

The following members attended the public meeting:

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

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

2. Case # 1842 – Six Flags New England

Chairperson Prouty opened this public meeting at 6:30 PM by reading the public notice, introducing the members of the board and explaining the procedure of the meeting. Sitting on this case were Doreen Prouty, James Marmo, and Michael Mercadante.

John Furman, V.H.B., introduced himself, Chuck Davis (operations manager) and Larry Litton (president). John Furman explained that improvements will be made to the Superman Coaster to enhance the experience. He referred to page C2 of the plans to review the details. The enhancements include billboards, signs and lights at the entrance of the tunnel. After the tunnel, the work will begin in the floodplain. Excavation will be done for footings and backfilling. The flame cannons will be located in the flood plain and excavation work will be done so the propane tanks will be raised and not located in the floodplain. There will be an access road behind the ride for vehicle to enter and fill the tanks.

A spreadsheet in the application includes an accounting of floodplain calculations. In 2008, floodplain calculations for new improvements were:

- 39 net loss (39 cubic yards) of flood plain storage
- He refers to page C6 which represents excavation need to accommodate for loss of flood plain
- net gain of flood plain storage will be 5626 cubic yards

Member Mike Mercadante asks if the tank is in the floodplain or floodway. John advised there is no floodway. Tanks are located on the floodplain area.

Member Mercadante questioned the licensing of the propane tank size. Chuck Davis advised that 1670 gallons are currently stored and they are licensed for 5000 gallons.

Chairperson Prouty asks if the canon towers are elevated. John Furman explained that they are not required to be elevated, only the tanks have that requirement.

Chairperson Prouty read into record a letter from the Planning Board approving the site plan, a memo from the Fire Dept. dated 12/19/08, a memo from Engineering dated 12/16/08 approving the plans, and a memo from Police Lt. Gillis dated 12/18/08 approving plans. She also noted that the Conservation Commission Order of Conditions dated 1/8/09 is on file.

Chairperson Prouty opened the meeting to the public at 6:45 PM. No one spoke in favor or in opposition. Chairperson Prouty explained the twenty day appeal period and closed the public hearing, going directly into a public meeting.

Member Mercadante asked if a stipulation can be made that the Fire Dept. can mandate the operation. Chairperson Prouty explains that all ZBA decisions state that all federal, state and local regulations must be met.

Chairperson Prouty calls for a vote to approve this request

Marmo-yes

Mercadante-yes

Prouty-yes

Vote: Unanimous.

Chairperson Prouty read into record the conditions of the decision and also explained that this must be built according to the plans signed by the members of this. She also stated that the Special Permit must be recorded with the Hampden County Registry of Deeds and it shall become null and void if construction does not commence within two years.

Public meeting closed at 7:00 PM.

3. Case # 1843 – Todd Sullivan:

Chairperson Prouty opened this public hearing at 7:00 PM by reading the public notice, introducing the members of the board, explaining the procedure of the meeting. Sitting on this case were Doreen Prouty, Jim Marmo, and Gary Suffriti.

Attorney John Maciolek and Todd Sullivan present their case. Mr. Sullivan wishes to convert a single family dwelling to a two family. According to the petitioner, the property had previously been used as a two family and there are other two families in the area. The structure is already set up. He stated that the house was purchased 4 years ago as is and the house had already been used as a two family prior to his purchase. He indicated that he had a problem with a previous tenant although he had no recourse because the property is not zoned properly. He stated he needs a variance to protect himself. The house was built in 1850 on 3.5 acres and is 4300 Sq. Feet. He stated he has an abutter present that supports his request. He also feels that there is no detriment to the neighborhood. Mr. Sullivan also stated that an additional set of stairs will be put on the outside of the house as a second entrance.

Chairperson Prouty stated that the property is zoned RA2. Setbacks under 30 feet make the structure non-conforming which he would also need a special permit to address.

Chairperson Prouty read requirement of Section 180-23 which states the variance request requires adequate plans and written consent of at least three abutters”.

Chairperson read into record two letters of support from immediate abutters- Judith & Robert Meagher and Jennie Grimaldi. Chairperson Prouty also read memos on file from Inspection Services.

Chairperson Prouty opened the hearing to the public at 7:20 PM.

Mallary Grimaldi, 525 Cooper Street spoke in favor. She has no objections and states they are great neighbors.

Danyle Dabkowski, 519 Cooper Street (first floor tenant) supports.

Waineo Touminen, 519 Cooper Street (first floor tenant) supports.

Frank Morassi, 15 Tracy Drive, opposes variance. He states there has been an ATM machine behind the garage which he has asked Mr. Sullivan to move. No one takes care of the property. Mr. Morassi stated he had a new fence installed because the tenants opened the

gate and let his dogs out. He feels Mr. Sullivan is an absentee landlord. There are used cars on the property, garage is falling down. According to Mr. Morassi the property was always a one family until he purchased it. He also recently proposed a subdivision with no approval. Theodore Pidgeon, 25 Tracy Dr., a 35 year resident feels the property has gone down hill since Mr. Sullivan purchased it and does not support a zone change.

Chairperson Prouty explains there will not be a zone change if the variance is approved. The law states that if a house is built before 1950, a second housekeeping unit is allowed if it is not detrimental to the neighborhood and there is support of three direct abutters.

Lorraine Loomer, 475 Cooper Street states that the assessor card lists the property as a one family. She has been an abutter since 1987. She was assured by the town there was no two families. There have been problems with the past tenants using snowmobiles on her property. There was also a tractor trailer parked on the property. Lorraine also states that she is against the variance because it will bring down the assessments in the area.

Edward Loomer, 475 Cooper Street, stated that the landlord does not live on the property and does not care who rents the property. He feels the abutters suffer because of that, not the landlord.

Chairperson Prouty stated she is not ready to make a decision. Member Suffriti suggested the petitioner withdraw without prejudice. He reads a section of the law “to preserve standard and character of the neighborhood”. Member Suffriti feels the abutters have legitimate gripes.

Attorney Maciolek would like to continue hearing to seek additional letters of support. Member Suffriti states that will not guarantee approval.

Attorney Maciolek stated that if there are no tenants, there is no money to improve the property. Mr. Sullivan is risking foreclosure or selling the property to subdivide.

Chairperson Prouty stated that a plot plan is still needed and a third letter of support from a direct abutter, although that it not a guarantee of approval.

Chairperson Prouty rescheduled the hearing for March 9, 2009 after the conclusion of the 6:30 PM meeting.

4. **Case # 1830 – Marcel Sander:** Notice of withdrawal from submitted to the Board. Motion to allow Mr. Sander to withdraw without prejudice by Member Suffriti. Vote: Unanimous
5. **Minutes of January 12, 2009** – Marmo motions to accept by Chairperson Prouty, seconded by Member Mercadante. Vote was unanimous.
6. **Signatory Page:** Motion by Member Suffriti to use form when the Board feels necessary and if all conditions are stated at meeting. Vote was unanimous.
7. **Budget: letter will be drafted by Chairperson Prouty concerning moving the ZBA budget.**
8. **Chairperson Suffriti made the motion to adjourn at 8:30 PM seconded by Marmo. All were in favor.**