

LONGMEADOW ZONING BOARD OF APPEALS
Minutes of November 5, 2008 hearing

Moore, Lot 20 Greenmeadow Dr., requesting a Variance from front back setback for a new dwelling, Petition # 2008-21.

This was continued to December 9, 2008.

Longmeadow Professional Center, 123 Dwight Road, requesting a Variance for a stone wall and sign in the front yard, Petition #2008-22.

The Petition was continued to the December 9, 2008 hearing.

Kane, 1657 Longmeadow St., requesting an amendment to prior decision, Petition #2008-23.

The Petition was withdrawn before the hearing date. No action taken.

Mobile, 773 Maple Rd., requesting a Special Permit to construct an addition and modification of Use, Petition #2008-24.

Abdul Zoghol, President of Maple Road Property LLC, Mark Smith of TO Design, LLC and Attorney Laurence Levine appeared before the Board to request a Special Permit to construct an addition and modify the use of the building. Attorney Levine explained that the property was granted a Special Permit on November 20, 1970 to operate a gasoline filling station, service station and public garage, and that the Special Permit was amended on April 8, 1996 and again on July 15, 2002. The Applicant now seeks approval to construct an addition to the South (rear) side of the existing building and to modify the use within the entire structure. Attorney Levine stated that the Applicant has used the existing facility for the selling of gasoline and also the servicing and repairs of vehicles within its service bays.

Attorney Levine also noted that the Applicant has been selling retail food and ancillary products in a small portion of the premises and proposes to eliminate the existing service bays for repairs to vehicles and in that space, which totals 1,087 square feet, expand the sale of retail food and ancillary products. Furthermore, the Applicant proposes that the proposed addition of 1,002 square feet also be used for the sale of retail food and ancillary products.

Attorney Levine stated that the Applicant requests approval pursuant to Article IV, Section D, Paragraph 3 of the Longmeadow Zoning By-Law to allow said retail business and that the Applicant believes that there now exists adequate off-street parking facilities for its patrons and that proposed additional retail space will continue to have adequate off-street parking facilities.

The Applicant then presented the Board with a partial set of Construction Drawings prepared for Mutual Oil Company, Inc. of Brocton, Ma. By TO Design, LLC of New Britain, Ct entitled "Proposed Convenience Store Conversion, Maple Road Service Station, Inc., dated May 12, 2008, Revised June 9, 2008, Revised August 14, 2008 and Revised October 29, 2008 per "Planning Review Comments", sheets CS through A-2.2, inclusive.

Per the Construction Drawings submitted, the **site characteristics** of the proposed expanded facility would be as follows:

Location: Corner lot southeast of intersection of Maple Road and Shaker Road

Lot Area: 28,438 square feet

Primary Setbacks: 54.4 feet from Maple Road and 59.1 feet from Shaker Road

Side Setbacks: 68.8 feet from West property line and 19.0 feet from South property line

Building Height: 28 feet (approximate maximum)

Gross Building Area: 2,845 square feet

Parking spaces: 18 (14 for customers and 4 for largest shift employees) $2,845 \text{ SF}/200\text{SF} = 14$

It was noted that the proposed expanded facility would conform to all applicable building height, property area setback and parking requirements of the Longmeadow Zoning By-Laws.

The Chairman opened the hearing to the public. No one spoke for or against the Petition.

The following motions were made and seconded:

Motion 1:

“Move that we make a finding that, pursuant to MGL c. 40A, Section 6 and Article XII, Section G, items 2m and 2q of the Longmeadow Zoning By-Law, that the Application of Maple Road Property, LLC to convert the existing service bay area and add to the existing building at 773 Maple Road, resulting in a total gross area of 2,845 square feet would meet the number of parking spaces required in the Longmeadow Zoning By-Law in that it would provide 1 space per 200 square feet (14 parking spaces) plus 1 space per each employee on the largest shift (4), for a total of 18 parking spaces plus 6 stacking spaces per pump area per the plans submitted”.

Board Members Lavenburg, Preston, Bennett, Ryan and Sirulnik all voted “Yes”.

Motion 2:

“Move that we make a finding that, pursuant to MGL c 40A, Section 6 and Article IV, Section D, Sub-section 3 of the Longmeadow Zoning By-Law, the Application of Maple Road Property, LLC as described in the previous motion provides adequate off-street parking facilities available to the patrons of the occupiers of 773 Maple Road for the reasons given in that motion”.

Board Members Lavenburg, Preston, Bennett, Ryan and Sirulnik all voted “Yes”.

Motion 3:

“Move that we vote, pursuant to MGL c 40A, Section 6 and Article IV, Section D, Sub-section 5, item b. of the Longmeadow Zoning By-Law, to amend the Special Permit currently existing at 773 Maple Road for additional retail space for a total of 2,845 gross square feet of retail space”.

Board Members Lavenburg, Preston, Bennett, Ryan and Sirulnik all voted “Yes”.

According, the Special Permit Amendment was granted in accordance with the above affirmative vote.

Fitzgerald, 114 Crescent Rd., requesting a Special Permit for side yard setbacks for a proposed addition to the rear of the dwelling, Petition #2008-25.

The Petition was continued to December 9, 2008