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EAST LONGMEADOW ZONING BOARD OF APPEALS

Date: August 9, 2021

Time: 6:30 PM

MINUTES

Chair Beglane opened the meeting at 6:30 pm and called the roll.

Present: Mark Beglane, Chair
Charles Gray, Vice Chair
Brian Hill, Clerk
Francis Dean
James Channing

Absent: Daniel Plotkin

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

APPROVAL OF MINUTES

July 12, 2021

Motion to approve made by Vice Chair Charles Gray; second by Clerk Brian Hill and approved by roll call vote five (5)-zero (0).

NEW BUSINESS:

1. **Case ZV 2021-3:** A petition for Variance under East Longmeadow Zoning By-laws **Section 2.04 Industrial Districts- IGP** and **Dimensional and Density Regulations Table 3.2** for 20 +/- FT relief from 40 FT side yard setback at 31 Benton Drive (Assessor's Parcel ID 9-8-12) in the Industrial Garden Park zoning district. Petitioner: Laplante Construction, Inc. c/o William Laplante, 61R North Main St, Step 1 , East Longmeadow, MA 01028

Chair Mark Beglane opened the public hearing and verified the legal notice for the variance had been appropriately published in the local newspaper prior to the meeting date, abutters had been notified and the notice of the meeting had been posted in accordance with the Open Meeting Law. Clerk Brian Hill read the Notice into the record.

Introducing the facts pertinent to the petition for Variance was the owner's representative Alexandra Cichetti [Permitting Assistant at R Levesque Associates, Inc., 40 School Street, Westfield, MA 01085]. Also in attendance for discussion were Jim White, President of Go Graphix, Gary Stone, Vice President of Go Graphix and William Laplante, President of Laplante Construction, Inc.

The applicant seeks a variance from the Town of East Longmeadow Zoning By-Laws, Section 2.04 Industrial Districts – IGP, & Section 3.2 Dimensional and Density Regulations Table 3-2: A 20-foot variance from the minimum side yard setback requirement of 40 feet as defined in the Height, Area and Yard Requirements Chart under Section 3.2 for Dimensional and Density Regulations in the Town of East

Longmeadow Zoning By-Laws to allow for the proposed construction of a 7,344 sq.ft. Commercial Building located at 31 Benton Drive. The 1.67-acre subject property is located on 31 Benton Drive and is designated with a Parcel ID of 9-8-12. The subject parcel is zoned Industrial Garden Park District (IGP) according to the East Longmeadow Zoning Map. Said property is recorded in the Hampden County Registry of Deeds in Book 18653, Page 307.

The applicant proposes the construction of a Commercial Building at the referenced site, which will be along its southern property line, abutting the property line is an existing bituminous Berm. McGill Realty Management Company, LLC, owns berm adjacent to a paved parking area used in connection with the existing manufacturing building for McGill Hose & Coupling, Inc. to the south of the owners parcel. This leaves a significant buffer area between the proposed building for which the variance is sought and the McGill Housing Coupling building. Strict adherence to the dimensional requirements of the zoning bylaw would severely limit the practicable buildable area of the property and force the proposed Commercial Building to be located farther north, which would result in disturbance to the project sites' paved parking area and result in significant encroachment into the wetland Buffer zone. The proposed Commercial Building will be located a minimum of approximately 20 feet from the south side property boundary.

There is a significant drop in elevation from where the proposed building will be erected on the southerly boundary of the property and the existing building located on the northerly section of the lot. The drop in elevation would present a significant engineering and financial impediment to the owner if the owner where to construct an addition on the existing building rather than the proposed new building since the proposed addition would entail relocating all the existing parking, curb cuts, and access aisles, sidewalks and landscaping currently on the site and result in a greater encroachment into the wetlands buffer zone. To remedy the elevation change from the north to the south side of the property, new fill would have to be brought in and compacted. Retaining walls would also have to be installed to make the new addition pour level even with the existing fill level of the existing building or require a foundation be built for the new addition to level the addition floor with the existing floor level of the existing building. These alternatives result in extraordinary cost to the owner to make the level floor match the existing floor level of altering the existing building the cost to level the floor of any addition to the existing building and the cost of relocating the parking access aisles and landscape (current parking) all result in extraordinary cost to and creates a hardship to the owner related to the topography and soil conditions at the site also result in a greater encroachment into the wetlands buffer zone and the proposed new building which would be 20 feet of the southerly property line.

The project site is bounded to the west by wetland resource area extends into the westerly portion of the existing premises for the center of the lot and there is a the 100' Buffer Zone to Bordering Vegetated Wetland associated with said wetlands which already encompasses a large portion of the lot and the proposed building. The Proposed Commercial building has been placed on the site as far from the wetland resource areas as possible while still conforming to engineering constraints related to the topography and storm water management system regulations, from Section 8.070 in the Town of East Longmeadow General By-Laws, as well as minimizing the required variance from the dimensional and



density regulations of the Zoning By-laws to the greatest extent feasible. If the variance is not granted, the impact to the wetlands will be greater and would require total relocation existing landscaping, parking, access aisles, and sidewalks. The setback will still be significant enough and abuts a parking lot on the abutting piece therefore, no harm will be caused. Ms. Cichetti stated the aforementioned variance requested is not detrimental to the public good, since there is still sufficient space with the twenty foot buffer to allow for emergency vehicle access to the southerly and rear side of the new building and leaves sufficient buffer between the existing building on the site and the McGill manufacturing building to the site as to not create a fire hazard. Although the proposed commercial building is located closer to the side yard setback than the zoning dimensional regulations require, the project will minimize encroachment upon the wetland buffer area. Vice Chair Charles Gray asked for clarification on a Bit. Bern. Ms. Cichetti explained it refers to an asphalt berm and is short for bituminous berm. Discussion ensued regarding parking requirements for both buildings. Ms. Cichetti explained the requirement number of parking spaces for both buildings is 14-15 spaces and the proposed number of spaces is 15.

The public hearing was open for comment. Ms. Cichetti submitted into the record a letter in support of the petition from the closest abutter at 41 Benton Drive signed by Alex McGill, McGill Hose & Coupling, Inc. and dated August 6, 2021. There were no persons present who were in opposition to the proposed variance. Hearing no further comments, the public hearing was closed on a motion by Board member Francis Dean; second by Clerk Brian Hill and passed unanimously.

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:

- The topography of the site includes a significant grade change between the North and South sections of the lot creating a hardship if the Town was to literally enforce the 40' side yard setback requirement and the proposed building was built as an addition to the existing structure as set forth above. Since there would be extraordinary cost to the owner to modify the existing building, to relocate the existing curb cuts, access aisles, parking and sidewalks and extraordinary cost to level any addition to the floor level of the existing building and would also result in a greater encroachment to the wetland buffer area and will allow the owner to avoid the extraordinary cost listed above.

- The 20' variance to the 40' side yard setback will allow the petitioner to maximize the distance from the wetlands to the west of the property thus reducing the impact on the resource area.
- There will be no obstructions to the sight line from either access or egress points on the site.
- Documentation from the closest abutter most impacted by the reduced side yard setback spoke in support of the variance petition.
- The proposed location of the structure still provides enough space to access the back of the building in an emergency and leaves sufficient space between the existing and proposed building so as to not create a fire hazard and the building located on the abutting southerly property.
- The increase in office and manufacturing space for the business will provide additional jobs and increase the tax revenue for the Town thus benefitting the public good.

Based on review of the submitted petition, the Zoning Board of Appeals **Approved** the petition for **Variance** under **Town of East Longmeadow Zoning By-laws, § VII-Administration and Enforcement, 7.0 Zoning Board of Appeals, 7.03 Variances** on a parcel located at 31 Benton Drive.

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

ADJOURN Motion to adjourn made by Francis Dean; second by Clerk Brian Hill and approved by a vote for five (5)-zero (0) at 7 PM.

Respectfully submitted.

Bethany Yeo

Planning & Community Development Director