd in anticipation of the zone change by the City.

3. **Case # 1846 – Captain Charles Leonard House**

Chairperson Prouty opened this public hearing at 7:05 by reading the legal notice and introducing the members of the board. Sitting on this case were Doreen Prouty, James Marmo, and Michael Mercadante. Chairperson Prouty explained the procedures of the meeting.

Petitioner, David Cecchi, Vice President; Board of Trustees of the Captain Charles Leonard House states that the current sign is 40 years old and is rotting.

The trustees have just completed renovations to the house and would like to replace the current sign with a larger one and also move it closer to the street in line with the Westfield Bank sign.

Chairperson Prouty read into record a letter from Sgt. Niles dated 3/25/09.

Member Mercadante asks what the square footage of the sign is. 35 Sq. Ft.

Chairperson Prouty reads Section 180-78, paragraph J which states that signs in a historical district shall not exceed 6 sq. feet. Chairperson Prouty asks the petitioner why the sign is so big.

Member Mercadante states there are three residences in the building and then references the State Building Code (780 CMR 3409.0) and indicates that he is concerned with the use of the building. The code states that the building must be opened to the public 12 times a year and if it is considered "totally preserved" additional uses are permitted only up to a maximum of 40% of the gross floor area. There are currently three residents on the premises. He feels that it appears that they are creating a commercial enterprise and pushing the building further out of use. The sign would just bend the rules further.

David Cecchi states that Captain Charles Leonard House has been a community house since 1929.

Member Mercadante feels that the sign does not fit into the preserved scope of the house.

The sign states "weddings, catering, meetings, etc". He feels that a zone change should be requested to business rather than a special permit for the sign.

Chairperson Prouty states that she is concerned only with the size of the sign and wants to know what the reason is for it being so large. Member Suffriti confirms that the sign is not in the setback area.

Chairperson Prouty opens the meeting to the public at 7:15 P.M.

Rich Bellico, 54 Parkedge Dr. states that the building is open daily to the public. People may tour by appointment which would exceed the 12 days required by the building code.

Marilyn Curry, 124 Beekman Dr. states that the public is invited 4-5 times a year but they are opened daily by appointment.

Member Mercadante explains that he was concerned that the sign is too big and they are steering away from the scope and intent of the law with no reason as to the size.

The code states that the sign should be at least ½ of what is requested.

Marilyn Curry asks the Board what they would suggest.

Member Mercadante states that according to Section 180-78(J) the sign should not exceed

6 square feet. Mr Bellico asks the Board if they can go larger than what the zoning allows. ZBA feels that the current sign is larger than what is allowed because it also had been approved by the ZBA at an earlier date. The Board states they will allow the petitioner to replace the current sign with the same size sign and also allow them to move it closer to the road.

The Board asks the petitioner to re-design and come back in two weeks with a new plan. The Board also suggest that the work catering on the sign appears too commercial. Hearing continued to 6/22 after the conclusion of the first two meetings.

4. **Case # 1847 – City of Springfield DPW**

Chairperson Prouty opened this public hearing at 7:35 PM by reading the legal notice and introducing the members of the board. Sitting on this case were Doreen Prouty, Gary Suffriti, and Joseph Conte. Chairperson Prouty explained the procedures of the meeting.

Representing the petitioner is Gary Pierce, Environmental Manager, Coventa Energy. He provides a summary of proposed project. He states that the landfill used to be owned by EcoSystem, LLC and Covanta now manages it. He introduces those in attendance with him. Mike Triggs; City of Springfield, Meg Morris; Covanta, Ken Ryan; expert in field, and Dana Huff; Tighe & Bond.

A diagram is provided showing Cell 1 which is located in Agawam & West Springfield and Cell 2 which is located in Agawam only. There is an easement between the cells. Both cells were developed in 1960's and early 1970's. In the Mid 1980's the Resource Recovery was created and cell 1 was used for ash disposal. It has had some minor expansions in early 2000, is currently almost at 138' final closure, Covanta wants 142'. Cell 2 height was approved by the ZBA in 1985 to go to 125' but was never done, It is currently at 107'. This request would increase cell 2 by 35''.

Covanta is looking to expand the landfill and create additional capacity and also provide for an area to be re-used. To ensure re-use of land, the relocation of the power lines to fill the valley would be necessary to create a larger platform. That would involve adding 4ft fill to Cell 1 and a final closure of 142'. Since WMECO reliability upgrade, they need double pole structures and it would be too expensive to re-locate the lines.

Covanta is still looking to create the 28 acre platform. They feel it is an appropriate area. It is a vertical expansion only and there is no effect on property value. Covanta states they have received approval from the BOH, EOEEA, Conservation, and Planning. They would still need DEP approval if Special Permit is awarded.

Chairperson Prouty asks if the site assignment modification approval from DEP and referred to BOS is enough. Covanta states that DEP still has to authorize construction.

Chairperson Prouty references page 2 stating the landfill occupies 68 acres, she thought it was 50. Mike trigs explains 15+ acres are in West Springfield. 50 acres are in Agawam. Chairperson Prouty references criteria # 18: how much increase in traffic and access to site will there be. Gary Pierce explains that the proposed increase is 209 tons/day up from 150 tons/day amounting to approx. 5 additional vehicles per day.

Chairperson Prouty also asks if this affects the drinking water and/or river. Mr. Pierce explains that surface water and ground samplings are done routinely by DEP and BOH. Member Mercadante references CMR Chapter 16 and feels that DEP has omitted a determination of need. He asks why does the cell need to go to another level when ash is coming in from Pittsfield. He also questions who appraised and states in the application that it does not affect property values. Member Mercadante also questions whether Agawam will have to send ash out in the future.

Meg Morris states there is a need. The Pioneer Valley facility still produces ash. When they started to close Cell 1, DEP required post closure use. They suggested that it is too small a parcel, so composting was suggested, although not approved. The three Mayors from Agawam, Springfield, and W. Springfield met and suggested options. All three Mayors asked that post closure use be commercial or recreation. All would prefer a larger parcel. DEP approved a larger parcel if the cell height was increased. WMECO is now moving much faster, and agrees in concept to using center area for parking in the future, but nothing can be built there.

Member Conte agrees with Mike and is not in favor if increasing the cell height. He would like a field inspection. He is concerned that the slope seems very steep and wonders how vegetations will grow. Dana Huff, Tighe & Bond states that it is a 3 on 1 slope. Jeff Thielen also explains that the side slope is 3 on 1 and there is a berm on top that he is referring to which appears to make the slope look steep.

Member Conte also asks how much per ton is paid to Agawam. Meg Morris explains that Agawam will still be paid the same rate.

Chairperson Prouty questions if the liner fails. Dana Huff states there is a double liner and a secondary liner beneath that.

Member Suffriti would like the petitioner to provide in writing an explanation of the increased traffic. He would also like a description of the hazard waste.

Member Conte asks what capacity is left. Meg Morris states none in Agawam, 3 months in W. Springfield.

Member Mercadante asks if radio activity level detection equipment is still used. Yes Meg Morris states that the CT River Water Shed Council reviewed back in 2007 and is comfortable with the plan. Chairperson Prouty asks for that in writing.

Chairperson Prouty read into record a memo from Sgt. Niles, a Planning Board letter addressed to Mr. Triggs approving the site plan, Order of Conditions dated 3/12/09, and a Board of Health memo dated 6/1/09 issuing a positive determination.

Chairperson Prouty opened to the public at 8:35 PM. No one spoke in favor or against. Site visit scheduled for Friday 6/12/09 at 10:30 AM. Hearing continued to 6/22/09 after first three meetings conclude.

5. Case # 1848 – GFI Longbrook, LLC

Chairperson Prouty opened this public hearing at 8:38 by reading the legal notice and introducing the members of the board. Sitting on this case were Doreen Prouty, James Marmo, Vice-Chair, and Gary Suffriti, Clerk. Chairperson Prouty explained the procedures of the meeting. Attorney Thomas Miranda represented the petitioner. He provided a plan which shows the existing condominiums. Parcel B was under construction when the stop order was given for Building 39. The building was staked out too close to WMECO property line in error. A previous variance granted in 1985 allowed building to be 23' to WMECO property line. The building currently sits at 7.38' to property line. The exterior of building is all enclosed. Two units have been sold and the remaining units are partially completed. A complaint had been filed by the Trustees of Longbrook asking the building to be removed. This is pending in Land Court.

Member Suffriti asks if the building can be modified. Attorney Tom Miranda explains that it affects the two end units only.

Chairperson Prouty asked if they have attempted to purchase land from WMECO. Attorney Miranda states the Trustees refuse to accept the property as a way to solve the suit. The Trustees do not wish the builder to continue.

Chairperson Prouty reads a letter of support by WMECO and an email from Vincent B. Page,

Legal dept @ WMECO. Attorney Miranda suggests there is a possibility of a zone change by WMECO to solve the issue. Attorney Miranda also feels there is a substantial hardship to his client to take down the building. Member Conte suggests that the layout of the access road layout by the Planning Board in 1986 is a public way.

Opened to the public at 8:55 PM.

Michelle Weinberg lives at Building 39 and has not been allowed in the association yet. She feels she suffers a hardship and cannot sell her unit. She supports this variance.

Ted Brogowski, 28 Ash Lane in Longbrook Estates, is not a member of the Trustees, but would like to see the back portion completed legally. WMECO plans a reliability upgrade which would install steel poles. He feels there is no hardship evident. It is self imposed. Someone pinned the foot print improperly and he recommends the ZBA deny the variance.

ZBA states they are not ready to make a decision. Public hearing is continued to 6/22/09 after the conclusion of the prior meetings.

6. Motion to accept minutes of May 11, 2009 and May 26, 2009 by Chairperson Prouty, second by Member Marmo. Vote: Unanimous.
7. **Chairperson Prouty made the motion to adjourn at 9:20 PM seconded by Marmo. All were in favor.**