

The following members attended the public meeting:

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

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

2. Case # 1850 – McDonalds

Member sitting: Doreen Prouty, James Marmo, Mike Mercadante

Chairperson re-opened this hearing by reviewing the information requested by the board from the petitioner at the previous hearing. Mr. William Goebel, P.E. of Bohler Engineering stated that McDonald's does not yet have the cross easement agreement with the subject property owner. Mr. Adam Guilmette, area construction manager for McDonald's stated that McDonald's and Southgate Properties, LLC, the property owner, are still negotiating a new 40 year lease. The cross easement agreement will be contained in the new lease. Chairperson Prouty read into the record a memo, dated 6/24/09, from Southgate Properties, LLC stating there will be a parking access agreement for the additional spaces and gave McDonald's permission to obtain all necessary permits needed. Members Marmo and Prouty felt that since such a lease agreement could take some time, they would be willing to make this a condition of the decision.

Chairperson Prouty opened the hearing to anyone in attendance to speak either in favor or against. No one spoke. Chairperson Prouty then asked the members if they had any other questions or concerns. They did not. Chairperson Prouty explained the 20 day appeal period, closed the hearing and immediately went into a meeting.

Member Mercadante state he would prefer to wait for the actual lease but would agree if members Prouty and Marmo wanted to make it a condition of the decision. Chairperson Prouty stated the conditions of this special permit, which are: construct according to the plan submitted, this special permit is for the drive-through service windows only, all building and zoning requirements must be met, a cross access parking easement agreement must be submitted before any building permit is issued, Planning Board site plan review must be adhered to, record in the Hampden County Registry of Deeds and construction must commence within 2 years from the date this decision is stamped in at the clerk's office. Chairperson Prouty called for a vote to grant this special permit.

Marmo-yes

Mercadante-yes

Prouty-yes

Chairperson Prouty closed the meeting for McDonald's.

2. Case # 1851 H.P. Hood, Inc.

Members sitting: Doreen Prouty, James Marmo, Mike Mercadante

Chairperson Prouty opened this hearing by reading the legal notice, introducing the members sitting on this case and explaining the procedure.

Mr. Bob Hale, Maintenance Project Engineer for H.P.Hood stated that the petitioner wishes to replace the existing 25,000 gallon silo with a new 40,000 gallon stainless steel silo measuring 12 feet in diameter and 58 feet in height.

Chairperson Prouty read into the record memos from: Planning Board, dated June 19, 2009, approving site plan review and Sgt. Richard Niles, Agawam Safety Officer, dated June 16, 2009 which stated there did not appear to be any safety hazards in regard to pedestrian or vehicle safety. She also read a letter by Andrew Pavlica, Jr. P.E. of Engineering Design Associates, Inc., 11 Central St., W. Spfld, MA stating the existing pad would accommodate the new silo.

Member Mercadante stated he has been informed, by the Inspector of Buildings, that there are currently at least 2 building code violations in the structure that the silo connects to. They are for exit code violations. Mr. Hale explained that he was not aware of this and would contact Building Inspector Nick Urbinati tomorrow. Member Mercadante read into the record Article I, General Provisions, Section 180-1.

It was agreed by the members to continue this hearing so that Mr. Hale could meet with the Building Inspector and rescheduled for Monday, July 27th at 6:30PM.

3. Member Mercadante stated he had not written the letter yet regarding the behavior of Mr. Travis Ward at a previous meeting. He feels it is too late and would look like “sour grapes” on the part of the board. All members agreed and voted not to send a letter to the mayor and council regarding this issue.
4. Member Prouty stated that this board has received an application for a variance request from SBA Towers on 363 Main St.—Mushy’s property. The ZBA granted a special permit last year to Optasite (now SBA) to construct a telecommunications facility on this property. After studying the special permit site plan and the new site plan submitted for the variance, it appears that both plans are identical. The tower is 4 feet short of the required 260 feet from the property line and/or street or 1 ½ times the height of the tower on both plans. It is her opinion that since the special permit issued last year was not appealed within the 20 days, such special permit is now legal. Member Conte agreed. It was agreed to send a letter to Mr. Urbinati stating that this board does not believe a variance is needed. Chairperson Prouty stated she will also contact the lawyer representing SBA Towers.
5. Motion to accept minutes of June 22, 2009 with revisions, by Chairperson Prouty, seconded by Member Marmo. Vote: Unanimous.
6. Executive Session, Case # 1828, Trustees of Longbrook Estates
7. Motion to adjourn at 8PM by Chairperson Prouty, seconded by Marmo. All were in favor.