

TOWN OF EAST LONGMEADOW
SPECIAL TOWN MEETING
October 19, 2015

In accordance with the Warrant of the Selectmen, a Special Town Meeting was held in the Auditorium of the East Longmeadow High School on Monday evening, October 19, 2015. Town Moderator, Mr. James Sheils, called the meeting to order at 7:01PM; there being 150 registered voters present. Mr. Sheils offered the opening prayer and led the assembly in the Pledge of Allegiance.

The Town Moderator then proceeded with some housekeeping issues: location of fire exits, red tags for non-voters and white tags for registered voters, location of seating for red tag voters, silencing of cell phones, the securing of the doors by the Sergeant at arms in case of a teller count and the proper etiquette required of speakers including not mentioning any town meeting participants by name.

The Town Moderator is now allowed to determine, without a count, based on the by-law change adopted in May 2006, whether a 2/3rd's quorum Town vote has been obtained, subject to the right of challenge by seven (7) voters as authorized the Town By-Law, Section 2.030 Chapter 13. If seven (7) or more voters challenge the vote, a teller count shall be required.

Mr. Sheils then introduced Dawn Starks, the Chair of the Charter Review Commission, to say a few words. Ms. Starks reiterated to the Assembly on where and when the Commission meets, how to locate their meeting results and findings on our website and welcomes all comments, suggestions and participation from the townspeople as the proposed charter moves forward.

Following Article 1, Mr. Sheils introduced and welcomed to the Assembly Mr. Greg Moyer, interim Town Administrator.

Article 1

Community Preservation Committee – Purchase of Playscape Equipment - MountainView
Motioned that the Town expend a sum not to exceed \$52,000 from the Community Preservation Fund Legally Undesignated Reserve account #2615-3590 to purchase and install playscape equipment at Mountainview Elementary School for recreational purposes.

Passed by Majority, as Declared by Town Moderator.
Appropriations Committee Recommendation: Recommended
Capital Planning Committee Recommendation: Recommended

Article 2

Community Preservation Committee – Purchase of Swing Sets - Mapleshade

Motioned that the Town expend a sum not to exceed \$18,500 from the Community Preservation Fund Legally Undesignated Reserve account #2615-3590 to purchase and install swing sets equipment at Mapleshade Elementary School for recreational purposes.

Passed Unanimously, as Declared by Town Moderator.

Appropriations Committee Recommendation: Recommended

Article 3

Community Preservation Committee – Purchase of Playscape Equipment - Meadowbrook

Motioned that the Town expend a sum not to exceed \$79,000 from the Community Preservation Fund Legally Undesignated Reserve account #2615-3242 to purchase and install playscape equipment at Meadowbrook Elementary School for recreational purposes.

Passed by Majority, as Declared by Town Moderator.

Appropriations Committee Recommendation: Not Recommended

Capital Planning Committee Recommendation: Not Recommended

Article 4

Community Preservation Committee – Restore 1924 Seagrave Suburbanite Pumper

Motioned that the Town expend a sum not to exceed \$25,000 from the Community Preservation Fund Historic Preservation Reserve account #2615-3242 to restore the Town's first motorized fire apparatus, a 1924 Seagrave Suburbanite Pumper, to working order for historical purposes.

Passed by Majority, as Declared by Town Moderator.

Appropriations Committee Recommendation: Not Recommended

Capital Planning Committee Recommendation: Recommended

Article 5

Board of Selectmen – Adopt provisions of M.G.L. Chapter 41, Section 108P

Motioned that the Town adopt the provisions of M.G.L. Chapter 41, Section 108P and provide for \$1,000 as additional annual compensation to the Town Clerk/Treasurer/Collector for completing the necessary courses of study and training to obtain Massachusetts certification beginning Fiscal Year 2016:

Chapter 41, Section 108P

In any city, town or district that accepts this section, a collector or a treasurer who has completed the necessary courses of study and training and has been awarded a certificate by the Massachusetts Collectors and Treasurers Association as a certified Massachusetts municipal collector or a certified Massachusetts municipal treasurer or a certified Massachusetts district treasurer, shall receive as compensation from such city, town or district, in addition to the regular annual compensation paid by such city, town or district for services in such office, an amount equal to 10 per cent of such regular annual compensation, but not more than \$1,000 per year. A collector or treasurer who has been awarded both certificates referred to above shall receive such additional compensation for only one such certificate. In order to qualify for such additional compensation, a collector or treasurer shall submit to the mayor or the board of selectmen of such city or town, or the governing board of a district proof of the award of either or both such certificates. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of collector or treasurer for 12 consecutive months. Such additional compensation shall be discontinued when certification is discontinued or withdrawn.

Passed by Majority, as Declared by Town Moderator.
Appropriations Committee Recommendation: Recommended

Article 6

Board of Selectmen – Adopt provisions of M.G.L. Chapter 41, Section 19J

Motioned that the Town adopt the provisions of M.G.L. Chapter 41, Section 19J and provide for \$1,050 as additional annual compensation to the Town Clerk/Treasurer/Collector for serving as a member of the Board of Registrars of Voters beginning fiscal year 2016.

Chapter 41, Section 19J: Notwithstanding the provisions of sections nineteen G and nineteen H, a city or town which accepts this section may compensate a clerk of a city or town who also serves as a member of its board of registrars of voters, in addition to any compensation to which such clerk is entitled as city or town clerk, a sum not less than fifty dollars but not to exceed one hundred dollars, and, if the number of registered voters exceeds one thousand, an additional sum not less than fifty dollars but not to exceed one hundred dollars for each additional thousand of registered voters or major fraction thereof; provided, however, that the total payment for such service as a member of said board shall not exceed four thousand dollars in any year.

Passed by Majority, as Declared by Town Moderator.
Appropriations Committee Recommendation: Recommended

Article 7

Board of Selectmen – Adopt provisions of M.G.L. Chapter 41, Section 19K

Motioned that the Town adopt the provisions of M.G.L. Chapter 41, Section 19K and which provides for \$1,000 as additional annual compensation to the Town Clerk/Treasurer/Collector for completing the necessary courses of study and training to become a certified Massachusetts Municipal Clerk, beginning Fiscal Year 2017

Chapter 41, Section 19K: In any town, that accepts this section, a town clerk who has completed the necessary courses of study and training, and has been awarded a certificate by the Massachusetts Town Clerks' Association as a certified Massachusetts municipal clerk, shall receive as compensation from such town, in addition to the regular annual compensation paid by such town for services in such office, an amount equal to 10 per cent of such regular annual compensation, but not more than \$1,000 per year. In order to qualify for such additional compensation, a town clerk shall submit to the board of selectmen of such town proof of the award of such certificate. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of town clerk for 12 consecutive months. Such additional compensation shall discontinue when certification is discontinued or withdrawn.

Passed by Majority, as Declared by Town Moderator.
Appropriations Committee Recommendation: Recommended

Article 8

Board of Public Works – Increase Personnel Services Budget – Water Enterprise Fund

Motioned that the Town increase the personnel services appropriation approved at the May 18, 2015 Annual Town Meeting for the Water Enterprise Fund by \$4,697; appropriate this increase from the Water Fund balance account #12-3590

Passed Unanimously, as Declared by Town Moderator.
Appropriations Committee Recommendation: Recommended

Article 9

Board of Public Works – Increase Personnel Services Budget – Sewer Enterprise Fund

Motioned that the Town increase the personnel services appropriation approved at the May 18, 2015 Annual Town Meeting for the Sewer Enterprise Fund by \$4,227; appropriate this increase from the Sewer Fund balance account #13-3590

Passed Unanimously, as Declared by Town Moderator.
Appropriations Committee Recommendation: Recommended

Article 10

Board of Public Works – Increase Personnel Services Budget – Public Works Division

Motioned that the Town increase the personnel services appropriation approved at the May 18, 2015 Annual Town Meeting for the Public Works Division 421 Administration and Highway by \$17,597 and Division 422 Building Maintenance by \$6,225, with this total increase of \$23,822 appropriated from free cash account #01-3590.

Passed by Majority, as Declared by Town Moderator.
Appropriations Committee Recommendation: Recommended

Article 11

Board of Selectmen – Increase Personnel Services Budget – Benefits Manager

No Motion Made
No Acton Taken

Article 12

Board of Selectmen – Increase Personnel Services Budget – O.P.E.B.

Motioned that the Town adopt the provisions of M.G.L. Chapter 32B, Section 20 to establish an Other Post-Employment Benefits Liability Trust Fund.

Passed by Majority, as Declared by Town Moderator.
Appropriations Committee Recommendation: Recommended

Article 13

Board of Selectmen – Transfer of Funds

Motioned that the Town transfer the \$50,000 voted in Article 5 of the May 19, 2014 Annual Town Meeting and the \$50,000 voted in Article 5 of the May 18, 2015 Annual Town Meeting to the Other Post-Employment Benefits Liability Trust Fund.

Passed by Majority, as Declared by Town Moderator.
Appropriations Committee Recommendation: Recommended

Article 14

Board of Selectmen – Appropriation from Free Cash – O.P.E.B.

Motioned that the Town appropriate from free cash account #01-3590, \$1,000,000 to be added to the Other Post-Employment Benefits Liability Trust Fund.

Passed by Majority, as Declared by Town Moderator.
Appropriations Committee Recommendation: Recommended

Article 15

Board of Selectmen – Adopt provisions of M.G.L. Chapter 40, Section 13D

Motioned that the Town adopt the provisions of M.G.L. Chapter 40, Section 13D establishing a reserve fund for the future payment of accrued liabilities for compensated absences due any employee of the Town upon termination of employment:

Chapter 40, Section 13D: Any city, town or district which accepts the provisions of this section by majority vote of its city council, the voters present at a town meeting or district meeting or by majority vote of a regional school committee may establish, appropriate or transfer money to a reserve fund for the future payment of accrued liabilities for compensated absences due any employee or full-time officer of the city or town upon the termination of the employee's or full-time officer's employment. The treasurer may invest the monies in the manner authorized by section 54 of chapter 44, and any interest earned thereon shall be credited to and become part of the fund. The city council, town meeting or district meeting may designate the municipal official to authorize payments from this fund, and in the absence of a designation, it shall be the responsibility of the chief executive officer of the city, town or district. In a regional school district, funds may be added to the reserve fund for the future payment of accrued liabilities only by appropriation in the annual budget voted on by the city council of member cities or at the annual town meeting of member towns.

Passed Unanimously, as Declared by Town Moderator.

Appropriations Committee Recommendation: Recommended

Article 16

Board of Selectmen – Increase Personnel Services Budget – Building Inspector’s Department

Motioned that the Town increase the personnel services budget approved at the May 18, 2015 Annual Town Meeting for the Building Inspector’s Department for the Electrical Inspector by \$3,200 and the Plumbing Inspector by \$1,596, appropriated from free cash account #01-3590.

Passed by Majority, as Declared by Town Moderator.

Appropriations Committee Recommendation: Not Recommended

Article 17

Board of Selectmen – Fund FY 2015 Deficit – Police Department

Motioned that the Town appropriate from free cash account #01-3590 \$21,527.20 to cover the FY2015 deficit in the Police department personnel services do to overtime.

A 9/10’s vote is required for this motion

Appropriations Committee Recommendation: Not Recommended

Motion Fails as Declared by Town Moderator.

Article 18

Board of Selectmen – Fund FY 2015 Deficit – Legal Department

Motioned that the Town appropriate from free cash account #01-3590 \$25,242.31 to cover the FY2015 deficit in the Legal department.

A 9/10’s vote is required for this motion

Appropriations Committee Recommendation: Not Recommended

Motion Fails as Declared by Town Moderator.

Article 19

Board of Selectmen – Rescind authorized borrowing amounts

Motioned that the Town rescind \$2,225 of the previously authorized projects as described in Article 19 of the Warrant, but which are no longer needed for the purposes for which they were initially approved.

Unissued Amount	Date Approved	Warrant Article	Original Purpose
\$302.00	May 2, 2005	24	DPW – MV Classroom Exhaust
\$25.00	May 1, 2006 & June 13, 2006	11 (Question 1)	Constructing, equipping and furnishing twelve elementary school classrooms at the Meadow Brook, Maple Shade and Mountain view Schools
\$92.00	May 1, 2006	5	Meadow Brook School, Mountain View School and high school remodeling and district wide electrical upgrades
\$426.00	May 1, 2006	5	Purchase of police cruisers, fiber phone and F-150 pick-up truck
\$221.00	May 21, 2007	4	School remodeling
\$1,005.00	May 17, 2010	3	Police cruiser, phone systems
\$154.00	May 16, 2011	1	Public safety radio system update
\$2,225.00			

Passed Unanimously, as Declared by Town Moderator.

Appropriations Committee Recommendation: Recommended

Article 20

Board of Public Works – Take in Fee Simple – Fenway Lane

Motioned that the Town authorize the Board of Selectmen to take in fee simple, pursuant to the provisions of General Laws, Chapter 79, or otherwise acquire as a Town way: Fenway Lane as follows, and that no damages be awarded for said taking:

A certain parcel of land, known as Fenway Lane, located on the southerly side of Allen Street. Said parcel is bounded and described as follows:

Beginning at a concrete bound found, said concrete bound being S43° 31’ 42” E from an iron pin located at the northeast corner of Rose Terrace at the intersection with Allen Street, a distance of sixty-three and 33/100 (63.33) feet thence;

Article 20 continued

Southwesterly by a curve to the right having a radius of twenty-five and 00/100 (25.00) feet an arc distance of thirty-three and 18/100 (33.18) feet to a concrete bound found thence;

S 32° 30' 36" a distance of thirty-seven and 92/100 (37.92) feet to a concrete bound found thence;

Southerly by a curve to the left having a radius of one hundred eighty and 00/100 (180.00) feet an arc distance of seventy-two and 66/100 (72.66) feet to a concrete bound found thence;

S 09° 22' 43" W a distance of one hundred thirty-three and 07/100 (133.07) feet to a concrete bound found thence;

Southwesterly by a curve to the right having a radius of one hundred twenty and 00/100 (120.00) feet an arc distance of sixty and 00/100 (60.00) feet to a concrete bound found thence; S 38° 01' 48" W a distance of sixty-seven and 96/100 (67.96) feet to a concrete bound found thence;

Southwesterly by a curve to the left having a radius of two hundred thirty and 00/100 (230.00) feet an arc distance of one hundred five and 87/100 (105.87) feet to a concrete bound found thence;

S 11° 39' 27" W a distance of one hundred twenty-five and 02/100 (125.02) feet to a concrete bound found thence;

Southwesterly by a curve to the right having a radius of nine hundred seventy and 00/100 (970.00) feet an arc distance of sixty-three and 80/100 (63.80) feet to a concrete bound found thence;

Southwesterly by a curve to the right having a radius of thirty and 00/100 (30.00) feet an arc distance of twenty-six and 29/100 (26.29) feet to a concrete bound found thence;

Southwesterly and northwesterly by a curve to the left having a radius of sixty and 00/100 (60.00) feet an arc distance of two hundred eighty-nine and 36/100 (289.36) feet to a concrete bound found thence;

Northeasterly by a curve to the right having a radius of thirty and 00/100 (30.00) feet an arc distance of twenty-four and 27/100 (24.27) feet to a concrete bound found thence;

Northeasterly by a curve to the left having a radius of one thousand thirty and 00/100 (1030.00) feet an arc distance of seventy-one and 91/100 (71.91) feet to a concrete bound found thence;

N 11° 39' 27" E a distance of one hundred twenty five and 02/100 (125.02) feet to a concrete bound found thence;

Northeasterly by a curve to the right having a radius of one hundred seventy and 00/100 (170.00) feet an arc distance of seventy-eight and 25/100 (78.25) feet to a concrete bound found thence;

N 38° 01' 48" E a distance of sixty-seven and 96/100 (67.96) feet to a concrete bound found thence;

Northeasterly by a curve to the left having a radius of one hundred eighty and 00/100 (180.00) feet an arc distance of ninety and 00/100 (190.00) feet to a concrete bound found thence;

N 09° 22' 54" E a distance of one hundred thirty-three and 07/100 (133.07) feet to a concrete bound found thence;

Article 20 continued

Northeasterly by a curve to the right having a radius of one hundred twenty and 00/100 (120.00) feet an arc distance of forty-eight and 44/100 (48.44) feet to a concrete bound found thence;

N 32° 30' 36" E a distance of eleven and 33/100 (11.33) feet to a concrete bound found thence;

Northeasterly by a curve to the right having a radius of twenty-five and 00/100 (25.00) feet an arc distance of thirty-nine and 27/100 (39.27) feet to a concrete bound found thence;

N 43° 31' 42" W along the southerly line of Allen Street a distance of one hundred seven and 13/100 (107.13) feet to the point of beginning. Said parcel of land contains fifty-two thousand five hundred thirty (52,530) square feet and is more particularly shown on a plan on file in the Hampden County Registry of Deeds – Book 335, Page 129.

A 2/3rd Vote is required for this motion
Passed by 2/3rd, as Declared by Town Moderator.

Article 21**Planning Board - Amend Zoning By-Law, 1991 Revision, Section VIII - Definitions**

Motion that the Town amend the East Longmeadow Zoning By-law 1991 Revision pursuant to M.G.L. Chapter 40A by amending Section VIII Definitions, all as set forth in Article 21 of The Warrant with the exception of the definition of Kennel, Commercial, which definition should read: "Kennel, commercial: Any structure or premises in which dogs and/or cats are kept, boarded, bred or trained for commercial gain".

SECTION VIII - DEFINITIONS

For the purpose of this Bylaw, the following words shall have the meanings given hereinafter. Where appropriate, the plural shall include the singular, the words "used" or "occupied" include the words "designed", "arranged", "intended", or "lot", "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory. Terms and words not defined herein but defined in the Subdivision Control Law shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Merriam Webster's Unabridged Dictionary.

Definitions are provided strictly for clarification and are not to be interpreted as permissible or allowed unless stated in the table of uses within this Zoning Bylaw.

ACCESSORY BUILDING OR STRUCTURE: A structure detached from a primary building on the same lot and customarily incidental and subordinate to the primary building or use. An accessory building or structure cannot exist without a primary building on a lot.

Article 21 continued

ACCESSORY USE: The use of a building or land or portion thereof for a purpose customarily incidental and subordinate to the main or principal use permitted in the district. An accessory use cannot exist without the existence of a principal use.

ADDITION: A structure added to the original structure or building at some time after the completion of the original and the issuance of a certificate of occupancy.

AGRICULTURE: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids hereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals, trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables, nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

ALTERATION: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

APPROVED FRONTAGE: Frontage which meets the criteria of the Planning Board for access.

AREA and/or FACILITY FOR SPORTING ACTIVITY: An area that is designed to offer athletic type events to be viewed by a significant number of spectators, with said spectators either seated or standing, including but not limited to professional/commercial sports stadium and/or arena, a professional/commercial ice hockey rink and/or ballpark or a hippodrome. Town sports are addressed under school, park and recreation and do not apply to this section.

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, AI-30, AE, A99, V1-30, VE, or V.

ASSISTED LIVING: A special combination of housing, supportive services, personalized assistance and healthcare designed to respond to individual needs of those who need help with one or more of the five activities of daily living (eating, dressing, bathing, toileting, mobility). Supportive services are available 24 hours a day to meet scheduled and unscheduled needs in a way that promotes maximum dignity and independence for each resident.

ATTACHED: Connected to or united.

ATTIC: That part of a building or structure which is immediately below and wholly or partly within the roof framing.

Article 21 continued

AUTOMOBILE REPAIR STATION: An establishment in which or upon which a business service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

BED and BREAKFAST: see Lodging, short term

BOARDING HOME FOR THE AGED: Any institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing care incident to old age to three or more persons over sixty years of age, who are not acutely ill or generally in need of medical or nursing care.

BOARDING STABLE: A structure designed for the feeding, housing and exercising of horses not owned by the owner of the premises.

BUFFER AREA: A strip or strips of land densely planted (or having equal natural growth as approved by the Planning Board), with shrubs and/or trees at least four feet high at time of planting, of a type that will form year-round dense screening. Such area must be without buildings, structures, parking or other accessory uses, except that a public road right-of-way may pass through a buffer as close to 90° as possible and that any fencing for the purposes noise abatement, security and/or grading, as deemed appropriate by the Planning Board.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. For the purpose of this definition, "roof" shall include an awning or any similar covering whether or not permanent in nature. The word "building" shall be construed, where the context required as though followed by the words "or part or parts thereof". A porch is to be considered as part of a building when considered setbacks.

BUILDING COVERAGE: The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot. Porches and decks are excluded from these calculations in single-family structures.

BUSINESS: The transacting or carrying on of a trade or commercial enterprise, not manufacturing, with a view to profit, or for livelihood.

CARRY-OUT RESTAURANT: An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat foods intended primarily to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or not encouraged.

CEMETERY: A place or area of land, set apart for the burial of the dead, operated, managed and controlled under the provisions of the Massachusetts General Laws, Chapter 114, or a burial place under the care and supervision of the Town, or other public authority.

Article 21 continued

CHILDCARE FACILITY: Centers operating on a regular basis that serve more than six children under seven years of age or sixteen if the children have special needs, or school- age children (under fourteen years of age or sixteen if the children have special needs) in programs with supervised group care that are held before or after school hours or during vacation.

COASTAL HIGH HAZARD AREA means the area subject to high velocity waters, including but not limited to hurricane wave wash or tsunamis. The area is designated on a FIRM as Zone V, V1-30, VE.

COMMERCIAL GREENHOUSE: See definition for Farm Business, Commercial Greenhouse and Farm Stand.

COMMERCIAL USE: Activity carried out for pecuniary gain.

COMMUNITY CENTER: A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or nonprofit group or agency.

CONGREGATE ELDERLY AND HANDICAPPED HOUSING: A building or buildings arranged or used for the residence of persons aged sixty-two (62) or older or for handicapped persons, as defined in Chapter 121B of the Mass. General Laws with some shared facilities and services. The services may include meals, housekeeping and personal care assistance.

CONSERVATION LAND: The careful preservation and protection of land in a natural condition owned and/or maintained by the Federal government, Commonwealth, the Town or a nonprofit organization.

CONTINUING CARE RETIREMENT COMMUNITY: A structure or structures containing independent living units, health care facilities, and/or other related services and amenities provided to three or more elderly persons.

CONVALESCENT OR NURSING HOME: A convalescent or nursing home is defined as any institution, however named, whether conducted for charity or profit, which is advertised, announced or maintained for the express or implied purpose of caring for three or more persons admitted thereto for the purpose of nursing or convalescent care.

CONVENIENCE STORE: A small retail establishment no greater than 2,500 square feet in floor area that sells principally convenience goods, including but not limited to food, drugs and proprietary goods and is usually open 15 to 24 hours a day.

CORNER LOT: A lot bounded on two (2) or more sides by streets. In any corner lot, the street line setback must be maintained from all street lines forming boundaries of a lot.

CREMATORY: A building containing a furnace designed and intended to be used for cremating the dead, and owned and controlled by a cemetery corporation or crematory corporation duly organized under the laws of the Commonwealth of Massachusetts.

Article 21 continued

DETACHED: Separated from.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT: For the purposes of this zoning bylaw, a district designates permitted uses of land based on mapped zones which separate one set of land uses from another. (See Section 2.1, District Locations and Boundaries).

In Section IV, Floodplain Overlay District, the word district applies only to the Floodplain District, as defined on maps identified within this section.

DWELLING: A building occupied exclusively as a residence for one or more persons.

DWELLING, MULTI-FAMILY: A building containing at least two dwelling units with separate sleeping, cooking and sanitary facilities.

DWELLING, SEMI-DETACHED: A single-family residential unit that is joined on one side to another single-family residential unit and having a party wall between said units.

DWELLING, SINGLE-FAMILY: A detached building containing one dwelling unit, also referred to as a "single-family dwelling".

DWELLING UNIT: One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for exclusive use of a single family maintaining a household.

ERECTED: The word "erected" shall include the words attached, built, constructed, reconstructed, altered, enlarged and moved.

EXTENDED CARE FACILITY: A long-term care facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit or a home for the aged or a governmental medical institution.

FAMILY: A person or a group of persons who live together as a single housekeeping unit under one head. This section, however, does not apply to non-related disabled persons as defined by any applicable Federal and/or State law and/or regulations.

FAMILY HOME DAYCARE: Any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided that the total number of children shall not exceed six, including participating children living in the residence. Family home daycare shall not mean a private residence used for an informal cooperative arrangement among the neighbors or relatives, or the occasional care of children with or without compensation. (Also see definition, Large Family Home Daycare)

Article 21 continued

FARM BUSINESS, COMMERCIAL GREENHOUSE AND FARM STAND: A farm stand shall be any structure regulated by the state building code used for the sale to the general public, of produce, wine, dairy products, natural products and farm related specialty items, whether processed or in raw state, provided however, that during primary months of harvest, the majority (51%) of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the farm stand is located or other land leased by either. Farm stands may raise and grow any legal product related to agriculture, horticulture, floriculture, viticulture and aquaculture. In addition to the products listed above, a farm stand may purchase from third parties produce, wine, dairy products, natural products and farm related specialty items, distributed by other so called, "Cottage Farm Industries" and sell those products at retail. The foregoing use shall include any farm business or commercial greenhouse.

FAST FOOD RESTAURANT: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FENCE: A man-made barrier intended to prevent escape or intrusion or to mark a boundary.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500 year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODPLAIN: The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater. This includes the area adjoining a river or stream which has been identified as being covered by 100 year flood as designated on Panel 2501380001B of the East Longmeadow Flood Insurance Rate Map.

Article 21 continued

FLOODPLAIN, NEW CONSTRUCTION for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community.

FLOODPLAIN, NEW CONSTRUCTION for the purpose of determining insurance rates, means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

FLORICULTURE: The cultivation of ornamental flowering plants.

FORESTRY: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

FRATERNAL ORGANIZATIONS: A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

FRONTAGE: The common boundary between that portion of a "lot" in the Town of East Longmeadow and a "street" as defined hereinafter in this section which provides adequate physical access across said boundary to a potential building site. For zoning purposes, lot frontage is the continuous distance between side lot lines measured at the street line, or in the case of a corner lot the intersecting street line (or the midpoint of the corner radius) measured on each street. On the turning radius of a cul-de-sac, lot frontage may be considered as the distance between side lot lines measured at the setback line, provided that the distance measured on the street line shall be at least 75 percent of the minimum frontage required for the zone in which the lot is situated.

FUNERAL ESTABLISHMENT: An establishment used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GAMING ESTABLISHMENT: an establishment whose primary function is conducting sweepstakes, lotteries, or other games with cash prizes other than games conducted by the state lottery commission are not allowed in any district, with the exception of non-profit or religious organizations.

GARAGE, PUBLIC: A building, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

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GASOLINE FILLING STATION: Any building, land area or other premises or portion thereof used, or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

GROUND SIGN: The term "ground sign" shall include any and every sign erected on or affixed to the land and any and every exterior sign that is not attached to a building.

HABITABLE AREA: Shall be the area of that portion of the principal building exclusive of porches, breezeways, garages, cellars, basements, and any other unfinished area, as measured by the normal dimensions of the structure and commonly used by the occupants of the structure.

HALF STORY: The space between the ceiling of the top story of a structure and the roof, where the area and height are sufficient for sleeping/living in quarters.

HEIGHT: In reference to a building, the vertical distance between the highest point of the roof and the average grade of land on which the building is located.

HELIPORT: An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities such as parking, fueling and maintenance equipment.

HIGHLY HAZARDOUS CHEMICAL: A substance possessing toxic, reactive, flammable, or explosive properties and specified by paragraph (a)(1) of this section.

(a)(1) This section applies to:

- (i) a process which involves a chemical at or above specified threshold quantities;
- (ii) a process which involves a flammable liquid or gas on site in one location, in a quantity of 10,000 pounds or more except for:

1. Hydrocarbon fuels used solely for workplace consumption as a fuel (e.g., propane used for comfort heating, gasoline for vehicle refueling), if such fuels are not a part of a process containing another highly hazardous chemical covered by this standard;
2. Flammable liquids stored in atmospheric tanks or transferred which are kept below their normal boiling point without benefit of chilling or refrigeration.

(a)(2) This section does not apply to:

- (i) Retail facilities;
- (ii) Oil or gas drilling or servicing operations; or,
- (iii) Normally unoccupied remote facilities.

Process - any activity involving a highly hazardous chemical including any use, storage, manufacturing, handling, or the on-site movement of such chemicals, or combination of these activities. For purposes of this definition, any groups of vessels which are interconnected and separate vessels which are located such that a highly hazardous chemical could be involved in a potential release shall be considered a single process.

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HOME BASED TRADE : The incidental and secondary use of a portion of the home or accessory building thereto, as a place for limited storage in connection with an off-premises trade by a homeowner and resident of the premises, as a builder, carpenter, electrician, painter, plumber, landscaper or similar person, whose business is conducted off-site. Said use is specifically limited as set forth in Section 7.36 of the East Longmeadow Zoning By- Law.

HORTICULTURE: The cultivation of a garden or orchard.

HOSPITAL OR SANITARIUM: A hospital or sanitarium is defined as any institution, however named, whether conducted for charity or for profit, which is advertised, conducted or maintained for the express or implied purpose of caring for persons for the purpose of diagnosis or medical or surgical treatment which is rendered within said institution.

HOTEL: A building operated by a duly licensed inn-holder where lodging is furnished or food is served to transient or permanent guests, and which has a public dining room and general kitchen. See also lodging, short term.

HOUSE TRAILER: See Mobile Home.

IMMEDIATE FAMILY: Immediate family shall mean for the purposes of this by-law (section 7.36): spouse, parent, step-parent, children, step-children, siblings and step- siblings that reside at the permitted site.

IMPROVED TOWN STREET: A way which has been constructed in accordance with the engineering specifications and standards promulgated by the Town of East Longmeadow Department of Public Works.

JUNK: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

JUNKYARD: Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing purchase, sale or abandonment of wastepaper, rags, scrap, metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles (except those kept within a totally enclosed structure), or other type of junk.

KENNEL, COMMERCIAL: Any structure or premises in which dogs and/or cats are kept, boarded, bred or trained for commercial gain.

LANDING STRIP: A place where aircraft can land and take off, usually equipped with hangers, facilities for refueling and repair and various accommodations for passengers.

LARGE FAMILY HOME DAYCARE: Any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided that the total number shall not exceed ten, including participating children living in the residence and the

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proper daycare licensing is up to date and available for viewing. As per the Massachusetts Department of Early Education and Care regulations, a certified assistant will be present when deemed necessary. Family home daycare shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation.

LICENSED MASSAGE THERAPY SALON: a place, office, clinic or establishment licensed by the Board of Registration of Massage Therapy to offer massage services.

LODGE: A place where members of a local chapter of an association hold their meetings; and the local chapter itself.

LODGING, SHORT TERM: An establishment providing lodging not to exceed thirty (30) days for money or barter. This shall include online room-sharing services.

LONG-TERM CARE FACILITY: An institution or a distinct part of an institution which is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing authority or its members by marriage, blood or adoption.

LOT: A parcel of land which is or may be occupied by a principal building and its accessory buildings, together with such open yard areas or spaces as required under the provisions of this Bylaw.

LOT, BUILDABLE: Land area available, under the Bylaw and other lawful restrictions, for the location of a main building. A buildable lot does not include watercourses, water bodies, banks, bordering vegetated wetland or other protected zones as defined by the Mass. Wetlands Protection Act Regulations 310 CMR 10.00. Such lot must have frontage on a street or way as defined below, excepting only a pre-existing lot exempted by the provisions of Section 6 of Chapter 40A of the Massachusetts General Laws.

LOT LINE: A line of record bounding a lot which divides one lot from another or from a public or private street or any other public space.

LOT LINE, FRONT: The lot line separating a lot from a street right-of way. (See Diagram 8- 1)

LOT LINE, REAR: The line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the lot line. In the case of a corner lot, the rear lot line shall be the line opposite the street line of the street on which the building is or would be numbered. See diagram 8-1

LOT LINE, SIDE: Any lot line other than a front or rear lot line. (See Diagram 8-1)

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building

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access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MASSAGE: the systematic treatment of the soft tissues of the body by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion for purposes of demonstrating muscle excursion or muscle flexibility and nonspecific stretching. Massage therapy may include the use of oil, ice, hot and cold packs, tub, shower, steam, dry heat or cabinet baths, in which the primary intent is to enhance or restore the health and well-being of the client. Massage therapy shall not include diagnoses, the prescribing of drugs or medicines, spinal or other joint manipulations or any services or procedures for which a license to practice medicine, chiropractic, occupational therapy, physical therapy or podiatry is required by law.

MASSAGE THERAPIST or MASSAGE PRACTITIONER: a person licensed by the board of Registration of Massage Therapy who instructs or administers massage or massage therapy for compensation.

MASSAGE THERAPIST FACILITY: see Licensed Massage Therapy Salon

MEDICAL CLINIC: An establishment primarily engaged in furnishing medical, surgical or other services to individuals on an outpatient basis, including the offices of physicians, dentists, and other health practitioners and other types of medical supplies and services.

MEMBERSHIP ORGANIZATION: An organization operating on a membership basis with pre-established formal membership requirements and with the intent to promote the interests of its members. Such an organization includes trade associations, professional organizations, unions, and similar political and religious organizations.

MOBILE HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required facilities. For the purposes of this Bylaw, a mobile home shall not be deemed a "single-family dwelling" and not permitted; however, when necessary as defined in section 3.033, said use is temporary and not to exceed twelve (12) months.

MOTEL: An establishment providing transient accommodations containing six or more rooms with at least 25 percent of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. Also see Lodging, Short term

MOTOR VEHICLE SALES: A lot and/or structure where motor vehicles are on display for sale, lease, rent and/or service.

NON-ACCESSORY SIGN: Any billboard, sign or other advertising device not an accessory sign.

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NURSING HOME: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

ONE-HUNDRED-YEAR FLOOD see BASE FLOOD.

PARKING AREA: Any open space used for parking motor vehicles exclusively, and in which no gasoline nor motor vehicle accessories are sold, or no other business conducted.

PERSONAL SERVICE SHOP: Establishments primarily engaged in providing services involving the care of a person, including but not limited to beauty shops, barber shops, nail salons and massage therapy salons.

PET DAY CARE AND GROOMING: The caring for, maintaining, grooming, training and safe keeping of pets of a domestic nature during normal daytime business hours. This does not include overnight kennel services.

PRIMARY BUILDING: The main or most important building on a lot.

PRIMARY USE: The primary or predominant use of any lot.

PRIVATE USES: Uses belonging to or intended for a non-public or non-governmental group.

PROFESSIONAL ENGINEER: A person employed in a practice of Engineering as defined in Massachusetts General Laws, Chapter 112, Section 81D and acts amendatory thereto.

PROFESSIONAL OFFICE: The office of a member of a recognized profession, including but not limited to accountant, lawyer or architect, maintained for the conduct of that profession.

PUBLIC USES: Uses owned or operated by a government entity or a nonprofit organization for the general welfare of the community.

PUBLIC UTILITY: A closely regulated private enterprise with an exclusive franchise for providing a public service.

RECREATION FACILITY: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

RECREATIONAL FACILITY, COMMERCIAL: A recreation facility operated as a business and open to the public for a fee.

RECREATION FACILITY, PRIVATE: A recreation facility operated by a non-profit organization, and open only to bona fide members and guests of such nonprofit organization.

RECREATIONAL VEHICLE: A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living

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accommodations for recreational, camping and travel use and including but not limited to travel trailers, truck campers and camping trailers and self-propelled motor homes.

REGULATORY FLOODWAY see FLOODWAY

RESEARCH LABORATORY: An establishment for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of said investigation.

RESTAURANT: An establishment where food and drink is prepared, and/or served within the primary building or for take out.

RIDING ACADEMY: An establishment where horses are boarded and cared for and where instruction in riding, jumping and showing is offered and the general public may, for a fee, hire horses for riding.

ROOMING HOUSE: A house where lodgings with furniture are rented to people to live in without public dining or cooking facilities.

SANITARIUM: See Hospital.

SCHOOL: A building devoted to the instruction or education in primary, secondary, or post-secondary schooling.

SECONDHAND PERSONAL PROPERTY: Materials, articles or machinery which have been used or owned by some person other than the dealer, offering the same for sale and which may again be used without alteration.

SEMI-DETACHED DWELLING: A single family residential unit that is joined on one side to another single family residential unit, and having a common wall between the said units.

SERVICE: The performance of any act for the benefit of another with a view to profit, or for a livelihood. The act of conducting a service enterprise. The performance of any act for the convenience, service or benefit of an ultimate customer or patron.

SERVICE ENTERPRISE: Any enterprise intended to be conducted for profit which deals directly with and is accessible to the ultimate customer or patron and which has for its principal purpose the performance of any act for the convenience, service, or benefit of such customer or patron.

SETBACK:

a) Minimum required setback: The minimum required unoccupied space or area between the lot line and the part of the building nearest such lot line, such unoccupied space or area extending the entire width or distance across the lot.

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b) Building setback: The unoccupied space or area between the lot line and the part of the building nearest such lot line, such unoccupied space or area extending the entire width or distance across the lot.

SHOPPING CENTER: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

SIGN: The word "sign" shall include any letter, word, symbol, drawing, picture, design, device, article and object that advertises, calls attention to or indicates any premises, person or activity, whatever the nature of the material and manner of composition or construction.

SIGN, ACCESSORY: Any billboard, sign or other advertising device that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or the business transacted thereon, or advertises the property itself or any part thereof as for sale or to let, and which contains no other advertising matter.

SIGN, AREA OF:

(a) The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols together with the background on which they are displayed any frame around the sign and any "cutouts" or extensions but shall not include any supporting structure or bracing.

- 1 (a) The area of a sign consisting of individual letters or symbols attached to a surface, building wall or painted on a window, shall be considered to be that of the smallest quadrangle or triangle which encompasses all of the letters and symbols.
- 2 (b) The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross-section of that object.
- 3 (c) In computing the area of signs, both sides of V-shaped signs, but only one side of back-to-back signs, shall be counted.

SPECIAL FLOOD HAZARD AREA: means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V130, VE.

SPECIAL PERMIT: Special permit is a process which allows the Town to conduct a more detailed review of certain uses and structures which may have a significant impact on their surroundings.

SPECIAL PERMIT GRANTING AUTHORITY: The Planning Board, unless otherwise specified, shall be the body responsible for granting special permits.

STABLE/BARN: A structure that is used for the shelter or care of horses and other domesticated animals and/or cattle.

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START OF CONSTRUCTION: The actual start of construction means the first alteration of any land, wall, ceiling, or floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STORY: The horizontal portion through a building between floor and ceiling. The word "story" shall not include the portion of the basement or cellar of a building above grade. The word "story" shall not include "attic" unless it has a finished floor and seven (7) feet of clearance.

STREET: A public way, a private way shown on a plan approved under the Subdivision Control Law and recorded at the Hampden County Registry of Deeds as required, or a way of existence when the Subdivision Control Law became effective in East Longmeadow, having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the proposed use of the abutting land or land to be served thereby.

STREET LINE: The dividing line between a street and the deeded lot line.

STRUCTURE: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, mast for radio antenna, or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part or parts thereof".

STRUCTURE: for floodplain management purposes, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

STRUCTURE: for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBASSEMBLY: An assembled unit forming a component to be incorporated into a larger assembly.

SUBDIVISION: Shall mean the division of a tract of land into two or more lots and shall include re--subdivision, and when appropriate to the context shall relate to the process of subdivision or the land or territory subdivided provided however that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the Clerk of the Town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law or (c) a way in existence when the Subdivision Control Law became effective in the Town of East Longmeadow, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby,

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and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Zoning Bylaw of the Town of East Longmeadow for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty (20) feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the Town of East Longmeadow into separate lots on each of which one of such buildings remains standing shall not constitute a subdivision. Subdivision, including re-subdivision, shall be defined in the Subdivision Control Law, M.G.L., Chapter 41.

SUBDIVISION CONTROL: The power of regulating the subdivision of land granted by the subdivision control law and any acts amendatory thereto.

SUBSTANTIAL DAMAGE: means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred, "substantial damage", regardless of the actual repair work performed.

SUPERMARKET: A retail establishment primarily selling food as well as other convenience and household goods with customer and employee parking provided.

TAVERN: An establishment used primarily for the serving of liquor by the drink to the general public and where food may be served or sold only as an accessory to the primary use.

TRADE VEHICLE: A commercial vehicle used in the operation of a Home Based Trade.

TRAILER: That which attaches to the back of a trade vehicle for the purpose of transporting objects or materials required by the Home Based Trade. Pursuant to Massachusetts General Laws, Chapter 90, trailers must be registered and have a 17 digit VIN number.

UNIT:

- a. In residential property, a building or portion thereof, designed for occupancy by one family.
- b. In commercial property, a building or portion thereof, designed for occupancy by one business.

USE: The purpose or activity for which land or buildings are occupied or maintained.

VARIANCE: A departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements and lot size, but not involving the actual use or structure. A variance is granted following three requirements that all relate to the land. A variance is

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requested because: 1. Owing to circumstances relating to the soil conditions, shape or topography of the land especially affects the land but not the surrounding lots in the district; 2. A literal enforcement of the bylaws will involve substantial hardship; and, 3. That the granting of a variance would not be substantially detrimental to the public good and will not nullify or substantially derogate from the intent or purpose of the by-law.

VARIANCE, USE: A variance granted for a use or structure that is not permitted in the district. There are no use variances allowed in East Longmeadow. The ZBA is only authorized to issue dimensional variances.

VEHICLE: Vehicle for the purposes of this bylaw shall include cars, trucks, recreational vehicles, vans and mobile construction equipment.

VETERINARY HOSPITAL: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to hospital use.

WALL: An upright structure comprised of but not limited to stone, masonry or concrete material serving to enclose, divide, or protect an area.

WAREHOUSE OPERATIONS: A facility consisting of one or more buildings used primarily for the storage of goods and materials. Such a facility may also include terminal facilities for handling freight with or without maintenance facilities.

WHEELED ACCESSORY: A single axle accessory not designed to transport equipment.

WHOLESALE BUSINESS: A business engaged in selling merchandise to retailers; to industrial, commercial, institutional or other professional business users; or to other wholesalers.

WHOLESALE TRADE & DISTRIBUTION: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

YARD DEPTH: The shortest distance between a front lot line and a rear yard lot line.

YARD, FRONT: A space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the Bylaw. (See Diagram 8-1)

YARD, REAR: A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the Bylaw. (See Diagram 8-1)

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YARD, SIDE: The required unoccupied space or area within the lot between the side lot line and the parts of the building nearest such side lot line. (See Diagram 8-1)

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE A1 - A30 and ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE AH and ZONE AO means the 100-year floodplain with flood depths of 1 to 3 feet.

ZONE A99 means areas to be protected from the 100-year flood by federal flood protection system under construction. Base flood elevations have not been determined.

ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

ZONE V means a special flood hazard area along a coast subject to inundation by the 100-year flood with the additional hazards associated with storm waves. Base flood elevations have not been determined.

ZONE VI-30 and ZONE VE (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

ZONING: The dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

Passed Unanimously, as Declared by Town Moderator.

Approved by Attorney General January 19, 2016

Motion to Adjourn

The Annual Town Meeting was adjourned at 8:17 p.m., the business of the Warrant having been completed.

••☪ Certificate of Quorum ☪••

This is to certify that more than 100 Registered Voters were present at the Special Town Meeting held on October 19, 2015. Voter attendance was recorded as follows:

Precinct 1	43
Precinct 2	47
Precinct 3	57
Precinct 4	<u>52</u>
Total	199

True Record: Attest:

Thomas P. Florence
Town Clerk