

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 # 1850 – McDonalds

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 Mike Mercadante. Chairperson Prouty explained the procedures of the meeting.

Petitioner, Luke Destefano, Boehlor Engineering states that McDonalds is seeking to rebuild the building at 860 Suffield Street. Original address was 850 Suffield Street, but Engineering has issued a new number because of placement of the new building. McDonalds is seeking a drive thru window. Prior to this meeting, they have conducted team meetings, received approval from Planning and Conservation. Engineering has also signed off on the plans.

McDonalds leases parking from the property owner. There is currently a deficiency of 17 spaces from the zoning bylaws. They are seeking cross parking easement. Planning granted approval conditional on the cross-parking easement. Mr. Destefano stated that he met with Nick Urbinati. The entire lot is compliant with zoning, although the cross easement is needed.

Mr. Destefano presented a plan which shows the relocation of the building. There will be a side by side drive thru for better efficiency and an update to the facilities. The building will be about a 1/3 smaller. There will be no playscape. There will be an increase in green space and improvements to lighting. They will enhance the landscape on the wetland buffer based on recommendation from Conservation Commission. There will also be improvements to storm water drainage. The traffic circulation has also been modified with assistance from the Engineering department.

Chairperson Prouty read into record the letter Sgt. Niles, approval letter from Planning dated 6/19/09 and Conservation Order of Conditions dated 5/28/09.

Chairperson Prouty requested a letter from the property owner giving permission for parking. Member Mercadante states that parking should comply with 521 CMR Ch. 23 to ensure safety.

Mr. Destefano states that the overall site is compliant and he feels that the site does meet the parking requirements although the lease area does not have enough spaces. Chairperson Prouty stated that they do need permission from the owner for the extra 17 spaces to be compliant with the zoning bylaw. Member Mercadante states that the letter is needed because nothing stops the owner from changing his design and eliminating the extra spaces. Mr. Destefano states that McDonalds does not anticipate a problem getting the easement.

Chairperson Prouty opened the hearing to the public at 6:55 PM. No one speaks for or against this petition.

Chairperson Prouty suggests continuing the hearing to 7/13. All were in favor.

3. **Case # 1849 – Catherine Butler**

Chairperson Prouty re-opened this public hearing at 6:59 PM.

Chairperson Prouty explained that the council has passed a new zoning ordinance since the last meeting and reads that into record.

Member Mercadante states that there was no letter of complaint on file. He also states that 102 CMR 8.06 Par. B2 states that only a 4 ft. fence is required for a day care. He also states he does not have any objections to the increase in the height. Member Marmo asks why a chain link was not considered. Ms. Butler states because of noise, appearance and privacy. Chairperson Prouty confirms with the petitioner that it is a 6 Ft. fence and the setback is 24 ft.

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 opened the hearing to the public at 7:02 PM. No one spoke for or against. Chairperson Prouty explains the 20 day appeal period and closes the hearing and goes directly into a meeting at 7:04 PM. Chairperson Prouty motions to approve the Special Permit based on the condition that the fence will remain as shown on the plot plan and signed by the members of the Board. Jim states he agrees for safety reasons.

Vote unanimous: Jim-yes

Mike- yes

Doreen- yes

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

Chairperson Prouty re-opened this public hearing at 7:10. Chairperson Prouty reminded those in attendance that at the last meeting it was suggested that the sign be redesigned.

The existing sign is 65x85. The new sign is 65x81.

Petitioner, David Cecchi, Vice President; Board of Trustees of the Captain Charles Leonard House submitted a copy of the new design to the Board members. The sign will be moved closer to the street, but will remain within the setback area.

There is no previous Special Permit on file.

Chairperson Prouty opens the hearing to the public at 7:13 P.M. No one spoke for or against. Chairperson Prouty explains the 20 day appeal period and closes the hearing and goes directly into a meeting. Chairperson Prouty motions to approve the Special Permit for the sign as shown on the plan signed by the members of the Board.

Vote: Unanimous Jim-yes

Mike-yes

Doreen- yes

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

Chairperson Prouty re-opened this public hearing at 7:20 PM. Chairperson Prouty explained that a site visit was conducted on 6/12/09.

Chairperson Prouty read into record a letter from the CT River Watershed Council dated 10/3/08. Chairperson Prouty questions toxins in well. Gary Pierce, Environmental Manager, Covanta Energy states that sediment concentrations are simply a concern of the Ct River Watershed Council. Bondi's has agreed to do additional samplings as work is done.

A Memo from Meg Morris dated 6/12/09 is read into record. Bondis' Island Landfill draft fact sheet is provided to Board members. Chairperson Prouty questions if the leaf and compost area remain (Pg. 4, A6). It will be phased out and consolidated. Post closure use will be decided by the City. Citizen drop off area may remain. Member Conte questions the host fees (pg. 4 Q8). Currently the Town receives \$3.18 per ton which is controlled by the Legislature and goes up every year by the Consumer Pricing Index. This expansion will create additional 900,000 tons of space which will give the Town \$2.7 Million over time. The proposal is for 105,000 per year disposal rate. A discussion continued over host fee vs tipping fee. Meg Morris explains that the tipping fee goes to the town and the dumping fee is paid to Covanta for operating costs.

Alternate member Mercandante states he still has not seen a demonstration of need.

Chairperson Prouty opens to the public. No one speaks for or against. She explains the 20 day appeal period, closes the hearing and goes directly into a public meeting.

Chairperson Prouty motions to grant the Special Permit with the conditions that the final closure height for the areas know as Cell 1 and Cell 2 shall be no higher than 142 feet msl. The City of Springfield shall notify this Board of any changes in the operation and/or ownership of this facility. This landfill is to be used solely for residual ash disposal from waste-to-energy facilities and contaminated soils as approved by MassDEP. The proposed project shall not extend beyond the footprint of the existing landfill. The petitioner shall maintain the trees and appropriate vegetation along the buffer area and Route 5 along with the entrance of the landfill along Route 5. Ecological assessments will be undertaken, and if adverse ecological impacts have arisen from the operations of the landfill, measures shall be taken to lessen or reverse these impacts, as advised by the Connecticut River Watershed Council and MassDEP. If construction does not commence within 2 years, the Special Permit becomes null and void.

Chairperson Prouty motions to approve the Special

Vote: Unanimous Joe-yes
 Gary-yes
 Doreen- yes

6. **Case # 1848 – GFI Longbrook, LLC**

Chairperson Prouty re-opened this public hearing at 7:50 PM. Attorney Thomas Miranda represented the petitioner stated that WMECO has no objections. The Trustees will not accept land that WMECO is willing to sell to them. Mr. Goodman states that part of the relocation problem is due to the Rivers Act. He admits that it was pinned erroneously. Member Marmo feels that hardship is self inflicting. Member Mercadante asks if there is recourse through the engineer. Attny. Miranda states there is, although they are trying to avoid that.

Attny. Miranda states that a Special Permit was granted in past years for the same reasons and he is hoping to Board will allow again due to the increase in the setback requirements of the

Rivers Act. He feels they are not infringing on any abutters.

Chairperson Prouty reads a letter from Sgt. Niles into record dated 4/8/09.

Chairperson Prouty opened to the public at 8:05 PM.

Michelle Weinberg lives at Building 39 and supports this variance.

Ted Brogowski, 28 Ash Lane in Longbrook Estates also states that this is a self created hardship and urges the Board to deny.

Chairperson Prouty explains the 20 day appeal period, closes the hearing and goes directly into a public meeting. She states that she feels the three circumstances are not met as required in Sec. 10 of the MGL CH. 40A. A financial hardship is not a basis, especially when it is self inflicted. Member Marmo feels the two units need to be removed. If the surveyor made the mistake, they should be accountable. Member Suffriti agrees and feels that if the Board allows this, they would lose in court. Chairperson Prouty motions to deny the Special Permit request. Vote: Unanimous

Gary- yes

Doreen- yes

Jim - yes

7. Motion to accept minutes of 6/8/09 by Chairperson Prouty, second by Member Marmo. Vote: Unanimous.
8. Member Conte motions to draft a memo to Travis Ward, cc: Mayor and Council concerning his conduct at previous ZBA meeting directed at Member Marmo. Member Mercadante will draft the letter. Vote: Unanimous
9. **Chairperson Prouty made the motion to adjourn at 8:20 PM seconded by Marmo. All were in favor.**