

Minutes Meeting of the Zoning Board of Appeals
February 9, 2026, 4 pm, Trustees Conference Room, Main Public Library
Approved at the Meeting of February 19, 2026

Present: Stephen Frantz, Jacqueline Dupre, and Martha Terry; Associate Members
Ann Stockton and Marc Desrosiers

1. Call to Order: Martha called the meeting to order at 4 pm.

2. Introduction of New Associate Member: Marc Desrosiers was introduced to those present and talked a little about his background. He was cordially welcomed to the board.

3. Approval of the Minutes of the Virtual Meeting of the Zoning Board of Appeals, March 13, 2025. The minutes were approved: Jacqueline motion, Stephen 2nd, vote 3-1.

4. Review of Massachusetts Law on Dimensional Variances: Martha used *The Decision on a Variance* (referenced to pages 10.3 and 10.4 of the Zoning Guidebook 2004 by Attorney Carol Rolf) to review each of the 7 requirements for the granting of a variance. The requirements are conjunctive, meaning that all 7 must be made in the affirmative.

Martha shared further information on the granting of a variance by the Zoning Board of Appeals that she obtained by attending various trainings over the years. That information is appended to these minutes.

5. Review of Appeals from the Building Commissioner and a 40B application.

The members and associates discussed the process of an appeal from whoever is the current Building Commissioner. They also talked about what constitutes a 40B application and how the board would be guided by the Town Counsel through the entire process.

6. Reminder of the upcoming meeting and hearing on February 19, at 4 PM, in the Trustees Conference Room at the Main Public Library. Martha will send or re-send all materials and documents for the meeting and hearing very soon. Large mylar copies of the site plan submitted by the applicant are available for viewing at the Planning Office.

7. Any new business that was not thought possible at the creation of this agenda:

The current slate of officers was voted to continue: Stephen motion, Jacqueline 2nd, vote 3-0.

Chair, Martha Terry

Vice-chair, Jacqueline Dupre

Clerk, Stephen Frantz

8. Adjournment: The meeting was adjourned at approximately 5:20 pm.

Motion Jacqueline, 2nd Stephen, vote 3-0.

Respectfully submitted,

Martha Terry, Zoning Board of Appeals Chair

Information about Variances Compiled from many trainings attended by Martha Terry over the years

The granting of a variance by the Zoning Board of Appeals is granting permission to the applicant to violate the zoning by laws of the town or city.

The requirements for the granting of a variance in Massachusetts are extremely stringent, perhaps the most stringent in the country. Even if you do not agree with the state law, you are bound to follow it.

The board must write a decision that will be unassailable and defensible in court, to the best of the ability of its members. The decision must reflect that all of the 7 requirements are met. There must be supporting evidence. The statute cannot just be repeated.

99 out of 100 applications for a dimensional variance should be denied in Massachusetts.

Variances are not zoning tools. They are exceptions to a town's zoning tools or zoning by laws.

Other towns or cities may not obey the law on granting variances. Board members and associates have taken an oath to uphold the laws required of the office/membership/associate membership, so they have pledged to uphold the law. What other towns or cities do about variances is not the concern of the South Hadley Zoning Board of Appeals.

A property owner is entitled to reasonable use of his/her property, not to maximum use.

Creating non conformities which is what variances do, are highly discouraged.