

EAST LONGMEADOW ZONING BOARD OF APPEALS

Date: February 8, 2021

Time: 6:30 PM EST

Zoom Webinar



MINUTES

Chair Mark Beglane opened the meeting at 6:30 pm.

Present: Mark Beglane, Chair
Charles Gray, Vice Chair
Francis Dean
Daniel Plotkin
James Channing

Absent: Brian Hill, Clerk

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

APPROVAL OF MINUTES

January 11, 2021

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).

NEW PUBLIC HEARINGS

Case ZAA 2021-1: Administrative Appeal of denial of Building Permit for the installation of a 14,400 ground mounted solar modules at Rear Pease Road (Assessor's Parcel ID 33-1-0) located on a 21.26 +/- acre site in the Residence AA zoning district. Petitioner: PLH, LLC 222 S 9th ST, Suite 1600, Minneapolis, MN 55446.

Chair Beglane opened the public hearing. The legal notice was read into the record on February 8, 2021 by Planning Director Bethany Yeo. Chair Beglane asked for confirmation that abutters had been appropriately notified of the public hearing. Planning Director Yeo confirmed.

Speaking on behalf of the Administrative Appeal was applicant's attorney and agent, James Martin [Robinson Donovan, P.C., 1500 Main Street, Suite 1600, Springfield, MA 01115] and Attorney Thomas Melone [Chief Executive Officer, Allco Renewable Energy Limited, 157 Church St., 19th floor, New Haven, CT 06510]. Atty. Martin summarized the status of the site plan development proposal for a Ground Mounted Photovoltaic Installation, which had been initially submitted to Town Council under a petition for zoning change from Residence AA to Industrial District or Industrial Garden Park [where Ground Mounted Photovoltaic use is permitted by right], then referred to Planning Board, and subsequently returned to Town Council without a favorable recommendation by the Planning Board to rezone the parcel as Industrial.

After appeal to the Land Court, a summary judgement was issued [08/20/2019] in favor of PLH LLC with a recommendation by the court that the town go forward with site plan review [as solar was considered under summary judgement as an exemption under state statute]. The Zoning Board of Appeals granted

with conditions a variance for frontage reduction from 175 FT to 0 FT on March 9, 2020. The Site Plan Review was denied by the Planning Board by a tie vote two (2) - two (2).

A remand by the Land Court, in a decision affirmed by the Appeals Court, was issued for a statement of reasons for the two members who voted no at the original decision. The remand public hearing for case SITE 2019-11 was held on September 29, 2020 with the Planning Board denying the Site Plan Review by a vote of three (3)- one (1). Subsequently, the applicant had applied for a Building Permit, which was denied on 12/22/2020 due to the requirements of Section 7.41- Projects Requiring Site Plan and Section 7.5.8 – Site Plan Review and Approval of the East Longmeadow Zoning Bylaws. Atty. Martin explained this public hearing was an appeal the denial of Building Permit.

Chair Mark Beglane opined he did not think the Zoning Board of Appeals should act favorably upon the Appeal of Building Permit Denial in this case as Building Permit required an approved Site Plan Review under the Town's bylaws furthermore he stated the Zoning Board of Appeals was not equipped to review the associated site plans. Chair Mark Beglane opined the Land Court should make the ultimate decision to overturn the Building Permit denial thus also the lack of Site Plan Review Approval. The Zoning Board of Appeals members unanimously concurred with Chair Mark Beglane's opinion.

Public hearing was opened for comment:

Marilyn Richards, Town Councilwoman spoke in opposition of granting the administrative appeal of building permit denial and in favor of sending the matter back to the Land Court for further consideration.

Attorney Michael Pill spoke in opposition of granting the administrative appeal of building permit denial and in favor of sending the matter back to the Land Court for further consideration.

Motion to close the public hearing on a motion moved by Daniel Plotkin with second by Charles Gray; unanimously approved by roll call vote five (5)-zero (0).

The Zoning Board of Appeals found based on Section 7.41- Projects Requiring Site Plan and Section 7.5.8 – Site Plan Review and Approval of the East Longmeadow Zoning Bylaws an appeal of Building Permit Denial could not be granted, as Building Permit approval is conditional upon Site Plan Approval.

Based on review of the petition for Administrative Appeal of building permit denial submitted by PLH LLC (d/b/a ECOS Energy), the Zoning Board of Appeals **Denied** the petition for **Appeal** under **Town of East Longmeadow Zoning Bylaws Sections 7.41 and 7.5.8** for the parcel located at 0 Pease Road.

On a motion to deny made by Zoning Board of Appeals member Daniel Plotkin, amended by Chair Mark Beglane to include the findings and the amended motion seconded by Zoning Board of Appeals member Francis Dean, the vote carried five (5) to zero (0) with members Daniel Plotkin, James Channing, Mark Beglane, Charles Gray and Francis Dean voting unanimously by roll call vote in the affirmative to deny the appeal by the petitioner.

OTHER BUSINESS

None.

Motion to adjourn made by Vice Chair Charles Gray; second by Board member Daniel Plotkin and approved by roll call vote five (5)-zero (0) at 7:26 PM.

Respectfully submitted.

Rebecca A. Jones

Planning & Community Development Administrative Assistant