

LONGMEADOW ZONING BOARD OF APPEALS
Minutes of the January 6, 2009 hearing

Moore, Lot 20 Greenmeadow Dr., requested a variance from the front setback for a new dwelling, Petition #2008-21.

The Petition was continued to February 11, 2009.

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

The Petition was continued to February 11, 2009.

Rising Realty Trust, (Mobile), 467 Longmeadow St., requested a variance to construct canopies over gas islands, Petition # 2008-27.

The Applicant appeared before the Board from a continued hearing and requested a variance to construct canopies over the fuel service islands and fire suppression system.

The Board noted that on December 31, 2008, by way of a letter, the Applicant notified the Board that they intended to seek an amendment to a Special Permit granted March 4, 1991 and later amended in 1992 rather than just a variance.

The Applicant submitted the special permits or variances for the other three stations in town and presented argument for the issuance of an amendment to the Special Permit to permit installation of the canopies.

After discussion, including additional comments from the public, the public comment portion of the hearing was closed.

The following proposed findings were discussed:

1. The primary set back required by the by laws is forty feet. The Plans indicate that one of the two service islands on the Property is currently within the primary set back required by the by law along Belleclaire Avenue. The proposed canopies will encroach further into the primary set back along Belleclaire Avenue resulting in a set back of only 24 feet;
2. The following circumstances relating to the soil conditions, shape or topography exist, and especially affect the land or structures in question, but do not affect generally the zoning district or neighborhood in which the land or structures are located: The Applicant was required by the Commonwealth of Massachusetts to erect canopy columns to support an updated fire suppression system which system has been installed. This system, mandated by the Commonwealth, affects the "structures", namely, the service islands presently installed at Applicant's place of business as that term is used in MGL 40A sec. 10;
3. A literal enforcement of the provisions of the by laws would involve a substantial hardship, financial or otherwise for the following reasons: Leaving the fire suppression system unprotected in inclement weather impacts the equipment's maintenance and life span;
4. That desirable relief may be granted without substantial detriment to the public good for the following reasons: The mandated fire suppression system improves public safety and the canopies will actually provide a benefit to the Applicant's customers who will be protected from inclement weather while patronizing the service station;

5. That the desired relief may be granted without nullifying or substantially derogating from the intent and/or purpose of the by laws for the following reasons:
 - a. The variance will not alter the current use of the Property.
 - b. The installation of the proposed canopies at Property is not inconsistent with the other service stations in town identified at the hearing which were permitted by prior decisions of the Board to install canopies at those locations.

A motion was made by the Chairman and seconded that the Board adopt and approve the findings listed.

Voting in favor of the motion were Board Members Preston, Plotkin, Ryan, Bean and Lavenburg. The motion passed unanimously.

A second motion was made and seconded to issue the requested variance based on the approved findings pursuant to MGL, Ch. 40A, Section 10.

Board Members Preston, Plotkin, Ryan, Bean and Lavenburg all voted in favor of the motion thereby granting the variance.

Cohen, 89 Warren Terrace, requested a special permit to remove a front porch and rebuild a deck on the front of the dwelling, Petition #2009-1.

The Petition was continued to February 11, 2009.

Dindas, 30 Chatham Road, requested a special permit for a proposed addition on the side of a detached garage, Petition #2009-2.

No one for the applicant appeared at the hearing. The Board voted unanimously to continue the application to February 11, 2009.