

EAST LONGMEADOW ZONING BOARD OF APPEALS

Date: January 11, 2020

Time: 6:30 PM EST

Zoom Webinar



MINUTES

Chair Mark Beglane opened the meeting at 6:40 pm and called the roll.

CALL THE ROLL

Present: Mark Beglane, Chair
Charles Gray, Vice Chair
Francis Dean
Daniel Plotkin (*joined at 6:40pm*)
James Channing

Staff Present: Bethany Yeo, Director of
Rebecca Jones, Planning & Community Development Administrative Assistant

APPROVAL OF MINUTES

December 15, 2020

Motion to approve as amended made by Board Member Francis Dean; second by Vice Chair Charles Gray and approved by roll call vote five (5)-zero (0).

CONTINUED PUBLIC HEARINGS

1. **Case ZV 2020-6:** A petition for Variance under East Longmeadow By-law Article 3.3 Additional Use, Dimensional & Density Regulations for 25 FT +/- relief from 50 FT setback at 3 Wisteria Lane (Assessor's Parcel ID 40-35-07) in the Residence A zoning district. Petitioner: Timothy Willetts, 3 Wisteria Lane, East Longmeadow, MA 01028.

Introducing the facts pertinent to the petition for Variance were the owner, Timothy Willetts. Mr. Willetts submitted for a Plan of Land illustrating grade changes prepared by Smith Associates Surveyor; a quote from Infinity Corp. to grade the pool area and install an aesthetic retaining wall; and a quote from G.A. Hitchcock for grading by the pool area, installation of drainage pipe and retaining wall.

Board member Daniel Plotkin joined the meeting at 6:40pm.

Chair Mark Beglane, members Francis Dean and Daniel Plotkin concurred that the applicant had not proved a hardship as the 2-foot grade change occurred over a 16-foot area and could be remedied by landscaping. Furthermore, the majority of the Board opined the proposed shed structure could be constructed elsewhere on the property to remain in compliance with the East Longmeadow Zoning Bylaws. Vice Chair Charles Gray opined a substantial financial hardship had been proven based on the quotes provided by the petitioner.

The public hearing was opened for public comment. No comment was made in favor or opposition of the petition. Hearing no further comments, the public hearing was closed.

The Chair explained that a variance may be granted only if the Board finds that owing to circumstances relating to the soil conditions, shape or topography of land or structures, and especially affecting such

land or structures but not generally affecting the zoning district in which they are located, a literal enforcement of the provisions of the By law would involve substantial hardship, financial or otherwise, to the Petitioner and 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 the By law.

A Variance is permission to depart from the literal enforcement of the Zoning By law with respect to setback, side yard, frontage and lot size, but not involving use or structures.

The ZBA found:

1. The ZBA determined the petitioner had not proved a substantial hardship to warrant approval of the variance request and could obtain similar results by alternative methods to construct the proposed shed that are permitted under the Zoning Bylaw

Based on review of the submitted petition, the Zoning Board of Appeals DENIED the petition for Variance under Town of East Longmeadow Zoning By-laws, § VII-Administration and Enforcement, 7.0 Zoning Board of Appeals, 7.03 Variances on a parcel located at 3 Wisteria Lane.

On a motion by Zoning Board of Appeals member Daniel Plotkin, and second by member Francis Dean. The vote carried four (4) to one (1) with member Charles Gray voting in opposition of the denial and Mark Beglane, Daniel Plotkin, Francis Dean, and James Channing voting in the affirmative to deny the application filed by the petitioner.

OTHER BUSINESS

1. Rear Pease Road Solar Array

Chair Beglane explained that he is satisfied with the materials from the Department of Public Works and the State of Connecticut but has concerns regarding the comments made by the Fire Department. The Board is still awaiting comment from the Police Department, which Mr. Beglane opined was likely due to the change in Police Chief. Mr. Beglane also expressed concern regarding the easement plans as proposed. Board member Daniel Plotkin asked about the status of the construction of the road. Mr. Beglane noted that the driveway is in but it needs to be extended another 30 feet to the Town of East Longmeadow line. Mr. Plotkin asked for the next steps in regards to the recent appeal denial. Mr. Beglane explained that they will likely appeal the Zoning Board of Appeals' decision to the Land Court in an effort to exhaust all remedies. Mr. Beglane confirmed a determination was made due to federal and state exemption statutes that the Town cannot absolutely prohibit in a residential zone. Planning Director Bethany Yeo was tasked with collecting the Town comments prior to the next meeting.

ADJOURN Motion to adjourn made by Vice Chair Charles Gray; second by Board member Francis Dean and approved by roll call vote five (5)-zero (0) at 7:15 PM.