

July 10, 2023 Minutes

Members Present:

Doreen Prouty, Chair
Rich Maggi, Vice-Chair
Gary Geiger, Clerk
Aldo Mancini, Alternate
Vinny Ronghi, Alternate

*Approved
ZBA meeting
7/24/23
D Prouty
R Maggi
G Geiger*

1. Autumn Mist Farm: Case # 2010

Members sitting: Doreen Prouty, Rich Maggi, Gary Geiger

Chairperson Prouty opened the hearing by introducing the members of the Board and explaining the procedure to be followed. There was some confusion among the sitting members regarding the actual dimension of this requested setback variance. A memo, dated June 9, 2023 from Kevin Duquette, Agawam Inspector of Buildings, was read and all members agreed on the info provided by the building inspector.

The petitioner, Derrick Turnbull, owner of Autumn Mist Farm, explained this request is to construct a 13' by 7.33' addition to enlarge the kitchen area of the existing building. The addition, as presented, would create a new setback of 6'6". The existing setback is currently 12.45'. Chairperson Prouty asked if there were any alternative options that would not require a variance request; to which the petitioner answered yes but this request was the most logical and cost efficient. A memo received from the Town Engineering Department, dated July 10, 2023 was read into the record. The petitioner stated there will still be plenty of space for vehicles to access the back of the building.

Chairperson Prouty opened this hearing to the public. Doreen Doe, owner of 1140-1141 N. Westfield St. had several complaints concerning dust and drainage issues on her property, which she states has intensified since the petitioner purchased the subject property in December, 2021. Vulgar language is now being heard from the outdoor eating area. The parking area has been moved closer to N. Westfield St. and now presents a visual problem when exiting her property. Ms. Doe submitted pictures, taken by herself, showing her concerns. The petitioner stated the water issue is related to inadequate drainage on N. West St. and is an issue that the town must address. The petitioner also stated he added recycled pavement millings onto the stone dust that was previously used, and the dust issuing from his property has been greatly reduced.

Lenny Blews, 1207 N. Westfield St., stated the dust issue is much better since the millings have been laid. Gary Turnbull, 252 N. West St. stated the Building Inspector has been on the subject property multiple times and has no issues with this request. He also stated Planning was notified and no concerns were mentioned.

There was discussion as to whether the petitioner has gone before the Planning Board for site plan review. Mr. Derrick Turnbull stated he was told this is a zoning issue and

needed to come before the ZBA first. Chairperson Prouty said she will contact Pam Kerr to clarify this issue.

Chairperson Prouty asked the sitting members if they wished to continue this hearing or close it and go into a meeting for a vote. Members Maggi and Geiger stated they wished to continue this hearing because they wanted more information, especially from Planning. Member Maggi also stated he would like a more detailed plan. Chairperson Prouty stated she did not see the need to continue this hearing. In her opinion, no evidence has been presented to satisfy all three required conditions to grant this request, especially the hardship requirement. The petitioner has other options to construct this addition without the need for a setback variance. Chairperson Prouty took a vote to continue this hearing. Member Maggi and Geiger voted yes and member Prouty voted no. With a 2 yes and 1 no to continue this hearing, the yes votes prevail. A date to continue this hearing has been set for Monday, July 24,2023 at 7PM at the Senior Center.

It was also decided to schedule a site visit. Chair Prouty stated she will be away on vacation and not available to attend a site visit until after the next continued hearing. It was agreed by the three sitting members and the petitioner to schedule the site visit to Monday, July 17, 2023 at 10AM.

2. March 3, 2023 Minutes -Wayfinders-Case#1978

Member Maggi noted an error with who opened the meeting; it was Chair Prouty,not member Maggi. With that correction, alternate member Ronghi, who sat in at this meeting for member Geiger, made a motion to accept the minutes with the noted correction. All in favor, none opposed.

3. No new business

4. Meeting was adjourned at 7:30PM