

The following members attended the public meeting:

Doreen Prouty - Chairperson
James Marmo – Vice Chairperson
Richard Maggi- Clerk
Jennifer Bonfiglio - Secretary

Chairperson Prouty opened the meeting at 6:30PM.

1. Case # 1861: Frank Decaro

Chairperson Prouty opened this public hearing by reading the legal notice and introducing the members of the board. Sitting on this case were Doreen Prouty, Richard Maggi and James Marmo. Chairperson Prouty explained the procedures of the meeting.

Mr. Frank Decaro, 369 School Street, stated he has met all other building requirements and was instructed by Nick Urbinati, Building Inspector, to come before the Board. There was a storm drain on the property which has been moved. There was also a previous house on the parcel which is gone. The property is located in a Flood Plan, Zone A.

Chairperson Prouty states that the structure meets all zoning requirements. It is located in the 100 year flood zone. The elevation is 57.5'. The elevation of the lowest floor according to the homeowner is 58.67'. There is no basement, just a slab.

Chairperson Prouty opened the hearing to the public.

John Litchfield, 267 River Road asked what type of house will be built. Mr. Decaro advised that it will be a raised ranch and provided drawings to view.

No one spoke against.

Chairperson Prouty explained the twenty day appeal period.

Chairperson Prouty closed the public hearing and went directly into a public meeting.

Chairperson Prouty reviewed the findings and called for a vote to approve the special permit with the following conditions:

1. The proposed addition shall be constructed according the plan drawn and stamped by Paul Smith, professional Land Surveyor, 319 Shaker Road, East Longmeadow, MA, dated February 6, 2008, revised March 23, 2010 and signed by the members of this Board.
2. All zoning and building requirements are to be met.
3. The petitioner shall record with the Hampden County Registry of Deeds a "Notice of Special Permit" form, which shall be provided by this Board and proof of said filing must be submitted to this Board and to the Inspector of Buildings.
4. This Special Permit shall become null and void if construction does not commence within two (2) years from the date of this decision.

Vote: Prouty: yes, Marmo-yes, Maggi-yes.

Unanimously approved.

2. Case # 1862: Easthampton Savings Bank

Chairperson Prouty opened this public hearing by reading the legal notice and introducing the members of the board. Sitting on this case were Doreen Prouty, Richard Maggi and James Marmo. Chairperson Prouty explained the procedures of the meeting.

Kenneth Borbewieck, VP of Easthampton Savings Bank, 36 Main Street, Easthampton, MA introduced those in attendance. Mark Reed; Heritage Surveys, Bill Cannon, Cannon Lands, and Kevin Riordon; Dietz & Co. Architects.

Mr. Borbewieck explained that Planning has taken them through team meetings. They have met with the Planning Board, Historical Commission, and abutters and have received all necessary approvals.

Mark Reed presented revised plans to the board. He explained that 768 Main Street was a former market. Easthampton Savings Bank acquired the parcel along with the adjacent parcel which was a former realtor office. They have worked with Mass Highway to improve traffic flow. The current driveway will be moved across from Central Street to create a safer exit/entryway. A vehicle traffic circulation plan was presented to the Board.

The bank has agreed to grant the neighboring church an easement for parking during non-banking hours.

All other building requirements will be met.

A picture of the building as drawn by the architect was presented. Mr. Reed states the building will be approx. 3600 sq. feet.

The bank explains they obtained an additional piece of land from the town to ensure they meet all setback requirements. Another means of ingress from Elm Street which is owned by the Town has two-way traffic. The bank is also granting an easement to the town as well as rights to the land in front of the building.

Bill Cannon stated that he had spoken with Deb Dachos regarding Main Street improvements and has ensured the landscaping will match the upcoming improvements. The trees will have a high canopy so not to impede visibility.

Chairperson Prouty asks what the setbacks are. Mr. Reed stated that its front setback is 38.5' to the building and the rear setback is 42'.

Mr. Reed explained that the drive through traffic may exit to Elm Street.

There are 17 general parking spaces and 1 handicapped space.

Chairperson read into record a letter dated 4/20/10 written by Safety Officer Richard Niles, a letter dated 4/23/10 written by Deb Dachos to the historical commission, a letter dated 5/17/10 written by David Chase; Planning Board provide site plan approval, and a letter dated 5/20/10 from the Agawam Cemetery Assoc..

Chairperson Prouty opened the hearing to the public. No one spoke in favor or against.

Member Marmo would like the parking easement with the church in writing and the easement with the Town in writing as conditions to this decision.

Chairperson Prouty closed the public hearing and went directly into a public meeting.

Chairperson Prouty explained the twenty day appeal period, reviewed the findings and called for a vote to approve the special permit with the following conditions:

1. The petitioner shall construct the proposed project according to the plan submitted entitled "Easthampton Savings Bank" dated March 26, 2010, revised May 6, 2010, stamped by Richard Weisse, Registered Professional Engineer, and signed by the members of this Board, shall be incorporated into and made part of this decision.
2. A legal easement allowing the First Baptist Church to utilize the subject property for vehicular traffic purposes must be presented to this Board and to the Inspector of Buildings.
3. A legal easement allowing the Town of Agawam to utilize the front of the subject property for pedestrian and vehicular traffic must be presented to this Board and to the Inspector of Buildings.
4. This special permit is for the construction and use of the drive through service windows only. All other zoning and building regulations must be met.

5. The petitioner shall record with the Hampden County Registry of Deeds a "Notice of Special Permit" form, which shall be provided by this Board and proof of said filing must be submitted to this Board and to the Inspector of Buildings.
6. This Special Permit shall become null and void if construction does not commence within two (2) years from the date of this decision.

Vote: Prouty: yes, Marmo-yes, Maggi-yes.
Unanimously approved.

3. Case # 1779: Alan and Suzanne Griffin:

Chairperson Prouty re-opened this public hearing at 7:25 P.M. Suzanne Griffin read a letter written by Alan Griffin. No new evidence was provided to the Board. Chairperson Prouty closed the public hearing and went directly into a meeting.

Chairperson Prouty reviewed the findings. Section 180-37B was referred to. No definition of farms or dairies were found in our zoning bylaws. A definition was obtained in M.G.L. Ch.128. Chairperson Prouty feels that the Griffins should be allowed to keep their goats as a matter of right as long as they are kept on the agricultural section of the property. Member Maggi agrees. Member Marmo feels that the petitioner must use the residential part of the property to gain access to the agricultural section. He believes this is prohibited and references Section 180-23(N). Member Maggi states that Section 180-23 (N) does not make sense and can be interpreted differently. Member Marmo also refers to Section 180-1, the purpose of the code and feels that the goats are a nuisance to abutters. Member Maggi states that Section 180-1 is the general purpose of the code and specific articles in the zoning bylaws prevail over general articles.

Both Member Marmo and Chairperson Prouty feel that the zoning is not specific enough to define farms. Member Marmo feels that if it does not state in permitted uses that the goats are allowed, then they should not be allowed. Chairperson Prouty states that agricultural zones do allow farms and dairies, although the town does not define their meaning. Member Marmo would like to appear before the council to get more specific definitions.

Chairperson Prouty states that the Board only interprets the law. Member Maggi explains what occurred in Land Court based on the court order and why the petitioner is before the Board again with different evidence. Abutters are concerned that there is not a 200' setback.

Board explains the 200' setback is in the residential portion of the property.

Chairperson Prouty calls for a vote. Yes would mean the petitioners use is allowed by right and no would mean a special permit is needed and the petitioner does not comply.

Prouty-Yes

Maggi-Yes

Marmo-No

Application has been denied due to a split decision. The decision must be unanimous.

A decision will be written by both sides and mailed to the petitioner and Attorney Saia.

Chairperson Prouty explained the twenty day appeal period and stated that since this case was remanded back to the Zoning Board of Appeals by the Land Court, she is not sure whether the usual avenues are open. She suggested that anyone wishing to appeal this decision should first consult a lawyer. Public meeting closed at 8:08 PM.

4. Motion to approve minutes of May 10, 2010 with corrections by Richard Maggi. Vote: unanimous.
5. Motion to adjourn by Chairperson Prouty, seconded by Member Marmo. All were in favor. Meeting adjourned at 8:15 PM.