

HIGHLIGHTS: ☒ board; of; selectmen; longm find

Planners, selectmen fight zone change

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LONGMEADOW — **Selectmen** and the Planning **Board** filed a complaint Friday in Hampden County Housing Court seeking to nullify a Zoning **Board of Appeals** decision allowing S. Prestley Blake to build a French restaurant at his Bliss Road Shopping Center.

The suit was filed by Town Counsel David J. Martel who earlier told **selectmen** and Planning **Board** members he was skeptical about the success **of** the complaint, but would do his best to help them prevail.

The ZBA decision, issued Feb. 8, said there was adequate off-street parking at Blake's **Longmeadow Shops** to allow for adding on the restaurant and a few small **shops**.

The decision raised the ire **of** Planning **Board** members and **selectmen** who unanimously oppose it because it defies a town meeting vote.

In 1980, Blake inserted in the town meeting warrant an article to rezone from Residential to Business, for parking purposes, a strip **of** land he owns at the western end **of** his shopping center, to allow parking for the proposed new businesses to be added.

The vote was about 52 percent in favor **of** the zone change, but a two-thirds vote was required for it to prevail, so it was defeated.

Blake countered in January 1981 by asking the ZBA for a variance to allow parking on the same strip **of** land. He said people were parking already on the unpaved land and he wanted to pave it and help the town clean it up. The variance was

granted.

In a November hearing, Blake asked the ZBA to rule that there is enough parking at Longmeadow Shops to allow for his proposed business expansions.

The ZBA ruled Feb. 8 that there is enough parking on the land for the restaurant to be built. Some of the parking area encompassed in the ZBA ruling is the strip covered by the March variance.

Sselectmen and Planning Board members asked Martel to bring the suit and he said he would do the best he can, warning that the ZBA can retain counsel for the trial at town expense.

Selectman Robert Thomas said when the ZBA approved the parking area variance in March, "there were people who called (and were) very upset about it. We told them not to worry. We relied on his (Blake's) saying he was doing it for the good of the town."

Thomas said Planning Board members told him they would have objected to the variance had they thought Blake would use it as a basis for showing he had ample parking space to build the restaurant.

"I think we would be selling 48 percent of the people who voted against (the original zon-change request) down the tubes if we don't appeal," Thomas said.

The complaint filed Friday by Martel in Hampden County Housing Court said the ZBA decision "exceeds the authority of said board" because the board "failed to consider all the evidence necessary to determine the adequacy of the parking space" and "for the additional reason that the board's inclusion of the parking spaces located on the Residence A-1 land as part of its certification is contrary to the underlying purpose of the variance."