

EAST LONGMEADOW ZONING BOARD OF APPEALS

Date: July 12, 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
Brian Hill, Clerk

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

APPROVAL OF MINUTES

June 14, 2021

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

NEW PUBLIC HEARINGS

Case ZV 2021-2: A petition for Variance under East Longmeadow By-law **Article 5.83 Business District 2. Ground Signs (a)** for 12 +/- FT relief from 25 FT front setback at 64 Maple Street (Assessor's Parcel ID 27-9-0) in the Business zoning district. Applicant: Steve Graham, 35 Industrial Drive, East Longmeadow, MA 01028.

Before opening the public meeting, Chair Beglane disclosed he previously represented the applicant and they are also personal friends. The Board decided that it was acceptable for Chair Beglane to participate as a voting member.

Chair Mark Beglane opened the public hearing. Clerk Brian Hill read the Notice into the record and verified the legal notice for the variance had been appropriately published in The Reminder newspaper prior to the meeting date and abutters had been notified.

Introducing the facts pertinent to the petition for Variance was applicant and owner of The Depot, Steven Graham. The Depot ground sign displays the business name, branding and hours of operation. The Depot is a historical landmark, built over 100 years ago and in its original location, set back from Maple Street. The proposed ground sign would be 14.75" off the ground, 72" in height and 59.25" in width. Installation of the ground sign identifying the business would necessitate encroaching within the 25-foot setback area by 11.67 +/- FT. No illumination for the sign was proposed. Mr. Graham explained due to the unusual shape of the lot and the location of the preserved historic train depot, the location of the sign was selected to ensure the sign would be visible by traffic driving east on Maple Street. If the sign were located at the 25-foot setback line, it would encroach on an existing paved parking area and

be too far back to be visible from Maple Street. The Depot sits at a highly populated section of Maple Street congested by both motorists entering and exiting the Town center and pedestrians accessing the nearby rail trail. Erecting the ground sign within the 25-ft setback enables motorists and pedestrians alike to easily identify the entrance to the business and prevents safety issues related to distracted driving. Mr. Graham noted many businesses along the Maple Street corridor had ground signs that encroached upon the 25-foot setback thus the proposed ground sign would not be altering or negatively influencing the character of the neighborhood. Chair Mark Beglane noted several easements on the property from the former railroad right of way further limiting where on the property the ground sign could be located and be compliant with the Zoning Bylaws.

Public hearing was opened for comment. 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.

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 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. Installation of the ground, as shown on materials as submitted for consideration by the Zoning Board of Appeals, will be harmonious with other ground signs located along Maple Street.
2. The lot is an unusual shape and the Train Depot, a historical landmark, built over 100 years ago sits in its original location, set back from Maple Street. Existing easements from the former railroad right of way limit where on the property the ground sign could be located and be compliant with the Zoning Bylaws.
3. If the sign were located at the 25-foot setback line, it would encroach upon an existing paved parking area and be too far back to be visible from Maple Street. The Depot sits at a highly populated section of Maple Street congested by both motorists entering and exiting the Town center and pedestrians accessing the nearby rail trail. Erecting the ground sign within the 25-ft setback enables motorists and pedestrians alike to easily identify the entrance to the business thus preventing safety hazards related to distracted driving.
4. The ZBA determined the applicant would require a variance of 11.67 FT placing the proposed sign at a distance of 13.33 FT from Maple Street.

Motion to grant the variance made by Zoning Board of Appeals Vice Chair Charles Gray, motion seconded by Zoning Board of Appeals member Francis Dean, the vote carried five (5) to zero (0) with members Mark Beglane, Charles Gray, Francis Dean, Brian Hill, and Daniel Plotkin voting unanimously in the affirmative to approve the application for Variance by the petitioner.

OTHER BUSINESS

Chair Beglane proposed a hybrid meeting schedule once the 'Zoom Rooms' in the library have been prepared. He also proposed the School Committee Room as an option for in-person meetings. Board member Francis Dean suggested the Board revisit this in September.

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 6:24 PM.

Respectfully submitted.

Rebecca A. Jones

Planning & Community Development Administrative Assistant