



**EAST LONGMEADOW ZONING BOARD OF APPEALS
MEETING NOTICE**

Date: February 11, 2019

Time: 6:30 PM

Place: Library Conference Room
60 Center Square, East Longmeadow, MA

Present: Mark J. Beglane, Chair; Charles H. Gray, Clerk; Francis Dean; Brian Hill;
Associate Member James Channing
Vice Chair John Garwacki – resigned February 1, 2019

Staff Present: Constance Brawders, Planning and Community Development Director
Bethany Yeo, Planning and Community Development Administrative Assistant

MINUTES

DUE TO THE LACK OF QUORUM ON JANUARY 14, 2019 THE ZONING BOARD OF APPEALS MEETING WAS NOT OPENED. ALL ITEMS SCHEDULED TO THE MEETING OF JANUARY 14, 2019 WERE HEARD AT THIS MEETING.

CALL THE MEETING TO ORDER

Chair Beglane called the meeting to order at 6:30 p.m.

APPROVAL OF MINUTES

Motion to approve the minutes of August 13, 2018 by Board member F. Dean; second by Board member B. Hill approved five (5)-zero (0).

PUBLIC HEARINGS

- 1. Case ZV 2018-02: Request by applicant for Variance under Section 3.302 Fences or Walls b) to allow the installation of a new fence at 17 Angela Lane (Assessor's Parcel ID 89-54-6) in the Residence A zoning district. Applicant: Chris Gonzalez, 157 Charter Oak Avenue, Hartford, CT 06106.**

The Clerk, Mr. Gray read the legal notice published December 29th 2018 and January 4th 2019 into the record.

Applicant Chris Gonzalez was in attendance to discuss Request for Variance application.

Applicant Chris Gonzalez explained that he is requesting a variance so he can erect a six (6) ft. fence along the property line of 17 Angela Lane to provide the public with privacy. Gonzalez explained that the current operator and owner of the Massachusetts state licensed group home at 17 Angela Lane which is staffed 24/7 and shift changes that occur throughout the night. He explained that current operator of group home likes using fences to reduce light exposure during shift changes and to not disturb the neighbors.

The Chair shared his concern with the issue of a six (6) ft. fence rather than a four (4) ft. fence. He explained that the ZBA does allow for four (4) ft. fences/walls to be installed in the front yard. The Chair inquired why the fence was proposed to be six (6) ft. instead of a four (4) ft. fence that would comply with the zoning. He clarified that while the backyard can have a six (6) ft. fence, a fence in the front yard area must not be over four (4) ft. to comply with zoning unless it is an open fence in which six (6) ft. is permissible such as a picket fence or chain-link fence.

Mr. Gonzalez explained that to his understanding a four (4) ft. fence in the front yard was only zoning compliant if it were 50% open. The Chair reiterated his belief that a solid four (4) ft. fence in the front yard met zoning compliance based on the fact that a solid four (4) ft. wall was permissible in the front yard. Mr. Gonzalez stated that if they would be happy to install a solid four (4) ft. fence that met to the zoning compliance. The Chair stated that in that case 17 Angela Lane would not require a variance.

The public hearing was open for comment.

Trish Dalessio of 20 Angela Lane asked the Chair if a solid four (4) ft. fence in the front yard area could go past the front of the house to the setback. The Chair confirmed that it can as is also the case for front walls and hedges as long as they are at or below four (4) ft. in height.

Mr. Gonzalez read the regulation he had been referencing which states: no fence more than 1 quarter solid or wall greater than four (4) ft. in height shall be erected closer to the front lot line than the setback of the primary building. The Chair provided further explanation saying that a solid four (4) ft. fence could go to the setback line but not go all the way to the street as it prevents visibility to drivers backing out of their driveway and drivers on the street. The Chair stated that if Mr. Gonzalez wanted to withdraw his petition and change the plans to a four (4) ft. fence instead of the originally proposed six (6) ft. fence he could do so without a variance. Mr. Gonzalez stated that if he could build a solid four (4) ft. fence in the front yard from the front of the foundation to the setback line instead of the originally proposed six (6) ft. fence to meet zoning compliance he would do so. The Chair stated that he believes that if they checked with the building inspector Mr. Gonzalez would be able to do that. At which point Mr. Gonzalez withdrew his request for variance on 17 Angela Lane to build a six (6) ft. fence.

Pat McColgan of 15 Angela Lane asked for clarification of where the property line is and who measures it. Mr. Gonzalez replied that he had a survey that was completed and before the fence goes into the ground the surveyor will make sure that it is not on someone else's property.

The request to withdraw request for variance without prejudice was approved with a motion made by Board member B. Hill; second by C. Gray, on a vote of five(5)-zero (0).

2. Case ZV 2019-01: Request by Applicant for Variance under East Longmeadow Zoning By-law Table 3-1 Table of Dimensional Regulations for relief from side yard setback requirements from 20 feet to 14.56 feet to allow for the expansion of a garage area for the use of a handicap chair lift and service van at 116 Chestnut Street (Assessor's parcel ID 29-92-0) in the Residence A zoning district. Applicant: Gino Decesare, 44 Bither Street, Springfield, MA 01118.

The Clerk, C. Gray read the legal public notice into the record.

The applicant' agent, Gino Decesare of 44 Bither Street, Springfield presented the Variance petition to the Board of Appeals.

Mr. Decesare explained the proposal for expansion of the garage area would decrease the side set back minimum requirements. The larger garage would facilitate the use of an interior handicap chair lift; an exterior handicap ramp would be a hardship for the elderly user to maintain. The proposed lift elevates a wheelchair eighteen (18) inches and requires a minimum width of three (3) feet for operation. Mr. Decesare elaborated that the addition to the garage was necessary to park a vehicle and allow for maneuverability for the applicant's wheel chair to load via the proposed chair lift. The applicant asked for relief for a total of five (5) feet, to allow for sufficient area to navigate between the vehicle and chairlift.

The public hearing was open for comment. No one spoke in favor or in opposition of the item.

Hearing no further comment, the public hearing was closed with motion made by Board member F. Dean; seconded by Board member C. Gray (5-0).

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 Bylaw 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 Bylaw.

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

The ZBA found:

1. There is a hardship based on where the structure garage is sited on the parcel that does not allow for expansion of the garage area to accommodate a handicap chairlift and vehicle without encroaching within the side set back requirements.

The ZBA granted approval expanding the garage width by of five (5) feet [to include the three (3) foot minimum width of the lift] to allow for maneuverability and any assistance that might be provided to the petitioner in accessing her vehicle. The Chair noted that the structure's site and the owner's handicap satisfied the petition for hardship.

2. Regarding the purpose of meeting the public good, the Chair noted fourteen (14) +/- feet will remain as a buffer between neighboring properties. Furthermore, letters of support for the petition were submitted into the record from abutters. The Chair summarized the project as being for the public good as the expansion will be a home improvement/betterment allowing the homeowner to remain in her home and live independently.

Motion to approve the request for variance was made Board member by F. Dean; second by Board member C. Gray, by a roll call vote of five(5)-zero(0).

OTHER BUSINESS

3. Clarification: Official Posting Site for Public Hearings is 1. Under **CALENDAR** found on Town Web site main page and 2. The Bulletin Board outside the Town Clerk's office, NOT THE LIBRARY.
4. Annual Town Report – Due February 11, 2019
Chair Beglane submitted to Town Manager by deadline.

ADJOURN

Motion to adjourn at 7:20 p.m. was made by Board member C. Gray; second by Board member F. Dean passed unanimously five (5) - zero (0).

DATE OF NEXT MEETING

March 11, 2019

As no items have been submitted by the deadline, the meeting of March 11, 2019 is cancelled.

Respectfully submitted,

Bethany Yeo
Administrative Assistant,
Community Development and Planning Department