

COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT OF THE COMMONWEALTH

Hampden, ss

Housing Court Department
Case No. LE-1914-L-82

BOARD OF SELECTMEN OF THE TOWN)
OF LONGMEADOW, et al,)
Plaintiffs,)
vs.)
JAMES A. POOL, et al,)
Defendants.)

AGREEMENT FOR JUDGMENT

This matter having come on for trial by the Court, Peck, J., and the Court having remanded the matter for certain purposes to the Defendant Board of Appeals for further proceedings, and the said Board of Appeals having filed its decision with this Court and the parties now desiring that the matter be resolved without further legal proceedings, it is agreed that the following judgment enter:

1. The parking lot as presently constructed, both on the business-zoned land and residential-zoned land, shall at all times be open to the public and shall not be restricted to patrons of the so-called Longmeadow Shops.

2. The Defendant S. Prestley Blake will install a gate in the chain link fence on the westerly end of the present parking lot, which fence is presently on school

property.

3. The portion of the westerly lot that was subject to a variance in the decision by the Board of Appeals dated March 18, 1981, namely, fifty feet in depth and two hundred feet in length, totaling 10,000 square feet, also designated as being northerly of the present granite slabs, will not now or in the future be used for parking purposes in connection with the aforesaid businesses and will remain in its present natural state as an additional buffer zone between the business property and the residential land northerly adjacent. This commitment shall be a covenant running with the land and shall bind successors and assigns to Blake and may be modified only by a majority vote of both the Planning Board and Board of Selectmen of the Town of Longmeadow. This agreement shall be recorded in the Hampden County Registry of Deeds.

4. That the Defendant Blake will construct the new building and lay out the parking lot in conformity with the site layout plan by Rhinehart Associates designated as Project Number 82-742, dated April 26, 1982, and drawn by W. A. Canon, which plan is on file with the Board of Selectmen, with the exception that all parking spaces as delineated thereon that are northerly of the present and proposed buildings and are within twenty feet of the edge

of any building shall be eliminated for purposes of a fire lane.

5. The required number of spaces for handicapped parking will be observed in accordance with the directives of the Architectural Barriers Board.

6. Defendant Blake will at all times comply with the requirements of the Board of Appeals set forth in said Board's decision filed with the Town Clerk of the Town of Longmeadow on March 18, 1981, as amended by an amendment filed as aforesaid on April 28, 1982, the decision of the said Board filed as aforesaid on February 8, 1982 and the decision filed with this Court after remand.

7. Upon entry of this Agreement for Judgment, the Plaintiff's appeal shall be deemed to be dismissed.

BOARD OF SELECTMEN OF TOWN OF
LONGMEADOW AND PLANNING BOARD OF
TOWN OF LONGMEADOW

By



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7/7/1982
appealed
Edward A. Bash
Judge