



**Zoning Board of Appeals
AGENDA**

Monday, February 9, 2026 - 6:30 PM

Regular Meeting
Agawam Senior Center
954 Main Street
Agawam, MA 01001

A. Zoning Board of Appeals

- 1) Case#2042-262 Colemore Street-Dommenko-Appeal
- 2) Approval of Minutes-December 8, 2025 & January 12, 2026
- 3) Any other matter that may legally come before ZBA

Stefanie Kesecker

From: Michael Albro
Sent: Wednesday, December 17, 2025 11:32 AM
To: Stefanie Kesecker
Subject: RE: Upcoming ZBA Case

Stefanie,

Engineering has no comments regarding the ZBA case for 262 Colemore Street.

Michael F. Albro, P.E.
Assistant Town Engineer
Department of Public Works
1000 Suffield Street
Agawam, MA 01001
Phone: 413.726.2803
Fax: 413.821.0631

From: Stefanie Kesecker <SKesecker@agawam.ma.us>
Sent: Monday, December 8, 2025 9:59 AM
To: Lauren Kennedy <health@agawam.ma.us>; Kelly McCormick <assessor@agawam.ma.us>; Emma Martin <EMartin@agawam.ma.us>; Nadine Porfilio <NPorfilio@agawam.ma.us>; Barbara Bard <BBard@agawam.ma.us>; Christopher Cappucci <solicitor@agawam.ma.us>; Christopher C. Johnson <mayor@agawam.ma.us>; Sue Conlon <sconlon@agawam.ma.us>; All_Engineering Department <All_Eng_Dept@agawam.ma.us>; Mario Mazza <MMazza@agawam.ma.us>; Brian Machos <BMachos@agawam.ma.us>; Derek Myers <afdinsp@agawam.ma.us>; Kevin Duquette <inspections@agawam.ma.us>; Charles Elfman <CElfman@agawam.ma.us>; Frank DeStefano <FDeStefano@agawam.ma.us>; Michael Cleavall <MCleavall@agawam.ma.us>; Michael Dillullo <MDillullo@agawam.ma.us>; Vi Baldwin <VBaldwin@agawam.ma.us>; Frank Meagher <FMeagher@agawam.ma.us>; henry kozloski <vedany@comcast.net>; Jill Messick <JMessick@agawam.ma.us>; Keven Brown <KBrown@agawam.ma.us>; Magda Galiatsos <MGaliatsos@agawam.ma.us>; Page Fallon <PFallon@agawam.ma.us>; Sheryl Becker <SBecker@agawam.ma.us>
Subject: Upcoming ZBA Case

Please see the attached ZBA case and respond with any comments before the January 12, 2026 meeting. Thank you.

Sincerely,

Please be aware that applications approved by the Town of Agawam are considered public information. Unfortunately, email spammers often monitor municipal records and attempt to compromise communications by sending fraudulent emails, many of which appear to be invoices from the town to applicants.

To avoid confusion or potential scams, please note that the Planning Office including the Planning Board, Zoning Board of Appeals, and Conservation Commission requires all application fees to be submitted at the time of application.

If you receive an invoice after submitting your application, we recommend you to contact our office at 413-726-9737 to determine the authenticity of the invoice.



TOWN OF AGAWAM
36 MAIN STREET
AGAWAM, MA 01001

BOARD OF APPEALS

FOR OFFICE USE ONLY	
Case #:	<u>2042</u>
Filed:	<u>11.24.25</u>
Hearing:	<u>1.12.2026</u>
Expires:	_____

Application to Board of Appeals for a hearing on an appeal from a decision of Zoning Ordinance by Building Inspector as allowed under Section 2-8, Paragraph C "Adopted Charter and MGL, Ch. 40A, Section 8.

Applicant Natalya Domnenko and Andrey Domnenko

Address 262 Colemore Street, Agawam, MA 01001

Premises affected are situated on Colemore **Street;** _____ **feet distant from the corner of** _____ **Street and known as street number** _____.

Property is zoned as _____.

Reason(s) for request

This appeal is submitted in response to the Building Inspector's Final Notice of Zoning

_____ Ordinance Violation dated October 28, 2025, concerning the height of the existing vinyl fence located on my property.

_____ We respectfully request that the Board approve and allow the existing eight-foot fence is located entirely within the Eversource utility easement, to remain in place.

_____ For your review and consideration, the following documents are enclosed:

_____ Detailed explanation letter, Owner's deed,
_____ Building Inspector's October 28, 2025 notice, Complaint Form (unanimous submission)

THANK YOU!

Signature of owner or his authorized agent: _____
David *Domnenko*

Telephone #: 413-262-8880

NOTICE: THIS APPLICATION MUST BE FILLED OUT IN INK OR TYPEWRITTEN

2025 NOV 24 A 10:54
8

November 20, 2025

Zoning Board of Appeals
Town of Agawam
36 Main Street
Agawam, MA 01001

RE: Request to Retain Existing Eight-Foot Fence Installed by Eversource Electric within Utility Easement at 262 Colemore Street, Agawam, MA 01001

Dear Members of the Agawam Zoning Board:

We respectfully request the Board's formal approval and confirmation allowing the existing eight-foot fence located within the Eversource utility easement on my property at 262 Colemore Street to remain in place.

Approximately four years ago, Eversource installed this fence within its recorded easement (see attached deed) as a replacement for a row of tall/mature evergreen vegetation that was removed during required utility maintenance. Those evergreens had long provided essential noise and privacy screening from the utility corridor with Eversource and privacy buffering between my residence and Robinson State Park, which lies approximately 250 feet from my property. The fence was installed entirely within the easement area and with Eversource's express authorization.

Importantly, this installation was not a private improvement but a necessary restoration measure performed by Eversource to mitigate the loss of the natural buffer removed during their work. The fence continues to serve the same critical functions as the original vegetation—providing privacy screening, noise reduction, and maintaining safe, stable site conditions. It is structurally sound, properly maintained, and presents no visibility, environmental, or public-safety concerns.

Over the past four years, the fence has existed without incident, complaint, or any impact to neighboring properties or public resources. Its consistent presence demonstrates that it is not detrimental to the public good, is compatible with the character of the surrounding area, and provides important environmental and privacy benefits.

Recently, however, the Town initiated enforcement action in response to an unofficial, unsigned, and non-unanimous complaint—considering the fence having been in place for years without issue. (A copy of the complaint provided by the Town of Agawam is attached.)

For the reasons outlined above, we respectfully request that the Board approve and allow the fence to remain in its current location within the Eversource easement.

Thank you for your time, consideration and attention to this matter.

Sincerely,

Natalya and Andrey Domnenko

Property Owners

Bk 21078 Pg 243 #10787
02-26-2016 @ 04:04p

MASSACHUSETTS STATE EXCISE TAX
HAMPDEN COUNTY REGISTRY OF DEEDS
Date: 02-26-2016 @ 04:04pm
Ct1#: 547 Doc#: 10787
Fee: \$581.40 Cons: \$127,500.00

QUITCLAIM DEED

U.S. Bank Trust, N.A., as Trustee for LSF8 Master Participation Trust having
a usual place of business at , 6031 Connection Drive, Irving, TX 75039

for consideration of One Hundred Twenty-Seven Thousand Five Hundred and
00/100 Dollars (\$127,500.00), paid

Grants to: Andrey K. Domnenko and Natalya V. Domnenko,
_____ of 262 Colemore Street, Feeding Hills, MA 01030

With quitclaim covenants:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

For Title Reference, see Foreclosure Deed recorded in the Hampden County Registry
of Deeds, in Book 20999, Page 571 on December 22, 2015.

This deed is given in the usual course of the Grantor's business and is not a
conveyance of all or substantially all of the Grantor's assets in Massachusetts.

Property Address: 262 Colemore Street, Feeding Hills, MA 01030

EXHIBIT A

Certain real estate situated on the easterly side of Colemore Street in the Town of Agawam, Hampden County, Massachusetts, being known and designated as Lot #7 (seven) as shown on a plan entitled "Plan of Land in Agawam, Mass. owned by Armand Dubuc and Leonard E. Langavin", dated September, 1952, made by Cobb, Beesley & Miles, C.E., recorded in Hampden County Registry of Deeds in Plan Book 40, Pages 32 and 33, said lot being bounded and described as follows:

Bounded Westerly by Colemore Street seventy- nine and 77/100 (79.77) feet; Northerly by land now or formerly of Armand Dubuc et als and the Western Massachusetts Electric Company right of way as shown on said plan, one hundred fifty and 40/100 (150.40) feet; Easterly by land of owner unknown eighty-five and 84/100 (85.84) feet; and Southerly by Lot #8 (eight) as shown on said plan one hundred fifty (150) feet.

SUBJECT TO pole and line rights, if affecting locus, and restrictions in favor of Turners Falls Power & Electric Company as set forth in instrument dated June 5, 1917 and recorded in said Registry of Deeds, Book 979, Page 327.

SUBJECT TO pole and line rights, if affecting locus, in favor of the American Telephone & Telegraph Company as set forth in instrument dated December 16, 1905, and recorded in said Registry of Deeds, Book 691, Page 406.

SUBJECT TO pole and line rights of Western Massachusetts Electric Company and New England Telephone & Telegraph Company as set forth in instrument dated October 27, 1952, and recorded in said Registry of Deeds, Book 2206, Page 238.

BEING the premises known as #262 Colemore Street.

Also hereby granting the following described real estate adjoining the above described real estate on the north:

Beginning at an iron pin in the easterly line of Colemore Street at the northwesterly corner of the parcel above described, and running thence easterly by the northerly line of the parcel above described one hundred fifty and 40/100 (150.40) feet;

thence running Northerly in a straight line in extension of the easterly line of the parcel above described fifty and 17/100 (50.17) feet;

thence running Westerly in the course of the middle line of the right of way of the Western Massachusetts Electric Company as shown on the plan of land above mentioned one hundred forty and 77/100 feet to Colemore Street.

DONALD E. ASHE, REGISTER
HAMPDEN COUNTY REGISTRY OF DEEDS

Executed as a sealed instrument this 18 day of Feb, 2016.

See POA recorded in the
Hampden County Registry of
Deeds at Book 20999, Page 564.

U.S. Bank Trust, N.A., as Trustee for LSF8
Master Participation Trust by Caliber Home
Loans, Inc., its Attorney-in-Fact

By: [Signature]
Name: Odette Hodges
Title: Authorized Signatory

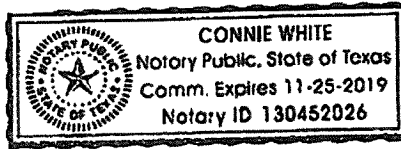
State of Texas
County of Dallas

On this 18 day of Feb, 2016, before me, the undersigned
Notary Public, personally appeared Odette Hodges, as
Authorized Signatory of Caliber Home Loans, Inc., Attorney-in-fact
for U.S. Bank Trust, N.A., as Trustee for LSF8 Master Participation Trust, who is either
personally known to me, or proved to me through satisfactory evidence of identification,
to be the person who signed the preceding or attached document, and acknowledged to
me that he/she executed the same for its stated purpose as the free act and deed of
U.S. Bank Trust, N.A., as Trustee for LSF8 Master Participation Trust.

Property Address: 262 Colemore Street, Feeding Hills, MA 01030

[NOTARY SEAL]

[Signature]
Notary Public
Printed Name: Connie White
My Commission Expires: _____



DONALD E. ASHE, REGISTER
HAMPDEN COUNTY REGISTRY OF DEEDS
WESTFIELD, SATELLITE OFFICE



Town of Agawam

Building Department

1000 Suffield Street, Agawam, Massachusetts 01001

Telephone - (413) 821-0632

Final Notice of Zoning Ordinance Violation

Andrey & Natalya Domnenko
262 Colemore Street
Feeding Hills, MA 01030

October 28, 2025

RE: 262 Colemore Street Feeding Hills, MA 01030- Vinyl Fence Installation Exceeding Zoning Height Requirement;

Town of Agawam's Zoning Ordinance #180-8- B Supplementary Regulations, which states;

B. Fences or walls. Fence heights shall not exceed four feet on the setback portion of any lot perimeter and shall not exceed 6 1/2 feet in height on the remainder of the lot perimeter. On a lot which is adjacent to a higher zone classification, the fence heights shall conform to the higher classification. Notwithstanding the foregoing, fences may be erected by special permit to a height in excess of four feet, but not to exceed 6 1/2 feet, on the setback portion of any corner lot perimeter only. No fence, wall or natural barrier shall be constructed so as to create a safety hazard for vehicles or pedestrians entering or exiting driveways and streets. All fences and walls shall be properly maintained. Any fence or wall found to be in disrepair shall be promptly repaired or removed.

October 24, 2025- Findings- Property is still in violation of the vinyl fence height installation. Fence height needs to be rectified FORTHWITH for zoning compliance.

May 28, 2025- Findings- It has been noted this parcel of land is in violation of the Town's zoning ordinance for fence height regulations.

Required Action- Per the Town's zoning ordinances, the vinyl fence structure exceeding the allowed 6 1/2 feet height will need to be lowered in height and or removed to rectify the situation.

This course of action needs to be conducted FORTHWITH for zoning compliance. Follow-up inspections will be conducted within / upon thirty (30) days for verification of compliance. If no course of action is taken or if the issue is not rectified, violation fines will be issued for the property. **Once the issue has been rectified, please notify the Building Department for a follow-up verification inspection.**

Your attention to this matter is greatly appreciated.

§ 180-15. Enforcement. The provisions of this Chapter shall be enforced by the Inspector of Buildings, and no permit shall be granted for the construction, alteration, relocation or use of any building, structure or premises in violation of any provision of this Chapter. Whenever any permit or license is refused because of some provision of this Chapter, the reason therefor shall be clearly stated in writing and kept on file.

§ 180-16.1. Noncriminal Enforcement. In addition to the procedures for enforcement as described above, the provisions of this Chapter, the conditions of a permit or special permit granted under this Chapter, or any decision rendered by the Zoning Board of Appeals or Planning Board under this Chapter shall be enforced by the Inspector of Buildings, by noncriminal complaint pursuant to the provisions of Massachusetts General Laws Chapter 40, §21D, as amended from time to time. The fine for any violation disposed of through this procedure shall be one hundred (\$100.00) dollars for the first offense; two hundred (\$200.00) dollars for the second offense; and three hundred (\$300.00) dollars for the third and each subsequent offense. Each day such violation continues shall be deemed a separate offense. Unpaid fine(s) shall be subject to the municipal charges lien pursuant to Massachusetts General Laws Chapter 40 §58, as amended from time to time.

If you are aggrieved by this Zoning Violation Notice you have a right to Appeal to the Board of Appeals. Appeals to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative office under the provisions of said Chapter 40A, or by any person, including an Officer or Board of the Town or of an abutting Town aggrieved by an order or decision of the Building Official, or other administrative Official, in violation of any provision of said Chapter or the Zoning Ordinances of the Town of Agawam.

“Such appeal shall be taken by the Board within (30) thirty days from the date of the order or decision which is being appealed, by filing a notice of appeal with the Town Clerk in accordance with the provisions of Chapter 40A.”

Sincerely,



Kevin Duquette
Inspector of Buildings
inspections@agawam.ma.us

Date of Notification: June 3, 2025	To Be Re-Inspected: Within / Upon (30) Thirty Days	File: Certified Mail:
Compliance: No	Ticket Issue Date: Upon re-inspection results	C.C:



Town of Agawam

Inspection Services

1000 Suffield Street
Agawam, MA 01001
(413) 821-0632

Kevin Duquette
Inspector of Buildings

Complaint Form

Date: 5-26-25

Location of Complaint: Feeding hills - Colmore St. Parcel ID _____

Property Owner or Alleged Violator (if known): None

Alleged Violation of: Building Code Zoning Ordinance General Ordinance¹

Relevant Section(s) of subject code (if known): _____

Nature of Complaint (attach additional pages/evidence as necessary):
267 Colmore St. 8 Ft Vinal Fencing against Code
265 Colmore St. 8 Ft Vinal Fencing against Code

COMPLAINANT INFORMATION

This document should not be considered confidential and may be subject to M.G.L. ch. 66 § 10, MA Public Records Law.

Name: ??

Address: _____

Telephone: _____

Email: _____

Signature: _____

I have discussed this issue with the alleged violator

FOR INSPECTION SERVICES USE	
Received/Logged by _____	Date _____
<input type="checkbox"/> in person <input type="checkbox"/> letter <input type="checkbox"/> email <input type="checkbox"/> phone	
Investigated by _____	Date _____
Notes _____	

<input type="checkbox"/> Response sent to complainant on _____	
<input type="checkbox"/> Letter <input type="checkbox"/> Email <input type="checkbox"/> _____	

¹ Use this form only if the enforcing authority is specified as the Inspector of Buildings or Inspection Services.

² Inspection Services does not customarily act on anonymous complaints.

The following members attended the public meeting:

Doreen Prouty-Chair
Richard Maggi-Vice Chair
Vinny Ronghi-Alternate
Viktor Savonin-Acting Clerk
Stefanie Kesecker-Administrative Assistant

Member Absent
Aldo Mancini-Clerk

Chair Prouty open the meeting at 6:30pm and introduced the members of the Board.

Motion was made by Mr. Maggi and seconded by Mr. Ronghi to take the agenda items out of order. All in favor.

D. Approval of Minutes-November 10, 2025

Motion was made by Mr. Ronghi and seconded by Mr. Maggi to approve the November 10, 2025 as written. All in favor.

A. Case#2039-18 Springfield Street-Variance-P2SP Corp.

Rob. Levesque with R. Levesque Associates and the petitioner Vasant Shah were present for this agenda item. Mr. Levesque stated that this plan has received Site Plan approval from the Planning Board as well as an Order of Conditions from the Conservation Commission, and has satisfied Engineering comments that focus on parking and the dumpster area.

Mr. Levesque stated parking has been revised and the dumpster was relocated to satisfy Engineering concerns.

Chair Prouty stated along with Site Plan approval and Conservation Commissions approval that the Building Inspector also did not raise any issues or concerns.

Chair Prouty asked if this would remain a gas station and what is the purpose of the addition. Mr. Levesque stated it would remain a gas station and the addition is for a walk in cooler and more storage/shelf space within the business.

Mr. Savonin asked what relief the Variance would allow. Mr. Levesque stated dimensional relief.

Chair Prouty stated this building was built in 1965 so it is a pre-existing non-conforming structure. She stated the side yard would be 1ft. 5in. from property line if the Variance is granted.

Chair Prouty opened the hearing for public comment, and there was none. Chair Prouty closed the public hearing and went directly into a meeting.

Chair Prouty then read the 3 requirements to grant a variance:

- 1. That owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it lies.*

2. *That a literal enforcement of the provisions of the ordinance would involve substantial hardship, financial, or otherwise, to the petitioner or appellant.*
3. *That desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance.*

Mr. Levesque stated the shape of the property of the building and the size of the lot, constrains the applicant's ability to do an addition otherwise. He stated this will help with shelf space and refrigerator space as well as a public restroom being added.

Mr. Maggi asked if the proposed expansion would be primarily for storage for cool items. Mr. Levesque stated yes. Mr. Maggi asked if there was a public restroom now. Mr. Shah stated no. Mr. Savonin asked if the Variance was granted how this back area would be maintained. Mr. Levesque said they would have to access it through the neighbor's property.

Mr. Maggi asked what exists now where the addition is proposed. Mr. Levesque stated it is open space.

Mr. Ronghi stated this location just received a beer/wine license and this would be the reason an expansion is needed to add the inventory, where he currently does not have space to do so.

Mr. Maggi stated he does not have a problem with this Variance. He stated this is not a substantial change and the shape of the structure and lot are such that the petitioner does not have much choice. He went on to say this does not affect the rest of the zoning district and the fact that he recently received a beer/wine license he needs to be able to properly store it. He stated installing a bathroom is also good for the general public. He stated this is behind the building and will not affect traffic, no be noticeable to the general public. Mr. Maggi also stated the fact the building was originally built to the rear of the property needs to be considered, and as such, satisfies condition number one. Mr. Ronghi agreed the shape of the lot is complicated. He stated the petitioner is trying to benefit the Town with his wine/beer license and that should be taken into consideration. Ms. Prouty stated Mr. Levesque explained there were no specific issues related to soil conditions, shape, or topography on the property. The location of the structure to the rear is not sufficient to satisfy condition number one.

Mr. Maggi stated there is also a hardship because the petitioner will not be able to store the added beer/wine products properly without this relief. Mr. Savonin agreed with Mr. Maggi. Ms. Prouty stated the fact the petitioner wishes to increase his business is for financial gain and as such does not qualify as a hardship.

Ms. Prouty also stated the petitioner is asking to increase the rear setback from 10ft. 5 in. to 1 ft. 5 in. The current bylaw requires a minimum of 25ft. The petitioner cannot even construct the rear wall of this addition unless he gets permission to utilize his neighbor's property. Mr. Maggi and Mr. Savonin agreed that as long as he has permission, this will satisfy condition number three.

After much discussion, Chair Prouty called for a vote. Maggi-yes, Savonin-no, Prouty-no. The variance was denied, two against, one in favor.

Ms. Prouty explained the 20 day appeal process.

- B. Case#2035-580 Main Street-Verizon & Diamond Communications-Variance
- C. Case#2034-580 Main Street-Verizon & Diamond Communications-Special Permit

Attorneys Ellen Freyman and Brett Smith from Shatz, Schwatz, and Fentin, P.C., Scott Von Rein with Diamond Communications, Juan Latorre with Verizon, and Bradford Martin, Fitzgerald Law, Attorney for Bethany Assembly of God were present for this agenda item.

The representative presented both the Variance and Special Permit in their presentation.

Attorney Freyman stated a lot of planning and research goes into selecting a site, negotiating a lease agreement, as well as environmental work. She stated they have been granted a zone change by City Council, had received Site Plan approval from the Planning Board, and had been before Conservation Commission to rule out other sites on the location for the monopole. She stated 2 balloon floats had been performed, as well as one full hearing presented to ZBA. She stated the comments had been whittled down to mostly radio frequency issues.

Juan Latorre, Verizon Radio Frequency Expert stated that the peer reviewer had asked about the use of Mushy's site. He stated it is a proposed 115 ft. monopole. He stated the location chosen was for adequate coverage to get and receive data. He stated future projected needs are part of the process and that location is paramount to good service.

Mr. Latorre stated the pole at Mushy's was owned by SBA Communication. He stated this pole was installed in 2009 and was done in the least challenging area, but technology has evolved and the location of these monopoles is critical to service needs. He stated areas, like 580 Main Street is where the usage is greater. He stated the Mushy's location would create too much overlap to the North and a big lapse in coverage to the South.

Mr. Lawton, Isotrope, ZBA peer reviewer stated that new information was brought to the meeting and he will need time to thoroughly go through the information before writing a report for the Board.

Chair Prouty relayed information about 4 monopoles in the last few years that have been taken down in storm events, and 3 collapsed in the way they were designed. The fourth monopole failed at the base causing the entire 114ft. pole to fall to the ground. Mr. Rein stated those 4 were out of probably 600,000 monopoles that exist. Chair Prouty questioned if this proposed monopole fell, it would fall 30 ft. into the roadway. Ms. Prouty stated, if this monopole failed to collapse as designed, it is possible the top 30 ft. would fall across highway, Route 57.

Chair Prouty opened the hearing for public comment.

Julia Czelazewicz-200 Silver Street, Granby, CT-stated her concerns are for her children who attend school here. She stated he has researched microplastics on the monopoles and underneath the poles is a large pile of plastics debris that can get into the ecosystem as well as affect wildlife. She stated that in her research it said that microplastics are a time bomb.

Vlad Grechka-1649 Suffield Street-stated his children also attend this school. His concerns were that the property values would decrease or if the monopine structure fell into the parking lot or the roadway. He stated there are too many children here and it is also an eyesore.

Attorney Bradford Martin, Fitzgerald Law, on behalf of Bethany Assembly of God stated that the church is for this proposal and have been working closely with the applicant. He stated the church would never put lives in danger and that there has been no reported health issues since 1983.

Chair Prouty stated she would like the petitioner at the next hearing to bring information about the microplastics on the monopoles, and also look into moving the monopole further onto the property to avoid the possibility of it falling onto the roadway, in the case of a total collapse.

Chair Prouty continued the public hearing to the January 12, 2026 meeting.

D. Any other matter that may legally come before the Zoning Board of Appeals

None.

Motion was made by Mr. Maggi and seconded by Mr. Savonin to adjourn the meeting. All in favor.

Meeting adjourned at 9:00pm.

The following members attended the public meeting:

Doreen Prouty-Chair
Richard Maggi-Vice Chair
Aldo Mancini-Clerk
Vinny Ronghi-Alternate
Viktor Savonin-Acting Clerk
Stefanie Kesecker-Administrative Assistant

Chair Prouty open the meeting at 6:35pm and introduced the members of the Board.

A. Case#2042-262 Colemore Street-Dommenko-Appeal

The Zoning Board of Appeals received a request to continue this agenda item to the January 26, 2026.

Motion was made by Mr. Ronghi and seconded by Mr. Maggi to continue Case#2042-262 Colemore-Dommenko-Appeal, to the January 26, 2026 meeting as requested.

All in favor.

B. Case#2035-580 Main Street-Verizon & Diamond Communications-Variance

C. Case#2034-580 Main Street-Verizon & Diamond Communications-Special Permit

Sitting on this case: Prouty-Chair, Maggi-Vice Chair, Ronghi-Acting Clerk

Attorneys Ellen Freyman from Shatz, Schwatz, and Fentin, P.C., Scott Von Rein with Diamond Communications, Juan Latorre with Verizon, and Bradford Martin, Fitzgerald Law, Attorney for Bethany Assembly of God were present for this agenda item.

Chair Prouty stated at the last hearing the Board had asked the petitioner if the monopole could be moved back 25 ft. from the current proposed location, due to safety concerns, should the tower not collapse on itself as designed. Mr. Lawton, peer reviewer has reviewed the proposal at length and stated that the applicant has demonstrated conclusively that the proposed site at Bethany Church is a technically superior site to the SBA "Mushy's" tower. Chair Prouty also stated the Board would prefer the monopole versus the monopine due to the micro-plastics, and the possible containments to the environment. Attorney Freyman went over collapsing of towers that have occurred in the last few years, but they were lattice towers and this is not the type of tower proposed here.

Mr. Maggi asked if these tower failures collapsed on themselves. Mr. Freyman stated they were lattice towers and were not designed to collapse on themselves.

Chair Prouty presented her research of 3 towers that were monopoles and designed to collapse on themselves, but failed to do so.

Scott Von Rein, stated the monopoles are made of 3 to 4 sections and each section is sleeved over the other which makes them very secure. He stated there is also a mat foundations 6 to 7 ft. deep,

or a drilled pier anchored into the concrete. He stated there are strict parameters for telecommunications requirements for engineering.

Chair Prouty read a letter from Sabre Industries from Robert Beacom, Engineering Manager which stated “the most likely location of failure would be within the monopine shaft, above the base plate. Assuming that the wind pressure profile is similar to that used design the monopine, the monopine will buckle at the location of the highest combined stress ration within the monopine shaft. This is likely to result in the portion of the monopine above leaning ove rand remaining in a permanently deformed condition.”

Chair Prouty went on to say her concern is safety and she stated pushing the monopole back 25ft. should not be an issue, when there is ample room to move it.

Mr. Maggi asked if the monopole and monopines have the same stress fractures. Mr. Von Rein stated yes.

Mr. Ronghi asked if any engineering science prevents it from being moved. Mr. Von Rein stated no.

Mr. Freyman stated the pole could be moved back 25ft. from the current proposed location.

Chair Prouty stated the peer reviewer, Mike Lawton, Isotrope, has approved the proposed plan. She went on to say there were no other professional concerns from other departments presented.

Mr. Von Rein went over the monopine findings that there are not recognized environmental concerns and no federally recognized hazards. Chair Prouty asked if this was humans or all wildlife. Mr. Von Rein stated it is not considered harmful to aquatic organism or the environment. He stated no acute health affects to humans have been reported. He went on to say the applicant is amenable to using the monopole versus the monopine if the Board prefers it. Mr. Ronghi asked if the monopine was the applicants’ preference, not the contractor. Mr. Von Rein stated yes.

Chair Prouty closed the public hearing and the members went directly into a public meeting. She then explained the 20 day appeal process.

Chair Prouty read the 3 conditions for granting a variance.

1. *That owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it lies.*
2. *That a literal enforcement of the provisions of the ordinance would involve substantial hardship, financial, or otherwise, to the petitioner or appellant.*
3. *That desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance.*

The members discussed the original location, which was in the wetlands, and the reasoning for the tower being placed here. Chair Prouty stated the applicant is limited as to where the tower can be installed, due to zoning and other Town restrictions. After discussion the members voted that the first condition of the variance had been meet.

Chair Prouty called or a vote on condition one. Prouty-yes, Maggi-yes, Ronghi-yes.

The members discussed the financial hardship if the project was prohibited, then the applicant could not provide service to their customers, thus presenting a financial hardship.

Chair Prouty called for a vote on condition two. Prouty-yes, Maggi-yes, Ronghi-yes.

The members then discussed the third condition and determined the proposed project does not present a substantial detriment to the public good.

Chair Prouty called for a vote on condition three. Prouty-yes, Maggi-yes, Ronghi-yes.

Chair Prouty explained the twenty day appeal process.

The member then went directly into a discussion concerning the Special Permit. After much discussion the members agreed to place condition upon the Special Permit to include: moving the proposed location by 25ft., a wooden stockade fence shall be six (6') feet in height, a twenty (20') foot buffer strip will be maintained to the north and west side of the facility, no simulated pine tree appearance on the monopole, and no lighting of the monopole unless required by the Federal Aviation Administration.

Chair Prouty called for a vote for the Special Permit. Prouty-yes, Maggi-yes, Ronghi-yes.

D. Approval of Minutes-December 8, 2025 & December 22, 2025

Motion was made by Mr. Maggi and seconded by Mr. Mancini to table the December 8, 2025 minutes until the January 26, 2026 meeting.

All in favor.

Motion was made by Mr. Maggi and seconded by Mr. Mancini to approve the December 22, 2025 minutes as written.

All in favor.

E. Any other matter that may legally come before Zoning Board of Appeals

Chair Prouty gave the members a handout regarding variances and stated if the members were interested she would like to see if there is a seminar they can take regarding variances.

Motion was made by Mr. Maggi and seconded by Mr. Mancini to adjourn the meeting.

All in favor.

Meeting adjourned at 8:00pm.

