

Chapter 450

ZONING

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[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as amended 3-19-2018.¹ Amendments noted where applicable.]

**ARTICLE I
Purpose**

§ 450-1.0. Title; purpose.

For the purpose of promoting the health, safety, convenience, morals and welfare of its inhabitants, the Town of East Longmeadow, under the authority granted by the Massachusetts General Laws, Chapter 40A, does hereby enact this bylaw to be hereafter known and designated as "The Zoning Bylaw of the Town of East Longmeadow." Further purposes of this bylaw are to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to assure maintenance of health and welfare of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of lands and buildings; to encourage the most appropriate use of land throughout the Town; and to increase the amenities of the Town. The construction, alteration, location, use and extent of use of lands within the Town of East Longmeadow are hereby regulated as provided in this bylaw.

**ARTICLE II
Zoning Districts**

§ 450-2.0. Types of districts.

For the purpose of this bylaw, the Town of East Longmeadow is divided into the following types of districts:

- A. Residence Districts:
 - AA - Residence AA
 - A - Residence A
 - B - Residence B
 - C - Residence C
 - ER - Elderly Residential

1. Editor's Note: This recodified Zoning Bylaw was approved by the Planning Board 12-21-2021.

- B. Commercial Districts:
 - COM - Commercial District
- C. Business Districts:
 - BUS - Business District
- D. Industrial Districts:
 - I - Industrial District
 - IGP - Industrial Garden Park District
- E. Recreational Districts:
 - GR - Golf Recreational District
- F. Conservation Districts:
 - FP - Floodplain District
- G. Planned Unit Residential Districts:
 - PUR - Planned Unit Residential District
- H. Planned Adult Residential Districts:
 - PAR - Planned Adult Residential District

§ 450-2.1. District locations and boundaries. [Amended 4-12-2022]

The locations and boundaries of zoning districts, except for the Floodplain Districts, shall be shown on a map entitled "Zoning Districts East Longmeadow, Massachusetts", May, 2007, as amended from time to time by a vote of the Town Council. Said map is hereinafter referred to as the "Zoning Districts Map, 2007." The Floodplain District is defined on maps described in Article IV. All maps are deemed to be part of this bylaw, the originals of which shall be on file with the Town Clerk.

- A. Where boundaries are indicated in the right-of-way of streets or watercourses, such boundaries shall be the center line of the right-of-way.
- B. Where boundaries approximately follow property lines and are not more than 25 feet therefrom, the property line shall be the district boundary; with the exception of the Floodplain District, wherein boundaries shall always follow natural features and landscape contours shown on the maps.
- C. Where boundaries are parallel to a street or road and fixed by dimensions on the Zoning Map, the distance shall be measured from the center line of such ways.
- D. Where distances are not specified on the Zoning Map nor otherwise determined from the above provisions, the scale of the Zoning Map shall be used to determine the location of the district boundary.

- E. Where the location of a boundary line is uncertain, the Zoning Enforcement Officer shall determine its position in accordance with the distance in feet from other lines as given or as measured from the scale of the map.

ARTICLE III Use Regulations

§ 450-3.0. Applicability of use regulations.

Except as provided elsewhere in this bylaw, no building or structure shall be erected or altered, and no building, structure or land shall be used or occupied for any purpose other than as provided for in this section.

- A. Use designations. The restrictions and controls intended to regulate development in each district are set forth in Table 3-1, East Longmeadow Schedule of Use Regulations.² The following notations apply to the Schedule of Use Regulations:

Y Yes - designates uses allowed by right in the district indicated. Site plan review is required for all uses except for single-family residential dwellings. (**NOTE: Subdivisions are covered by the Town of East Longmeadow Subdivision Rules and Regulations.)

N No - designates uses prohibited in the district indicated.

SP Special permit - designates uses only allowed in the district with a special permit and site plan review as outlined in Article VIII, Special Permits.

- B. Uses subject to other regulations. Uses permitted and uses allowed by special permit shall be in conformity with all density and dimensional regulations and any other pertinent requirements of this bylaw.

- C. Exemptions.

- (1) Uses for federal government or the commonwealth, not-for-profit educational organizations and religious organizations. In accordance with MGL Chapter 40A, any facilities or uses where owned and/or operated by the federal government or the commonwealth, or not-for-profit educational organizations or religious organizations are exempt from the special permit process of this bylaw. See Article VIII.

§ 450-3.1. Prohibited uses.

- A. Any use not listed herein or otherwise permitted in a district shall be deemed as prohibited. Additionally, all enterprises or industrial uses commonly regarded as hazardous or offensive are specifically prohibited in all districts

- B. Prohibited uses shall include, but are not limited to, the following:

- (1) Industrial uses.

² Editor's Note: The Schedule of Use Regulations is included as an attachment to this chapter.

Acetylene gas, cyanide compound or oxygen manufacture
Asphalt manufacture or refining
Chlorine or bleaching powder manufacture
Creosote manufacture
Distillation of coal or wood
Drop forge shop
Explosives, fireworks or ammunition manufacture
Fertilizer manufacture
Fumigation plants
Glue or size manufacture from fish or animal offal
Gypsum, cement, plaster or plaster of paris manufacture
Incineration or reduction of or dumping of offal, garbage or refuse on a commercial basis (except where controlled by the Town)
Junkyard, junk storage, scrapping of autos and parts and the salvage thereof
Linoleum manufacture
Paint and lacquer manufacture
Match manufacture
Petroleum refining and the bulk storage of petroleum products
Potato chip plant
Pyroxylin plastic manufacture
Rubber, natural or synthetic, or gutta-percha manufactured from crude or scrap material
Sewage disposal plant (except where controlled by the Town)
Soap, tallow, grease or lard manufacture
Slaughterhouse
Sulfurous, sulfuric, nitric or hydrochloric acid manufacture
Tannery
Tar or asphalt roofing manufacture
Tar products manufacture
Tire re-capping or re-treading
All re-capping or re-treading

- (2) General uses.
- (a) Mobile homes, except as required by law.
 - (b) Outdoor motion-picture establishments.
 - (c) Any establishment offering drive-up or drive-through services for the sale and/or purchase of item(s) for human consumption.
 - (d) Trailer camps, overnight camps, cabins, motels or other such facilities for temporary lodging.
 - (e) Mobile home park.

- (f) Body and fender work.
- (g) Recreational marijuana (marijuana not medically prescribed by a licensed physician), including all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses. [Added 3-19-2018]

§ 450-3.2. Dimensional and density regulations.

All permitted uses allowed by special permit shall be in conformity with the dimensional and density regulations set forth in Table 3-2, Table of Dimensional Regulations.³

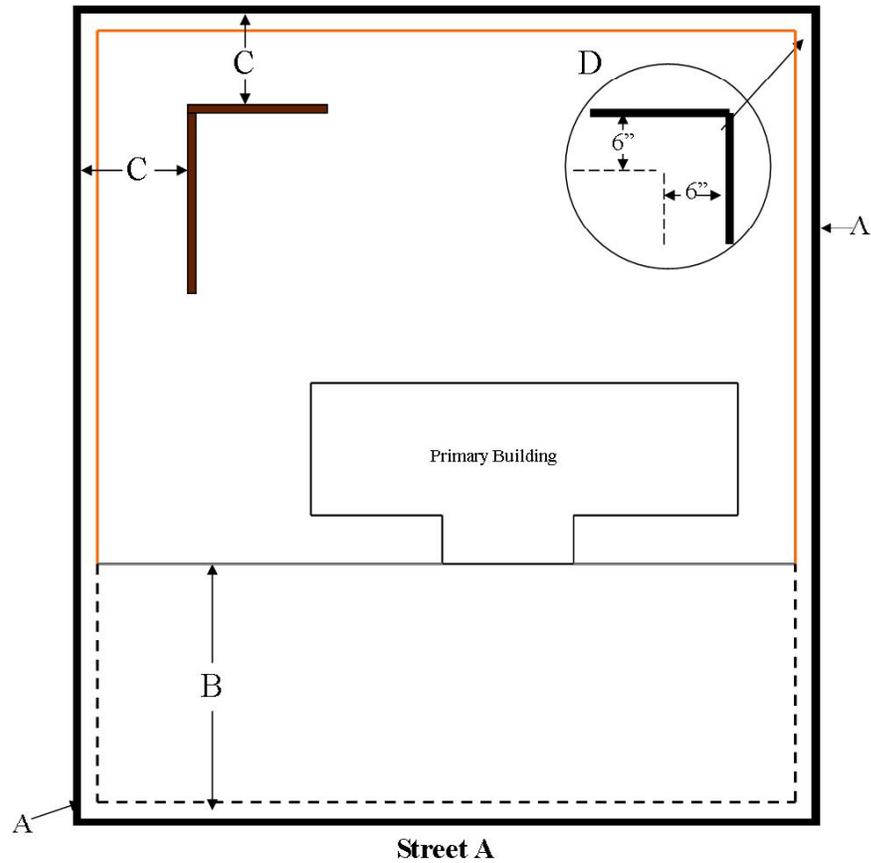
§ 450-3.3. Additional use, dimensional and density regulations.

A. General provisions.

- (1) Cornices. Cornices may extend not more than 2 1/2 feet over or into any required front yard, side yard or rear yard.
- (2) Fences or walls.
 - (a) All boundary fences and/or walls shall require a building permit from the Building Commissioner.
 - (b) No fence more than one-quarter solid or wall greater than four feet in height shall be erected closer to the front lot line than the setback of the primary building. The setback is the unoccupied space between the lot line and the building, with said unoccupied space extending the entire distance across the lot. In the event of a corner lot, the front yard setback shall apply from all lot lines forming boundaries of a lot. See Fence Diagrams A and B.

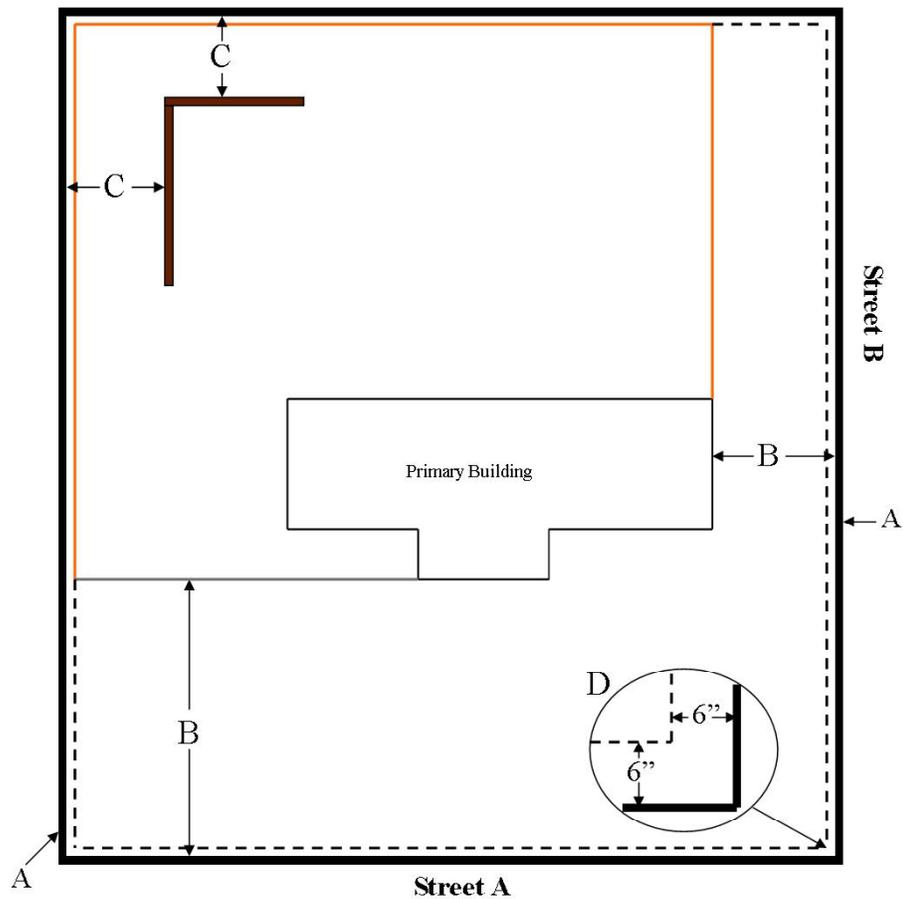
3. Editor's Note: The Table of Dimensional Regulations is included as an attachment to this chapter.

Fence Diagram A - Standard Lot Depiction



- A. Lot Line
- B. Primary building set back,
 - No Fence more than one-quarter solid or wall greater than four feet in height, except retaining walls, shall be erected closer to the street line than the setback of the primary building.
- C. All walls, except retaining walls, must be a minimum of 3' from property line
- D. All Fences must be a minimum of 6" from lot line

Fence Diagram B - Corner Lot Depiction



- A. Lot Line
- B. Primary building set back,
 - No Fence more than one-quarter solid or wall greater than four feet in height, except retaining walls, shall be erected closer to the street line than the setback of the primary building.
- C. All walls, except retaining walls, must be a minimum of 3' from property line
- D. All Fences must be a minimum of 6" from lot line

- (c) All other fences must be at least six inches from any lot line.
- (d) Walls in Residence Districts, except retaining walls, shall be erected not less than three feet from any lot line.
- (e) Fence requirements for swimming pools. Fences surrounding swimming pools shall conform to the setback, side yard, and rear yard requirements for a principal building for the district in which the pool is constructed. [See Subsection B(4), Setback.] For additional criteria for pool fencing, see § 450-5.9E, Safety devices. [Amended 4-12-2022]
- (f) Fences in Industrial Garden Park District: see § 450-5.0H. Fences screening outside storage in the Industrial Garden Park District: see § 450-5.0D. [Amended 4-12-2022]

- (3) Lights. Lights, floodlights, spotlights or other illuminating devices shall be so directed as to not constitute a hazard or distraction to vehicular traffic, and, further, shall not be objectionable to any residential area.
- (4) Vision clearance. Between the lines of streets intersecting at an angle of less than 135° and a line joining points on such lines 35 feet distant from the point of intersection, no building or structure may be erected and no vegetation maintained between a height of two feet and eight feet above the plane through their curb grades.
- (5) Preparation and service of food and drink. The preparation and/or service of food and drink in any manner is expressly prohibited, with the exception of those establishments in which the entire process of service takes place within the primary building. In no case shall the operation of what is commonly known as a drive-in, drive-through or drive-up restaurant be permitted. Drive-up window service is prohibited.
- (6) Means of entry or exit. No entrances, exits, driveways or any other means of effective entry or exit into any public way shall be hereafter constructed or used without the approval of the Department of Public Works.
- (7) Waste disposal areas. The operation of a public waste disposal area by the Town under the supervision of the Board of Health shall not constitute a violation of any of the provisions of this Zoning Bylaw, provided that the location is assigned by the Board of Health in accordance with statutory provisions and provided that the only type of waste disposal used therein is the sanitary landfill and cover method; that no burning of refuse or other nuisance shall be permitted; and that such disposal area is operated in strict accordance with Board of Health regulations.
- (8) Unregistered vehicles in districts where residential uses are allowed.
 - (a) The keeping of more than one unregistered or inoperable vehicle, assembled or disassembled, and in sight of all abutters and public ways, for more than 30 days on any premises shall not be permitted. The condition of said unregistered vehicle shall not pose a safety or health issue. All other unregistered vehicles on residential parcels must be stored in an enclosed building, out of sight of all abutters and public ways. The use of a tarp or similar material to satisfy the out-of-sight requirement is prohibited.
 - (b) The keeping of unregistered truck trailers or the like, either assembled or disassembled, on a parcel is prohibited for all residential uses, except the aforementioned will be exempt when used for agriculture or farm business. See definitions of "agriculture," "farm business" and "vehicle" in Article XI of the East Longmeadow Zoning Bylaw.
- (9) Recreational vehicles. Recreational vehicles, or trailers for the purpose of carrying recreational equipment, may be kept or stored on any lot where the principal use of said lot is residential in nature. Any such recreational vehicle or trailer shall be kept in the side or rear yard and/or at least to the rear of the setback line of the primary building. Recreational vehicles shall not be used for living quarters.

B. Residential Districts AA, A, B and C.

- (1) Accessory buildings in residential areas.
 - (a) Accessory uses customarily incidental to any use or building permitted herein are permitted, provided that such use shall not be offensive nor dangerous to life by reason of health or fire; and further provided that such accessory use shall not include any business, industry, trailer camp, manufacturing or commercial use or other activity conducted for gain, other than what is specifically set forth in § 450-8.8 for home-based trade together with a special permit. **[Amended 4-12-2022]**
 - (b) Not more than one house trailer may be located on any lot. Such trailer may not be used for living quarters. Such trailer shall conform to accessory building setback, side yard and rear yard requirements of the district in which it is located.
 - (c) An accessory building shall not be used for residence purposes.
- (2) Private garages. A garage or storage space for private motor vehicles shall be permitted only as an accessory use and shall be subject to all the applicable provisions of this bylaw pertaining to accessory buildings.
- (3) Lot coverage. No principal building shall be erected or altered so as to cover more than 25% of the area of the lot on which it is located. No principal building shall be erected so as to cover less than 7% of the lot area in which it is located in Residence District C. In the event that the lot area in Residence District C exceeds the minimum lot area, the minimum lot coverage shall be no greater than that required for a minimum-sized lot expressed in square feet.
- (4) Setback.
 - (a) Accessory structure setback shall be the setback of the district of the primary building, and the setback, side yard and rear yard requirements must be met for that district in which the accessory structure is constructed. Any accessory structure which shall be constructed within the side yard and/or rear yard in the district in which it is constructed shall be erected in such a manner that no portion of this accessory building shall be closer to the street line or lines than the maximum rear setback of the primary building, plus 10 feet, in which event an accessory building may be constructed within five feet of the side lot line or rear yard line. Notwithstanding the foregoing, fencing for neighborhood swimming pools shall conform to the setback, side yard and rear yard requirements for a principal building for the district in which such pool is constructed. **[Amended 4-12-2022]**
 - (b) No part of any building or other structure, including porches, breezeways, or other structures attached to the primary building, shall be erected so as to be nearer to the street line than the nearest building located within 250 feet of either side of the lot facing the same street and located within the same area or district, but in no case will the required setback in this subsection exceed 60 feet. In the event of a primary structure having been erected prior

to this Zoning Bylaw under conditions which allowed its erection with less than the setback requirements of this bylaw, the next building erected adjacent to this lot shall have its setback determined by the following formula: the setback of the existing dwelling added to the setback required in this district, and the result divided by two. The purpose of this shall be to average the required setback with that setback of the existing building. Such formula shall be applied within 250 feet of either side of an existing primary structure which does not conform to the setback requirements in the district in which it is located.

C. Commercial District.

- (1) Buffer strip requirements. Twelve-foot side yards shall be required for a commercial building or structure, except that when the property abuts a residence or a residential district, a side yard of 25 feet is required. The first 12 1/2 feet of such rear or side yard nearest to the residence or residential district shall be left as a wooded buffer or, if none exists, shall be landscaped by providing trees, shrubs or fencing to provide a practical buffer between the two properties and/or districts. The establishment of this buffer strip shall be an integral part of any required parking plan. Sufficient space and facilities shall be provided for loading and unloading of materials, equipment and merchandise on the premises and entirely off the traveled way. Proper access to the rear of buildings for fire control and general safety shall be provided.
- (2) Lot coverage. In the case of a single-story building, the building area shall not exceed 40% of the lot area and a minimum of 24% of the lot area shall be left as landscaped open space; in the case of a two-story building, the building area shall not exceed 30% of the lot area and a minimum of 16% of the lot area shall be left as landscaped open space. Plot plans must be submitted to the Planning Board for approval of parking provisions in all cases, and to the Department of Public Works Superintendent in accordance with the General Bylaw of the Town of East Longmeadow, Chapter 416, Vehicles and Traffic, § 416-3, where applicable. **[Amended 4-12-2022]**

D. Business Districts.

- (1) Buffer strip requirements. No specific side yards shall be required for a business building or structure, except that when the property abuts a residence or a residential district, a side yard or rear yard of 25 feet is required. The first 12 1/2 feet of such rear or side yard nearest to the residence or residential district shall be left as a wooded buffer or, if none exists, shall be landscaped by providing trees, shrubs or fencing to provide a practical buffer between the two properties and/or districts. The establishment of this buffer strip shall be an integral part of any required parking plan. Sufficient space and facilities shall be provided for loading and unloading of materials, equipment and merchandise on the premises and entirely off the traveled way. Proper access to the rear of buildings for fire control and general safety shall be provided.
- (2) Lot coverage. Building area shall not exceed 25% of the lot area. Plot plans must be submitted to the Planning Board for approval of parking provisions in all cases, and to the Department of Public Works Superintendent in accordance with

the General Bylaw of the Town of East Longmeadow, Chapter 416, Vehicles and Traffic, § 416-3, where applicable. **[Amended 4-12-2022]**

- (3) Limitation on size of buildings in Business Districts.
 - (a) The floor area of any building used for retail sales purposes within a Business District shall not exceed 65,000 square feet.
 - [1] The floor area is to be calculated using all areas accessible to the general public (i.e., mezzanines and basements), the first floor and all stories above the first floor, and the area of all portions of the site outside the exterior walls of the building used for the display, storage or sale of goods, wares, merchandise or services.
 - [2] All floor areas within 1,500 feet of one another shall be aggregated in determining the maximum of 65,000 square feet only if:
 - [a] The buildings are being used for the sale of goods, wares, merchandise or services for retail or storing inventory for sale; and
 - [b] The floor areas combined are normally operated as a single retail building or retail outlet for sales purposes; and
 - [c] The floor space is operated or controlled by a common owner.
 - (b) For purposes of this subsection, "common owner" shall mean any legal entity where an owner, member of the Board of Directors, partner, officer, member of a limited-liability company or other legal entity has ownership or management rights in each retail business.

E. Industrial District.

- (1) Buffer strip requirements. When abutting a Residence District, the rear yard and/or the side yard shall be 50 feet. The 25 feet of such rear or side yard nearest to the Residence District shall be left as a natural wooded buffer or, if none exists, shall be landscaped by providing trees, shrubs or fencing to provide a practical buffer between the two districts. The establishment of this buffer strip shall be an integral part of any required parking plan. For commercial, business or industrial uses, facilities shall be provided for loading and unloading all materials, equipment and merchandise on the premises, and entirely off the traveled way.
- (2) Lot coverage. Plot plans must be submitted to the Planning Board for approval of parking provisions in all cases, and to the Department of Public Works Superintendent in accordance with the General Bylaw of the Town of East Longmeadow, Chapter 416, Vehicles and Traffic, § 416-3, where applicable. Building area shall not exceed 60% of the lot area. **[Amended 4-12-2022]**
- (3) Limitation on size of buildings in Industrial Districts.
 - (a) The floor area of any building used for retail sales purposes within an Industrial District shall not exceed 65,000 square feet.

- [1] The floor area is to be calculated using all areas accessible to the general public (i.e., mezzanines and basements), the first floor and all stories above the first floor, and the area of all portions of the site outside the exterior walls of the building used for the display, storage or sale of goods, wares, merchandise or services.
- [2] All floor areas within 1,500 feet of one another shall be aggregated in determining the maximum of 65,000 square feet only if:
 - [a] The buildings are being used for the sale of goods, wares, merchandise or services for retail or storing inventory for sale; and
 - [b] The floor areas combined are normally operated as a single retail building or retail outlet for sales purposes; and
 - [c] The floor space is operated or controlled by a common owner.
- (b) For purposes of this subsection, "common owner" shall mean any legal entity where an owner, member of the Board of Directors, partner, officer, member of a limited-liability company or other legal entity has ownership or management rights in each retail business.

F. Industrial Garden Park District. **[Amended 4-12-2022]**

- (1) Buffer strip requirements.
 - (a) When abutting any residential district, the rear and/or side yard shall be 50 feet.
 - (b) A twenty-five-foot landscaped buffer is required if a property abuts any residential district.
- (2) Lot coverage. On any lot, the building area shall not exceed 40% of the lot area on lots having less than 225,000 square feet of area and 45% of the lot area on lots having 225,000 square feet or more.

§ 450-3.4. Existing buildings, structures and uses.

This bylaw shall not apply to buildings or structures, nor to the existing use of any buildings or structures, or of land, lawfully in existence or lawfully begun prior to the adoption of this bylaw, or to a building or special permit issued before the first publication of notice of the public hearing on such bylaw required by MGL c. 40A, § 5, but shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, except where alteration, reconstruction, extension or structural change to a single- or two-family residential structure does not increase the nonconforming nature of said structure.

§ 450-3.5. Nonconforming structures and uses.**A. General provisions.**

- (1) A building, structure or land which at the time of enactment of this Zoning Bylaw revision is being put to a legal nonconforming use may be:
 - (a) Continued in that use, except as provided in § 450-3.4.
 - (b) Altered or enlarged in that use, but only after the granting of a special permit therefor by the special permit granting authority (SPGA) upon the determination of said special permit granting authority that such change, alteration or enlargement shall not be substantially more detrimental to the neighborhood than the existing nonconforming use. Construction or operations under a building or special permit shall conform to any subsequent amendment of the Zoning Bylaw unless the use or construction is commenced within a period of six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
 - (c) Changed to a use deemed less detrimental by the SPGA, provided that, when so changed, it shall not be returned to its former use.
 - (d) When a building in which there is a nonconforming use is damaged or destroyed by fire, collapse, explosion or other casualty, reconstructed, repaired or rebuilt only to its previous floor area and cubical content, provided such reconstruction or rebuilding is commenced within six months of such damage or destruction, and provided the nonconforming use is continued.
- (2) When a nonconforming use is discontinued, as evidenced by lack of use or vacancy for a continuous period of 24 months, or by the substitution of a less detrimental use, or changed to a conforming use, such nonconforming use shall not thereafter be reestablished, and all future uses shall be in conformity with the provisions of this bylaw.

B. Nonconforming lots in Residence Districts.

- (1) Where an adequate potable water supply and safe permanent sewage disposal can be assured, a lot having less than the required lot area and/or lot frontage in the applicable district may be used for a permitted use, provided:
 - (a) Said lot has been shown or described separately on a duly recorded plan or deed or was so assessed by the Town Assessors prior to the date of the adoption of the 1962 Zoning Bylaw;
 - (b) Any structure built thereon shall conform to the setback, side yard, minimum and maximum lot coverage, and secondary setback requirements of the 1962 Zoning Bylaw.
- (2) Any lot upon which more than one dwelling house was legally in existence at the time of the enactment of the Zoning Bylaw of 1962 may be divided so that said structures are upon separate lots, and sold to separate owners; and in such event,

the setback, side yard and rear yard requirements of the Zoning Bylaw shall not apply.

- (3) No lot upon which is located any building used for residence purposes in any district shall be reduced in area so as not to conform with the provisions of this bylaw (except in the above subsection and in the case of such reduction in area resulting from eminent domain proceedings).
 - (4) No yard, lot area or other open space required under the Zoning Bylaw for any building shall, while said building exists, be occupied by or considered as such open space required for another principal building.
- C. Nonconforming lots in the Industrial Garden Park District. The lot area, frontage, setback, side yard, rear yard and coverage requirements of this section of the Zoning Bylaw shall not apply, and requirements as set forth below shall apply on any lot having less than the required areas and/or frontage for this district, shown or described separately, on any duly recorded plan or deed, or assessed as a separate lot by the East Longmeadow Assessors prior to the date of the adoption of the 1962 Zoning Bylaw, and if such lot were held and has continued to be held in ownership separate from adjacent lots, from date of adoption of the 1962 Zoning Bylaw.
- (1) Frontage and area of such lots shall be not less than that shown or described separately on any duly recorded plan or deed, or as assessed by the East Longmeadow Assessors at date of the adoption of the 1962 Zoning Bylaw.
 - (2) On any lot having less than 200 feet of depth as measured from front lot line to rear lot line, setback for any building shall be not less than 50 feet. On any lot having a depth of 200 feet or more, setback for any building shall be 25% of such depth, or 75 feet, whichever is less.
 - (3) On any lot having less than 125 feet of width as measured from side lot line to side lot line at the building setback line, the side yard for any building shall not be less than 20 feet. On any lot having a width of 125 feet or more, the side yard for any building shall be 16% of such width, or 40 feet, whichever is less.
 - (4) On any lot having less than 200 feet of depth from front lot line to rear lot line, the rear yard for any building shall be not less than 40 feet. On any lot having a depth of 200 feet or more, the rear yard for any building shall be 20% of such depth, or 50 feet, whichever is less.
 - (5) On any lot having 75,000 square feet of area or less, the building area shall not exceed 50% of lot area or 30,000 square feet, whichever is less. On any lot having an area of more than 75,000 square feet, the building area shall not exceed 40% of lot area.
 - (6) In the case of a corner lot fronting on two public ways, setback requirements of this subsection shall apply to the frontage on one of the public ways (with rear yard requirements applying to the opposite side of the lot), and side yard requirements of this subsection shall apply along the remaining boundaries of the lot.

- D. Nonconforming lots in the Commercial District. The lot area and lot frontage requirements of the Zoning Bylaw shall not apply to a lot having less than the required area and/or frontage in a Commercial District, if said lot has been shown or described separately on any duly recorded plan or deed or assessed as a separate lot by the East Longmeadow Assessors prior to the date of the adoption of the 1962 Zoning Bylaw; except that in case of such lot, any structure erected thereon must be in compliance with the setback, side yard, rear yard, minimum lot coverage and secondary setback requirements of the 1962 Zoning Bylaw.

ARTICLE IV

Floodplain Overlay District Regulations

§ 450-4.0. (Reserved)

§ 450-4.1. Purpose.

The purpose of the Floodplain District is to:

- A. Ensure public safety through reducing the threats to life and personal injury;
- B. Eliminate new hazards to emergency response officials;
- C. Prevent the occurrence of public emergencies resulting from water quality, contamination and pollution due to flooding;
- D. Avoid the loss of utility services which, if damaged by flooding, would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- E. Eliminate costs associated with the response and cleanup of flooding conditions; and
- F. Reduce damage to public and private property resulting from flooding waters.

§ 450-4.2. Floodplain District boundaries.

The Floodplain District is herein established as an overlay district. The district includes all special flood hazard areas within the Town of East Longmeadow designated as Zone A or AE on the Hampden County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Hampden County FIRM that are wholly or partially within the Town of East Longmeadow are panel numbers 25013C0408E, 25013C0409E, 25013C0416E, 25013C0417E, 25013C0430E and 25013C0440E, dated July 16, 2013. The exact boundaries of the district may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Hampden County Flood Insurance Study (FIS) report dated July 16, 2013. Between May 20, 2013, and July 16, 2013, the September 15, 1978, maps are to be used, after that date, the July 16, 2013 version shall apply (if completed). The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Building Commissioner.

§ 450-4.3. Base flood elevation and floodway data.

- A. Floodway data. In Zones A, and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- B. Base flood elevation data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones.

§ 450-4.4. Development regulations.

The following requirements apply in the Floodplain District:

- A. Any construction, development or grading of any nature or description within the Floodplain District shall not be commenced until an application for a special permit has been approved by the special permit granting authority.
- B. Application to the special permit granting authority for a special permit shall be accompanied by a plan which shall show the following:
 - (1) Boundaries and dimensions of the area involved.
 - (2) The location, dimensions and mean sea level of the lowest floor, including basement, of existing and proposed buildings and structures thereon, and the elevation to which the structure has been floodproofed.
 - (3) All plans shall show the two-foot contour intervals, and contours shall be delineated within 200 feet of the proposed construction.
 - (4) Whenever there is any alteration or relocation of a watercourse, abutters, neighboring communities and the Massachusetts Department of Conservation and Recreation shall be notified prior to the commencement of such activity. Submit copies of said notification to the Federal Emergency Management Agency.
 - (5) Notifications of the events as listed in Subsection B(4) above must be sent to all adjacent communities at the addresses listed below, which are accurate at the time of the writing of this bylaw:

NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street Suite 600-700
Boston, MA 02114-2104

NFIP Program Specialist
Federal Emergency Management Agency, Region
99 High Street, 6th Floor
Boston, MA 02110
 - (6) Proof that all permits required by federal or state law, including Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1341, have been or are in the process of being obtained. **[Amended 4-12-2022]**

- (7) Any other information as is deemed necessary by the special permit granting authority to indicate the complete physical characteristics of the area and the proposed construction and/or grading thereof.
- C. Plans shall be prepared by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts and shall show and make adequate provisions for the following:
- (1) The protection, preservation and maintenance of the water table and water recharge areas.
 - (2) The preservation and maintenance of the natural stream channel plus sufficient width of overbank areas for the passage of 100-year flood flows so as not to increase the 100-year floodwater surface elevation at any point within the community.
 - (3) The retention of existing floodwater storage capacity.
 - (4) Prevention of flotation, collapse and movement of structures.
 - (5) Prevention of flood damage to public utilities, including sewer, water, gas and electric.
 - (6) Located within the Floodplain District are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
 - (a) Encroachment, including fill, new construction, any alteration or addition and other development shall be prohibited within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge as specified in 44 CFR 60.3(d)(3);
 - (b) If Subsection C(6)(a) above is satisfied, all new construction and any alteration or addition shall comply with all provisions of § 450-4.4; and
 - (c) Within 14 days after receipt of the application by the special permit granting authority, the special permit granting authority shall transmit copies thereof, together with copies of the accompanying plan, to the Board of Health, Engineering Department and the Conservation Commission or any other agency. Such agencies shall investigate the application and report in writing their recommendation to the special permit granting authority. The special permit granting authority shall not take final action on such application until it has received a written report from the above agencies or until 45 days have elapsed without receipt of said reports.
- D. All subdivision proposals shall be reviewed to ensure that:
- (1) Such proposals minimize flood damage;

- (2) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards.

§ 450-4.5. Applicability of state regulations.

- A. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131, § 40 and with the following: **[Amended 4-12-2022]**
 - (1) Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high-hazard areas;
 - (2) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 - (3) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
 - (4) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).
- B. Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

§ 450-4.6. Permitted uses. [Amended 4-12-2022]

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged, provided they are permitted in the underlying district and they do not require structures, fill or storage of materials or equipment:

- A. Agricultural uses, such as farming, grazing, truck farming, horticulture, etc.;
- B. Forestry and nursery uses;
- C. Outdoor recreational uses, including fishing, boating, play areas, etc.;
- D. Conservation of water, plants, wildlife;
- E. Wildlife management areas, foot, bicycle and/or horse paths;
- F. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage or sale or crops raised on the premises;
- G. Buildings lawfully existing prior to the adoption of these provisions.

§ 450-4.7. Compliance with other statutes.

Nothing contained in this article shall excuse compliance with the Wetlands Protection Statutes, MGL c. 131, §§ 40 and 40A, or any other laws of the Commonwealth of Massachusetts.

ARTICLE V

Special Use Regulations**§ 450-5.0. Industrial Garden Park District.**

- A. General provisions. In addition to restrictions appearing elsewhere in the Zoning Bylaw, no use of the Industrial Garden Park District land is permitted which is objectionable by reason of noise, odor, vibration, smoke, hazardous nature of the operation or any other reason which may render the use or occupancy of the land and buildings objectionable.
- B. Industrial Garden Park District subdivision. Subdivision within the Industrial Garden Park District shall conform to the Subdivision Control Law as adopted by the Town of East Longmeadow, and shall further conform to the rules and regulations of the Planning Board for the submission of subdivisions. **[Amended 4-12-2022]**
- C. Exterior construction. The exterior facing of the front elevation and side walls of any building in the Industrial Garden Park District shall be finished with brick, glass brick, aluminum or stainless steel, or any architectural siding or other materials of equal attractiveness and durability.
- D. Rubbish and trash. All rubbish and/or trash, scrap or other waste material incident to the uses of the principal building shall be stored within a structure compatible with Subsection C, unless such material is stored behind the rear line of the building, and provided such material is not placed closer to the side lot lines than the required setbacks of the principal building; and further provided such material shall not be stored within 50 feet of the rear lot line. **[Amended 4-12-2022]**
- E. Outside storage. Outside storage shall be in an area enclosed by an opaque fence, or site-obscuring landscaping, either of which shall be not less than six feet nor more than 10 feet high.
- F. Fuel storage. All fuel storage tanks shall be below ground and below the mean grade level of the lot on which the storage is required, or totally enclosed within the principal building.
- G. Landscaping. Except for land utilized for reasonable access driveways, a strip of lawn or other natural landscaping shall be provided along the full frontage of all streets. Such landscaped strip shall extend a depth of not less than 50 feet from the street line, except that such strip shall have a depth of not less than 100 feet if a loading or unloading door or platform is constructed facing said street. Trees spaced not more than 50 feet apart shall be provided on said landscaped strip so as to screen a loading or unloading door or platform if such is constructed facing said street in accordance with setbacks and yard regulations for this district.

- H. Fences. No fence shall be more than one-quarter solid, except when used for outside storage, Subsection E.
- I. Additional dimensional and density requirements. The 25 feet of a rear or side yard nearest to a Residence District shall be left as a natural wooded buffer or, if none exists, shall be landscaped by providing trees, shrubs or fencing to provide a practical buffer between the two districts. The establishment of this buffer strip shall be an integral part of any required parking plan. Facilities must be provided for loading and unloading all equipment and merchandise on the premises, entirely off the traveled way. No loading or unloading door or platform may face a street unless said door or platform shall be back from said street 300 feet or more, and this requirement shall also apply to nonconforming lots under Subsection B. **[Amended 4-12-2022]**

§ 450-5.1. Elderly Residential District.

- A. Dwellings for the aged, including multiple dwelling units and including accessory meeting rooms, dining and garage facilities, shall be permitted in the Elderly Residential District only upon site plan review as specified in Article IX of the East Longmeadow Zoning Bylaw and in accordance with additional requirements specified herein. **[Amended 4-12-2022]**
- B. Application procedure. **[Amended 4-12-2022]**
- (1) A site plan shall be submitted to the Planning Board for review, and such plan must be approved by said Board before a building permit shall be issued. In review of such plan, the following standards shall be met:
- (a) The proposed uses should complement and be in harmony with the existing and probable future character of the neighborhood.
 - (b) Main and accessory buildings shall be located in relation to one another and in relation to other structures in the vicinity to provide efficient pedestrian and vehicular access and circulation, and to create harmonious appearance.
 - (c) The plan shall provide, within the site, efficient traffic circulation, and adequate parking (amount, location and access). The plan of development shall not create excessive traffic load or circulation problems on existing adjacent or nearby streets.
 - (d) Sufficient domestic water and sanitary sewage disposal facilities shall be available.
 - (e) The site shall be lighted and landscaped.
 - (f) The development shall be designed so as to protect adjacent property and the neighborhood in general from detrimental effect.
- (2) The Planning Board may require any additional information needed to permit a thorough review.
- C. Additional requirements. The following standards shall be used as additional requirements in the Elderly Residential District:

- (1) Permitted uses.
 - (a) Within the Elderly Residential District, no building or other structure shall be erected, altered or used and no land shall be used or occupied for any purpose except for dwellings for the aged.
 - (b) No unit shall be leased unless the tenant or tenants is/are 62 years of age or more.
- (2) Additional dimensional and density requirements.
 - (a) Lots must have a minimum frontage of 200 feet on one street and an area of not less than five acres.
 - (b) No radio, television antenna or other aerial devices which are mounted on an existing man-made structure other than an antenna structure shall increase the overall height of such man-made structure by more than 20 feet, and in all cases they shall be stayed in such a manner as to assure stability.
 - (c) Buildings other than accessory garages or carports shall not be erected or altered so as to cover more than 25% of the lot area.
 - (d) Not more than 25 living units per acre may be erected or created by alteration on any lot. There shall be a maximum of 200 units on any one lot. There shall be a minimum of eight units for each principal building.
 - (e) That portion of front yards, and that portion of side and rear yards (if abutting Residence Districts) within 25 feet of any lot line, shall be landscaped, and parking shall be prohibited within such landscaped area.
- (3) Vehicular access. Vehicular access to a public way or ways must be provided at a minimum of two locations not less than 100 feet apart.

§ 450-5.2. Planned business development.

- A. Planned business development by special permit with site plan review. Planned business development shall be permitted in the Business (BUS) and Industrial (I) Districts only upon issuance of a special permit with site plan review by the Planning Board.
- B. Definition. As used in this section, the following terms shall have the meanings indicated:

PLANNED BUSINESS DEVELOPMENT — A development constructed on a lot or lots under joint development or in contiguous ownership at the time of application, planned, developed, operated and maintained as a single entity containing one or more structures to accommodate retail, personal service or business with common parking areas. Commercial buildings with more than one use per structure are planned business developments.

- C. Permitted uses. Uses permitted by special permit with site plan review in a planned business development shall be limited to the following uses:
- (1) Retail uses, especially shopping centers;
 - (2) Personal service uses; and
 - (3) Business uses.
- D. Dimensional and density regulations.
- (1) All uses in a planned business development shall be in conformity with the dimensional and density regulations set forth in the Table of Dimensional and Density Regulations.⁴ In addition, a twelve-foot-wide landscaped buffer strip is required in the front yard and shall include a sidewalk constructed not less than three feet from the property line. Sidewalks shall be four feet wide and constructed of bituminous concrete or cement concrete. **[Amended 4-12-2022]**
 - (2) Uses shall be contained in one continuous building, except that groupings of buildings may be allowed by the Planning Board where such groupings are consistent with the safety of the users and of the overall intent of this section; the development shall be served by one common parking area and one exit and entrance along the frontage. Any additional structures added to the development after construction of the initial planned business development plan shall require a special permit from the Planning Board to ensure that adequate landscaping, parking, internal circulation systems and pedestrian access are maintained.
 - (3) High-volume traffic-generating uses, uses that have a trip generation rate of 700 vehicles per day or more, are restricted to a total of only 20% of the total gross floor area of all structures in the development. These uses include, but are not limited to, convenience markets and automatic teller bank machines. Unless the applicant provides data from existing uses, the Institute for Transportation Engineers' publication, Trip Generation, shall be used to calculate the number of vehicle trips per day for proposed uses. Building permits for additional high-volume traffic generators will not be issued once the 20% threshold has been reached.
 - (4) Where a planned business development consists of continuous parcels in joint ownership, it may be developed under a similar site plan with setbacks and yard requirements governing the boundaries of the entire parcel so developed.
- E. Additional planned business development requirements. In addition to the special permit and site plan review requirements in Articles VIII and IX of this bylaw, any planned business development must conform to the following:
- (1) The proposed uses should complement and be in harmony with the existing and probable future character of the neighborhood.

4. Editor's Note: The Table of Dimensional Regulations is included as an attachment to this chapter.

- (2) Main and accessory buildings shall be located in relation to one another and in relation to other structures in the vicinity to provide efficient pedestrian and vehicular access and circulation, and to create harmonious appearance.
- (3) The site plan shall provide, within the site, efficient traffic circulation and adequate parking (amount, location and access). The planned business development shall not create excessive traffic load or circulation problems on existing adjacent or nearby streets.
- (4) The Planning Board shall require a detailed traffic study for high-volume traffic-generating uses with a trip generation rate over 700 vehicles/day (based on Institute of Transportation Engineers rates found in Trip Generation); for the construction of a new planned business development (PBD) structure of more than 25,000 square feet in gross floor area; and for any external enlargement that brings the PBD total to 25,000 square feet of gross floor area for all structures. The Planning Board may waive any or all requirements for a traffic study for external enlargements of less than 2,000 square feet of gross floor area in excess of the 25,000 square feet gross floor area threshold. The traffic impact statement shall contain: **[Amended 4-12-2022]**
 - (a) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak-hour traffic levels.
 - (b) The proposed traffic flow pattern for both vehicular and pedestrian access shall be described and related to the site plan, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.
 - (c) Traffic flow patterns at the site, including entrances and egresses, loading and unloading areas, and curb cuts on-site and within 100 feet of the site.
 - (d) A detailed assessment of the traffic safety impacts of the proposed project or use on the carrying capacity of any adjacent highway or road, including the projected number of motor vehicle trips to enter or depart from the site estimated for daily-hour and peak-hour traffic levels, road capacities and impacts on intersection. Existing daily- and peak-hour traffic levels and road capacities shall also be given.
 - (e) An internal traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.
- (5) Access standards. Applicants must demonstrate that the project will minimize traffic and safety impacts on the highway or the street providing the property its principal frontage by meeting the following standards:
 - (a) The number of curb cuts on state and local roads shall be minimized. To the extent feasible, access to a business property shall be provided via a common driveway serving adjacent lots or premises.
 - (b) One driveway per parcel shall be permitted as matter of right. Where deemed necessary by the Planning Board, two driveways may be permitted

as part of the site plan review process, which shall be clearly marked "entrance" and "exit".

- (c) All driveways shall be designed to afford motorists exiting to highways or roads with safe sight distance.
 - (d) Driveway entrance must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
 - (e) Driveway design must be such that an entering vehicle will not encroach upon the exit lane of a two-way driveway. Also, a right-turning exiting vehicle will be able to utilize only the first through traffic lane available without encroachment into the adjacent through lane.
- (6) Parking standards. The planned business development shall comply with the off-street parking regulations in § 450-5.6 with the following exceptions: The minimum parking spaces for a planned business development shall be 4.5 parking spaces for every 1,000 square feet of gross floor area for all uses except restaurants. The minimum parking space requirement for restaurants is one parking space per person for 1/3 maximum capacity. The total minimum number of parking spaces required for a planned business development with a restaurant use shall be calculated by determining the minimum number of parking spaces for the planned business development excluding the restaurant use plus the minimum number of parking spaces required for the restaurant based on the above requirements.
- (7) Landscaping.
- (a) Notwithstanding other screening and landscape requirements set forth elsewhere in the bylaw, all yards shall be landscaped. Such landscaping shall include, but not necessarily be limited to, the planting of grass, ground cover, flower beds, shrubs, hedges or trees. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance and free of refuse and debris. All plantings shall be arranged and maintained so as not to obscure the vision of traffic.
 - (b) For interior parking lot areas, at least 12% of the gross area of the vehicular use shall be landscaped. Landscaped areas shall be a minimum of nine feet in width. One shade tree of a minimum two-inch caliper for every 20 parking spaces is required in parking lots with over 50 parking spaces. The landscaped front, side and rear yard requirement can be included in this calculation.
 - (c) Landscaped areas shall be maintained in a healthy, thriving and attractive condition. Shrubs or trees that die shall be replaced within one growing season.
- (8) Shared parking lots.
- (a) When one parking area of a planned business development abuts another, the two parking areas can be shared by an adequate access road. The area of the shared parking area shall not be less than the sum of the

requirements of the individual planned business developments computed in accordance with the specifications of this section.

- (b) As an incentive to develop shared parking areas, the Planning Board shall reduce the interior parking lot landscaping requirements from 12% to 10%.
- (9) Lighting.
 - (a) Any outdoor lighting fixture newly installed or replaced shall be shielded so that it does not produce a strong, direct light beyond the property boundaries.
 - (b) No light standard shall be taller than 15 feet.
- (10) Sufficient domestic water and sanitary sewage disposal facilities shall be available.
- (11) Display signs shall conform to § 450-5.8 of this bylaw.

§ 450-5.3. Planned unit residential developments.

Planned unit residential developments shall be permitted in the Planned Unit Residential District only upon issuance of a special permit with site plan review from the Planning Board as specified in Articles VIII and IX of the East Longmeadow Zoning Bylaws.

- A. General description. "Planned unit residential development" shall mean a development containing a mixture of residential uses and building types, including single-family dwellings, townhouses or multifamily dwellings, and open space. A planned unit residential development may be allowed by special permit to exceed the normal density requirements for the district to the extent authorized by this bylaw, provided that standards for the permanent protection of open space and other standards specified herein are met.
- B. Purposes. The purposes of this Planned Unit Residential Development Bylaw are to allow a number of uses as outlined in Table 3-1,⁵ including planned unit residential development, and to:
 - (1) Allow for greater variety and flexibility in the development housing types;
 - (2) Promote the permanent preservation of open space;
 - (3) Facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner;
 - (4) Maintain and replicate the traditional New England rural character and land use pattern in which small villages are adjacent to common open space.
- C. Uses allowed by special permit. In a planned unit residential development, the following uses are permitted:
 - (1) Single-family dwellings.

5. Editor's Note: Table 3-1, the Table of Use Regulations, is included as an attachment to this chapter.

- (2) Townhouses (a single-family dwelling connected by one or more common walls); however, there shall be no more than six and no less than two townhouses per structure.
 - (3) Multifamily dwellings (including garden units), not exceeding six units per building.
 - (4) Recreational uses and open space, including community buildings.
- D. Density and dimensional regulations. See Table 3-2.⁶
- E. Utility requirements. All structures which require plumbing shall be connected to a public sanitary sewer and public water system.
- F. Parking and circulation requirements.
- (1) Parking shall be provided as set forth in § 450-5.6G of this bylaw. [**Amended 4-12-2022**]
 - (2) There shall be an adequate, safe and convenient arrangement of pedestrian circulation, facilities, roadways, driveways and parking.
- G. Landscaping and buffer area requirements.
- (1) A coordinated landscape design for the entire project area, including landscaping of structures, parking areas, driveways and walkways, shall be submitted for approval by the Planning Board.
 - (2) Whenever possible, existing trees and vegetative cover shall be conserved and integrated into the landscape design.
 - (3) All residential structures and accessory uses within the development shall be set back from the boundaries of the zoning district by a buffer strip of at least 50 feet in width, which shall include trees and shrubbery.
- H. Common open space requirements.
- (1) All land not devoted to dwellings, accessory uses, roads or other development shall be set aside as common land for recreation, conservation or agricultural uses which preserve the land in essentially its natural condition. At least 2,000 square feet per dwelling unit must be usable open space for active and passive recreation. Such space shall not include parking space, roadway, sidewalk area, building footprints or wetlands as determined by the Conservation Commission. Usable open space shall be defined to include such facilities as open space available for gardens, hiking/jogging trails, tennis courts or similar facilities.
 - (2) Further subdivision of common open land or its use for other than recreation, conservation or agriculture, except for easements for underground utilities, shall be prohibited.
 - (3) Structures or buildings accessory to recreation, conservation or agricultural uses may be erected but shall not exceed 5% coverage of such common open land.

6. Editor's Note: Table 3-2 is included as an attachment to this chapter.

- (4) Open space subject to a restriction recorded and enforceable by the Town.

I. Community association.

- (1) An owners' association shall be established, requiring membership of each lot or unit owner in the planned unit development. The association shall be responsible for the permanent maintenance of all communal water and sewerage systems, common open space, recreational and thoroughfare facilities. An association agreement or covenant shall be submitted with the special permit/site plan review application guaranteeing continuing maintenance of such common utilities, land and facilities and assessing each unit a share of maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the Planning Board as part of the site plan review.
- (2) Such agreements or covenants shall provide that in the event that the association fails to maintain the common facilities in reasonable order and condition in accordance with the agreement, the Town may, after notice to the association and public hearing, enter upon such land and maintain it in order to preserve the taxable values of the properties within the development and to prevent the common land from becoming a public nuisance. The covenants shall also provide that the cost of such maintenance by the Town shall be assessed ratably against the properties within the development.

J. Procedures and preapplication review.

- (1) Applicants for planned unit residential development shall follow the special permit procedures specified in Article VIII and the site plan review procedures specified in Article IX.
- (2) To promote better communication and to avoid misunderstanding, applicants are encouraged to submit a preliminary plan for review by the Planning Board prior to the application for a special permit. Such preliminary plans shall comply with the Town's Subdivision Control Regulations.
- (3) The Planning Board approval of a special permit hereunder shall not substitute for compliance with the Subdivision Control Act nor oblige the Planning Board to approve a related definitive plan for subdivision, nor reduce any time periods for Board consideration under that law.
- (4) A special permit application and subdivision review site plan shall be submitted to the Planning Board. Following approval of the special permit, a definitive plan shall be submitted to the Planning Board consistent with its Subdivision Regulations and in substantial conformity with the approved special permit application and subdivision review site plan. **[Amended 4-12-2022]**

§ 450-5.3A. Planned Adult Residential District.

Planned adult residential developments shall be permitted in the Planned Adult Residential District only upon site plan review from the Planning Board as specified in Articles VIII and IX of the East Longmeadow Zoning Bylaws.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

PLANNED ADULT RESIDENTIAL DEVELOPMENT — A development containing residential uses and building types, including single-family dwellings, townhouses or multifamily dwellings, and open space, which may be owned in the condominium form of ownership, for persons aged 55 and older, as hereinafter described.

PLANNED ADULT RESIDENTIAL DISTRICT — The district where planned adult residential developments are permitted.

- B. Purposes. The purposes of this Planned Adult Residential District Bylaw are to allow a number of uses as outlined in Table 3-1,⁷ and to:

- (1) Allow for greater variety and flexibility in the development of housing types; and
- (2) Promote the development of specialized housing to accommodate the needs of those aged 55 and over.

- C. Uses allowed. Table 3-1 establishes the uses permitted in a planned adult residential development, which shall specifically include the following uses:

- (1) Single-family dwellings.
- (2) Townhouses (a single-family dwelling connected by one or more common walls); however, there shall be no more than five and no less than two townhouses per structure.
- (3) Multifamily dwellings (including garden units), not exceeding five units per building.
- (4) Parking, recreation and accessory structures limited to the use of the residents of the planned adult residential development.

- D. Density and dimensional regulations. See Table 3-2.⁸

- E. Utility requirements. All structures which require plumbing shall be connected to a public sanitary sewer and public water system.

- F. Parking and circulation requirements.

- (1) Parking shall be provided as set forth in § 450-5.6G of this bylaw. [**Amended 4-12-2022**]
- (2) There shall be an adequate, safe and convenient arrangement of pedestrian circulation, roadways, driveways and parking areas.

7. Editor's Note: Table 3-1, the Table of Use Regulations, is included as an attachment to this chapter.

8. Editor's Note: Table 3-2 is included as an attachment to this chapter.

G. Landscaping and perimeter buffer area requirements.

- (1) A coordinated landscape design for the entire project area, including landscaping for structures, parking areas, driveways and walkways, shall be submitted for approval by the Planning Board.
- (2) Whenever possible, existing trees and vegetative cover shall be conserved and integrated into the landscape design.
- (3) All residential structures and accessory structures within the development shall be set back from the boundaries of the zoning district by a buffer strip of at least 50 feet in width in the front yard, side yards and rear yards. Existing trees and vegetation shall be preserved as much as possible. New landscape plantings, earth mounds and such shall be required if little existing vegetation exists in order to visually buffer the development from adjacent uses.

H. Coverage and common open space requirements.

- (1) All land not devoted to dwellings, accessory uses, roads or other development shall be common land for recreation, conservation, agricultural or aesthetic purposes. Within the planned adult residential development, open space shall be integrated within and around the development.
- (2) Further subdivision of common open land or its use for other than recreation, conservation or agriculture, except for easements for underground utilities, shall be prohibited.
- (3) Structures or buildings accessory to recreation, conservation, storage or agricultural uses may be erected, but shall not exceed 5% coverage of such common open land.
- (4) Open space shall be subject to a restriction recorded and enforceable by the Town. **[Amended 4-12-2022]**

I. Community association.

- (1) An owners' association shall be established, requiring membership of each lot or unit owner in the planned adult residential development. The association shall be responsible for the permanent maintenance of all common open space, recreational facilities, roads and parking areas, communal water and sewerage systems. An association agreement or covenant shall be submitted with the site plan review application, guaranteeing continuing maintenance of such common utilities, land and facilities, assessing each unit a share of maintenance expenses and enforcing the age requirements specified herein. Such agreement shall be subject to the review and approval of Town Counsel and the Planning Board, as part of the site plan review.
- (2) Such agreements or covenants shall provide that in the event that the association fails to maintain the common facilities in reasonable order and condition in accordance with the agreement, the Town may, after notice to the association and public hearing, enter upon such land and maintain it in order to preserve the taxable values of the properties within the development and to prevent the common land from becoming a public nuisance. The covenants shall also provide

that the cost of such maintenance by the Town shall be assessed ratably against the properties within the development.

- J. Procedure and pre-application review.
- (1) Applicants for planned adult residential development shall follow the site plan review procedures specified in Article IX.
 - (2) To promote better communication and to avoid misunderstanding, applicants are encouraged to submit a preliminary plan for review by the Planning Board. Such preliminary plans shall comply with the Town's Subdivision Control Regulations.
 - (3) A subdivision review site plan shall be submitted to the Planning Board. Following approval of the site plan, a definitive plan shall be submitted to the Planning Board consistent with its Subdivision Regulations and in substantial conformity with the subdivision review site plan.
- K. Additional provisions. No planned adult residential development shall be permitted unless it is in compliance with the following provisions:
- (1) Each dwelling unit in a planned adult residential development shall be occupied by:
 - (a) At least one person who is 55 years of age or older;
 - (b) A spouse of an occupant pursuant to Subsection K(1)(a) above;
 - (c) An occupant pursuant to Subsection K(1)(b) above who survives his or her spouse;
 - (d) An occupant pursuant to Subsection K(1)(b) above whose spouse has entered into a long-term continuing-care facility; or
 - (e) A paid caregiver providing care to an owner/occupant who is at least 55 years of age or older.
 - (2) In no event may a dwelling unit be occupied by more than three residents; provided, however, that if any unit is occupied by three residents one of said three residents may be a person 21 or older; provided, further, said person's primary responsibility is providing care to an owner/occupant of said unit.

§ 450-5.3B. Mixed-Use Village District. [Added 6-15-2021]

Mixed-use village developments shall be permitted in the Mixed-Use Village District only upon issuance of a special permit with site plan review and design review as specified in Articles VIII and IX of the East Longmeadow Zoning Bylaw.

- A. General description. "Mixed-use village development" shall mean a development consisting of a mixture of residential, commercial and business uses and building types, including single-family dwellings, townhouses, multifamily dwellings with or without attached business or commercial spaces, business and commercial buildings, recreation facility and open space.

- B. Purpose. The purpose of this Mixed-Use Village District Bylaw is to allow a number of uses as outlined in Table 3-1⁹ in a single development and to:
- (1) Allow for greater variety and flexibility in the development of housing types integrated with business and commercial uses;
 - (2) Reduce vehicle trip miles by providing services within walking distance of residential units;
 - (3) Provide additional housing with a designated percentage of affordable housing as further defined in Subsection M herein; and
 - (4) Promote the preservation of open space.
- C. In a mixed-use village development the following uses are permitted:
- (1) Single-family dwellings.
 - (2) Townhouses. See Article XI, Definitions.
 - (3) Multifamily dwellings. See Article XI, Definitions.
 - (4) Business and commercial uses compatible with and supportive of residential uses as listed in the East Longmeadow Schedule of Use Regulations Table 3-1.¹⁰
 - (5) Recreational facility and open space, including community buildings.
- D. Business and commercial uses. Commercial, business, and accessory uses within the Mixed-Use Village District, as provided for in the East Longmeadow Schedule of Use Regulations Table 3-1,¹¹ shall be allowed as follows:
- (1) Total gross floor area devoted to commercial and business use(s) shall not be less than 20% nor exceed 30% of the total gross floor area of the mixed-use village development. Any phasing of a development shall include the required minimum ratio of nonresidential to residential uses.
 - (2) Allowed uses less than 10,000 square feet may occur without restriction except for uses requiring a special permit. One single use with up to a maximum of 25,000 square feet is allowed in the project. In addition, two uses up to a maximum of 15,000 square feet each may be allowed in the project.
 - (3) Signage. All signs permitted in the Mixed-Use Village District are subject to § 450-5.8, Signs, as it relates to the Business District, East Longmeadow Zoning Bylaw.
- E. Density and dimensional regulations.
- (1) The minimum parcel size for a Mixed-Use Village District shall be 40 acres.

9. Editor's Note: Table 3-1 is included as an attachment to this chapter.

10. Editor's Note: Table 3-1 is included as an attachment to this chapter.

11. Editor's Note: Table 3-1 is included as an attachment to this chapter.

- (2) The maximum density of housing units shall be 12 per acre, based on the area of the entire development.
 - (3) Dimensions and setbacks: Refer to East Longmeadow Dimension and Density Regulations Table 3-2.¹²
 - (4) The maximum height of structures within a Mixed-Use Village District shall reflect the zone and the surrounding context where the district is to be created. Such height requirements are as follows and as further defined in Subsection L(1), Development regulations, within this bylaw:
 - (a) All Residential Zones: maximum height up to 35 feet.
 - (b) Commercial and Business Zones: maximum height up to 40 feet.
 - (c) Golf Recreational Zone: maximum height up to 35 feet.
 - (d) Industrial and Industrial Garden Park Zones: maximum height up to 50 feet.
 - (5) Building setbacks from parcel boundaries shall be:
 - (a) Front setback: 100 feet.
 - (b) Side setback: 50 feet.
 - (c) Rear setback: 50 feet.
 - (6) Lot coverage:
 - (a) Maximum 60% impervious (which includes the building structure coverage).
 - (b) Maximum 40% building coverage.
 - (c) Minimum 40% green space, 20% of which shall be open space. See Article XI, Definitions.
 - (7) Area of landscaped buffer. Buffer areas shall be landscaped to provide a visual screening of the development.
 - (a) Minimum rear: 25 feet.
 - (b) Minimum side: 25 feet.
 - (c) Minimum front: 25 feet.
- F. Utility requirements. All structures which require plumbing shall be connected to a public sanitary sewer and public water system.
- G. Parking and circulation requirements. Parking shall be in accordance with the Town of East Longmeadow Parking Specifications, East Longmeadow Zoning Bylaw, § 45-5.6.
- (1) Minimum required spaces:

12. Editor's Note: Table 3-2 is included as an attachment to this chapter.

- (a) One space per bedroom.
 - (b) Four and one-half spaces per 1,000 square feet of gross floor area of commercial and business uses.
 - (c) One space per three seats for restaurants.
- (2) The Planning Board may require additional visitor parking spaces beyond the one space per bedroom if deemed appropriate given the design, layout and density of the proposed mixed-use village development.
 - (3) Reduction in parking requirements.
 - (a) Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the Planning Board if the applicant can demonstrate that the lesser amount of parking will not cause congestion, endanger public safety or that a lesser amount of parking will provide positive environmental or other benefits, taking into consideration, provided that the difference between the minimum required parking and the amount requested be designated on the plan as future parking and left as green space.
 - (b) The Planning Board will consider the following:
 - [1] Shared use of off-street parking spaces serving other uses having peak user demands at different times;
 - [2] Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots, including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
 - [3] Such other factors as may be considered by the Planning Board.
- H. Design review. The Design Review Committee, or the Planning Board acting as the Design Review Committee, shall review applications for all actions that are subject to the provisions of this section and shall make recommendations to the developer, prior to and within the public hearing for site plan review, as to the conformance with the design standards established within § 450-9.2, Design review. The Planning Board shall retain overall responsibility and authority for design review approval. The Planning Board may also employ consultants to assist in design review at the expense of the applicant.
- I. Community association.
- (1) A community association shall be established, requiring membership of each unit owner in the mixed-use village development. The association shall be responsible for the permanent maintenance of all communal water and sewerage systems, common open space, recreational and thoroughfares. An association agreement shall be submitted with the special permit/site plan review application guaranteeing continuing maintenance of such common utilities, land, facilities, and assessing each unit a share of maintenance expenses. Such agreement shall be

subject to the review and approval of the Town Attorney and the Planning Board, as part of the site plan review.

- (2) Such agreements shall provide that in the event that the community association fails to maintain the common facilities in reasonable order and condition in accordance with the agreement, the Town may, after notice to the association and public hearing, enter upon such land and maintain it in order to preserve the taxable values of the properties within the development and to prevent the common land from becoming a public nuisance. The association agreement shall also provide that the cost of such maintenance by the Town shall be assessed against the properties within the development.

J. Procedures and preapplication review.

- (1) Applicants for mixed-use village development shall follow the special permit procedures specified in Article VIII and the site plan review procedures specified in Article IX within the East Longmeadow Zoning Bylaws.
- (2) Applicants are encouraged to submit a preliminary plan for review by the Planning Board prior to the application for a special permit.

K. Additional provisions.

- (1) All roads in the development shall meet the minimum requirements for public roads as established by the Department of Public Works; however, the Planning Board may grant waivers from the requirements for width of right-of-way and pavement, with the exception that sidewalks shall not be waived.
- (2) A bus stop for regional bus, rapid-transit bus, shuttle bus and/or ride services shall be provided for public or private transport.
- (3) A development impact study shall be provided by the developer and reviewed by the Town at the developer's expense.
- (4) A traffic study shall not be waived.
- (5) The proposed development shall be subject to the provisions of a host community agreement (HCA) negotiated by the East Longmeadow Town Manager and approved by the East Longmeadow Town Council. This agreement shall address impact issues, such as, but not limited to, traffic mitigation, affordable housing as further outlined in Subsection M herein, school enrollment, public safety, peer review, as some examples.

L. Development regulations for the Mixed-Use Village District. Development, redevelopment and reuse will generally be deemed consistent with the purposes of the Mixed-Use Village District when the Planning Board has determined that the proposed project meets the following objectives:

- (1) In the spirit and the context of creating a mixed-use village development, heights of new buildings shall approximate those of adjacent and existing buildings. Diverse roof styles and heights are encouraged and should complement the surrounding developed environment. Flat rooflines are to be discouraged as they are not in keeping with New England architecture.

- (2) Mixed-use village development will be consistent with the zoning bylaws of the Town of East Longmeadow.
 - (3) The Mixed-use village development will provide for quality development consistent with the character of building types, streetscapes and other community features traditionally found within the Town of East Longmeadow.
 - (4) The mixed-use village development will have adequate water, drainage and sewerage systems or provide upgrades to existing systems for its needs and usage to satisfy Town of East Longmeadow requirements.
 - (5) The commercial and business uses of the mixed-use village development shall be planned and designed in an integrated manner to complement the residential uses, and help foster vibrant, workable, livable, and attractive neighborhoods consistent with the Town of East Longmeadow's Zoning Bylaw and this section.
 - (6) Site development; location of buildings and structures. A lot in the Mixed-Use Village District may contain more than one structure with a principal use. The Planning Board may grant approval for multiple structures on one lot only upon making a determination that the proposed development contains the correct percentage of commercial, business and residential uses.
 - (7) Residential condominiums and townhouses shall not exceed three bedrooms. Residential apartments shall consist of a mix of one- and two-bedroom units.
- M. Affordable housing. Affordable housing units are units which may only be rented or purchased by eligible households whose annual incomes, adjusted for family size, do not exceed the limits for maximum annual income for low-income households or households (80% of the median income for East Longmeadow, as calculated by the U.S. Department of Housing and Urban Development or any successor agency), and are eligible and countable for the purpose of the commonwealth's MGL Chapter 40B Subsidized Housing Inventory (SHI), or its successor.
- (1) Mixed-Use Village District projects, anticipating that 100 residential units or greater are to be developed, shall include affordable housing at a ratio of 10% affordable units, according to the following schedule:

Market-Rate Residential Units Complete	Percentage of Affordable Units
0 to 24%	0%
25%	10%
50%	50%
75%	75%
90%	100%
100%	100%

- (2) Affordable housing units shall be integrated with the rest of the mixed-use village development as to desirability of location and access to amenities. Affordable

housing units shall be comparable in design, appearance, construction and quality of materials with other market-rate units within the development. Interior features and mechanical systems of affordable units shall conform to the same specifications that apply to market-rate units within the development.

- (3) To the extent possible, local preference will be used. To the extent permitted by the Fair Housing Act, this special permit will address housing preference as it relates to municipal employees, East Longmeadow residents and employees of East Longmeadow businesses.

§ 450-5.4. Golf Recreational District.

- A. Uses. In any Golf Recreational District, as indicated on the Zoning Districts Map identified in § 450-2.1 of this bylaw, no building or other structure shall be erected, altered or used, and no land shall be used or occupied for any purpose, except one or more of the uses permitted in Table 3-1.¹³ [Amended 4-12-2022]
- B. Swimming pools. Any swimming pool permitted as an accessory use shall be subject to the provisions of § 450-5.9, Swimming pools, of these bylaws.
- C. Lighting. For golf course uses, exterior artificial lighting shall be restricted to the lighting of signs in accordance with § 450-5.8 of this Zoning Bylaw, and to the lighting of walks, driveways, parking areas and garden areas necessary for the operation thereof and public safety. Any such lighting shall be shaded and directed in such a manner so as not to constitute a nuisance. For golf course uses, artificial lighting of a golf course, practice golf area, basketball or tennis area or swimming pool is specifically prohibited. [Amended 4-12-2022]

§ 450-5.5. Wireless/Telecommunications service facilities and towers.

- A. Purpose and intent.
 - (1) It is the express purpose of this bylaw to establish regulations for the placement of wireless telecommunication towers, antennas and ancillary facilities. It is the intent of this bylaw to minimize the visual and environmental impacts of said facilities on the community; to encourage the location of towers on municipally owned properties, not to include parks or schools; to preserve the character and appearance of the community while simultaneously allowing adequate wireless services to be developed; to protect the residential, scenic, historic, environmental and natural or man-made resources of the community; to encourage joint use of new and existing tower sites, buildings and utility poles as a primary option rather than new construction of towers; and to preserve property values and regulate the location of towers so that they minimize negative impacts on the general safety, health, welfare and quality of life of the community.
 - (2) This bylaw is intended to be used in conjunction with other regulations that may be adopted by the Town, including historic district regulations, site plan review,

13. Editor's Note: Table 3-1, the Table of Use Regulations, is included as an attachment to this chapter.

special permit and other local bylaws designed to encourage appropriate land use, environmental protection and the provision of adequate infrastructure development in East Longmeadow.

- (3) The bylaw enables the review and approval of wireless service facilities by the Town's special permit granting authority (hereinafter referred to as "SPGA"), in keeping with the Town's existing bylaws and historic development patterns.
- B. Consistency with federal law. This bylaw is intended to be consistent with the Telecommunications Act of 1996, as amended, and applicable FCC regulations in that it does not prohibit or have the effect of prohibiting the provisions of wireless services and is not intended to be used to unreasonably discriminate among providers of functionally equivalent wireless services.
- C. Definitions. The following definitions pertain to this bylaw as described below:

ACT — The Telecommunications Act of 1996, as amended.

ALTERNATIVE TOWER STRUCTURE — Man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that are compatible with the natural setting and surrounding structures, and camouflage or conceal the presence of antennas and/or towers. This term shall also include any antenna or antenna array attached to the alternative tower structure.

ANCILLARY FACILITIES — The buildings, cabinets, vaults, enclosures and equipment required for operation of telecommunication systems, including but not limited to repeaters, equipment housing and ventilation and other mechanical equipment. **[Amended 4-12-2022]**

ANTENNA — Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

BUFFER AREA — The area surrounding a telecommunications tower and ancillary facilities which lies between the tower and adjacent lot lines and/or lot uses.

CARRIER — A company that provides wireless services.

CEASE TO OPERATE — Not performing the normal functions associated with the wireless service facility and its equipment on a continuous and ongoing basis for a period of one year.

CO-LOCATION — The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

EQUIPMENT SHELTER — An enclosed structure, cabinet, shed or box located at a base station within which are housed batteries and electrical equipment.

FAA — Federal Aviation Administration.

FACILITY SITE — The location leased by one or more wireless service providers and upon which one or more wireless service facilities and required landscaping are located.

FALL ZONE — The area on the ground within a prescribed radius from the base of a wireless service facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

FCC — Federal Communications Commission.

FIRE TOWER — A tower in which a lookout for fires may be posted.

GUYED TOWER — A monopole or lattice tower that is supported or braced through the use of cables which are permanently anchored.

LATTICE TOWER — A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

LICENSED CARRIER — A company authorized by the FCC to construct and operate a wireless services system.

MODIFICATION OF AN EXISTING FACILITY — Any change or proposed change in size, number and height of facilities and antennas other than approved under an existing special permit. Also any increase or proposed increase in dimensions of an existing and permitted tower or other structure designed to support wireless service transmissions, receiving and/or relaying antennas and/or equipment.

MONITORING — The measurement of the radiation from a site as a whole or from individual wireless service facilities, towers or antennas, by the use of instruments in the field.

MONOPOLE — The type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform or racks for panel antennas arrayed at the top.

MOUNT — The structure or surface upon which antennas are mounted, including the following four types of mounts:

- (1) Roof-mounted: mounted on a roof of a building.
- (2) Side-mounted: mounted on the side of a building.
- (3) Ground-mounted: mounted on the ground.
- (4) Structure-mounted: mounted on a structure other than a building.

PREEXISTING TOWERS AND ANTENNAS — Any tower or antenna and ancillary facility which has been lawfully erected prior to the effective date of this bylaw, including permitted towers or antennas and ancillary facilities that have been approved but have not yet been constructed, so long as such approval is current and not expired.

RADIO FREQUENCY ENGINEER (RFE) — An engineer specializing in electrical or microwave engineering, especially in the study of radio frequencies.

SPECIAL PERMIT GRANTING AUTHORITY (SPGA) — The Planning Board of the Town of East Longmeadow shall be the SPGA for this bylaw.

STEALTH DESIGN — A wireless telecommunication facility that is designed or located in such a way that the facility is not readily recognizable as a wireless telecommunications facility.

TELECOMMUNICATION — Technology permitting the passage of information from the sender to one or more receivers in a usable form by means of any electromagnetic system.

TELECOMMUNICATIONS ANTENNA — An antenna designed to transmit or receive communications as authorized by the Federal Communications Commission, excluding amateur radio operator antennas.

TELECOMMUNICATIONS SUPPORT FACILITIES — Support buildings, structures and equipment cabinets containing electrical and mechanical equipment and devices used for the programming information between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.

TOWER — Any structure designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, monopoles and other similar structures. This term also includes any antenna or antenna array attached to the tower structure.

TOWER HEIGHT — When referring to a tower or other alternative tower structure, the distance measured from the ground level at the base pad of the structure to the highest point on the tower or other alternative tower structure.

WATER TOWER — A standpipe or elevated tank used as a reservoir or for maintaining equal pressure in a water system.

WIRELESS SERVICE FACILITY AND TOWERS — All equipment (excluding any repeaters) with which a wireless service provider broadcasts and receives the radio frequency waves which carry their services and all locations of said equipment and any part thereof. This facility may be sited on one or more towers or structures owned and permitted by another owner or entity.

WIRELESS SERVICE PROVIDER — An entity licensed by the FCC to provide wireless services to individuals or institutions.

WIRELESS SERVICES — Commercial mobile services, unlicensed and licensed FCC wireless commercial services, and common-carrier wireless exchange access services. These services include, but are not limited to: cellular services, personal communications services (PCS), enhanced mobile radio services (EMRS) and paging services, and similar services that may in the future be developed.

D. District regulations.

(1) Use regulations.

- (a) No newly constructed wireless services facility shall locate in any residential district or on Town-owned residential property.
- (b) Wireless services facilities shall comply with the Massachusetts Building Code (780 CMR), as amended, and shall require a building permit in all cases.

- (c) A wireless services facility may locate on any existing monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure. Such installations shall not require a special permit and site plan approval by the Planning Board.
 - (d) A wireless services facility involving construction of one or more ground or building (roof or side) mounts shall require a special permit. Such facilities may locate by special permit in designated districts within the Town, provided that the proposed use does not project more than 10 feet above the height of an existing building.
- (2) Location. If possible, wireless service facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those structures and to minimize adverse visual impacts associated with clustering of towers, provided that: 1) a tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless reconstruction as a monopole is proposed; 2) an existing tower may be modified or rebuilt to a taller height, not to exceed the maximum tower height established by this bylaw, with approval from the SPGA; and 3) all antenna mounts installed on existing towers shall, to the extent technically feasible, match both antenna type and type of the existing antenna mounts. **[Amended 4-12-2022]**
- (a) An applicant proposing a wireless communications facility shall have the burden to prove all avenues have been exhausted and that there are no feasible preexisting structures, buildings or towers upon which to locate due to technical, topographical or other unique circumstances. Further, the applicant shall submit documentation of the legal right to install and use the proposed facility mount and shall demonstrate to the satisfaction of the SPGA that the applicant has endeavored to minimize the visual and aesthetic impacts of the proposed facility on the community.
 - (b) Wireless services facilities shall not be located in wetlands.
 - (c) No hazardous waste shall be discharged on the site of any wireless services facility.
- (3) Co-location.
- (a) Licensed carriers shall share wireless service facilities and sites where possible and appropriate, thereby reducing the number of wireless service facilities that are stand-alone facilities.
 - (b) All applicants shall demonstrate a good-faith effort to co-locate with other carriers, including:
 - [1] A survey of all existing structures that may be feasible sites for co-locating wireless telecommunication facilities;

- [2] Notification by certified mail of intent to seek a special permit to all the other licensed carriers for commercial mobile radio services operating within five miles of the site;
- [3] Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location;
- [4] A copy of the lease and an affidavit stating compliance with this section;
- [5] In the event that co-location is claimed to be not technically feasible, a written statement of the reasons must be submitted to the SPGA. The SPGA has the right to retain a technical expert in the field of RF engineering to determine if co-location is feasible. The cost for the technical expert will be at the expense of the applicant. The SPGA has the right to deny approval to any applicant that has not demonstrated a good-faith effort to provide for co-location on an existing wireless telecommunication tower;
- [6] If the applicant does intend to co-locate or to permit co-location, plans and elevations which show the ultimate appearance and operation of the facility at full build-out must be submitted to the SPGA.

- (4) Location priorities. Wireless telecommunication facilities shall be located and approved in accordance with the following prioritized locations:
 - (a) An existing building;
 - (b) An existing tower.

E. Dimensional requirements.

- (1) Height.
 - (a) The maximum height of the equipment/service building shall be 15 feet and limited to one floor, with the maximum gross floor area not to exceed 400 square feet; the total percentage of services buildings not to exceed 25% lot coverage.
 - (b) No wireless communications facility shall exceed 190 feet in height as measured from ground level at the base of the tower. Side- and roof-mounted wireless services facilities shall not project more than 10 feet above the height of an existing building nor project more than 10 feet above the height limit of the zoning district within which the facility is located. The facility shall be stepped back from the front facade in order to limit its impact on the building's silhouette.
 - (c) Wireless services facilities may be located on a building that is legally nonconforming with respect to height, provided that the facilities do not project above the existing building height.

- (d) New antennas located on any of the following existing structures on the effective date of this bylaw shall be exempt from the height restrictions of this bylaw, provided there is no increase in height of the existing structure as a result of the installation of a wireless services facility:
 - [1] Water towers.
 - [2] Fire towers.
 - [3] Monopoles.
- (2) Setbacks. Ground-mounted wireless telecommunications facilities shall be set back 200% of the tower height from the property boundaries of a school, place of worship, public library, public park, public conservation area, residential zoning district or a building containing one or more residences within a nonresidential zoning district.
 - (a) All towers shall be pre-engineered to fall at a pre-determined height in the event of catastrophic failure and shall have a "fall zone" of said pre-determined height.
 - (b) In no case shall a ground-mounted facility be built as an accessory use, or be allowed on any portion of the lot between the primary structure and the street. **[Amended 4-12-2022]**
 - (c) In the event that an existing structure is proposed as a mount for a wireless service facility, a fall zone shall not be required, but the setback provisions of the zoning district shall apply. In the case of preexisting, nonconforming structures, wireless service facilities and their equipment shelters shall not increase any nonconformities; except in reviewing a special permit application for a wireless service facility, the SPGA may reduce the required fall zone and/or setback distance of the zoning district by as much as 50% of the required distance, if it finds that a substantially better design will result from such reduction. In making such a finding, the SPGA shall consider both the visual and safety impacts of the proposed use.

F. Special permit criteria.

- (1) The SPGA shall consider the following factors when determining whether to grant a special permit:
 - (a) Proximity of the facility to residential structures, residential district boundaries, school boundaries, churches, libraries, public parks and conservation areas.
 - (b) Nature of the uses on the adjacent and nearby properties.
 - (c) Surrounding topography, tree coverage and foliage.
 - (d) (Reserved)
 - (e) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, including stealth designs, which are encouraged.

- (f) Availability of suitable existing towers, alternative tower structures, other structures or alternative technologies not requiring the use of towers or structures.
 - (g) Availability of proposed tower to other potential carriers.
 - (h) Adequacy of the setback or design of the facility to ensure the safety of persons or property in the event of collapse.
 - (i) No special permit will be granted for a tower to be built on speculation. If the applicant is not simultaneously installing a wireless services facilities on the tower, it shall provide a copy of its existing lease/contract with a wireless services facilities provider. Said provider shall provide all necessary data to comply with the terms of this bylaw, as part of the application for a wireless services facility and/or tower, before a special permit will be considered.
- (2) Design standards.
- (a) All towers shall be designed and constructed to withstand wind gusts and substantial winds of at least 100 miles per hour at the maximum height necessary (determined by the independent consultants) to accommodate the anticipated and future use.
 - (b) Only freestanding monopoles, with associated antennas and/or panels, shall be allowed as specified in this bylaw. Lattice-style towers and facilities requiring guy wires and/or three or more legs for support are prohibited.
 - (c) The area around the tower and communication equipment shelter(s) shall be completely fenced and gated to control access to the facility and for security and shall be compatible with the scenic character of the Town and of abutting properties. The fence shall be at least eight feet in height. Use of barbed or razor wire is prohibited.
- (3) Camouflage by existing buildings, structures or vegetation.
- (a) Tower(s) shall minimize, to the greatest extent possible, adverse visual impacts on the neighborhood. The SPGA has the authority to impose reasonable conditions to ensure this result.
 - (b) If there are no feasible preexisting structures, buildings or towers, the wireless services facilities and towers shall be so designed as to be camouflaged to the greatest extent possible, including but not limited to use of compatible building materials and colors, screening, landscaping and placement within trees.
 - (c) An applicant proposing a wireless communications facility shall demonstrate to the satisfaction of the SPGA that the applicant has endeavored to minimize the visual and aesthetic impacts of the proposed facility on residential abutters; and that the facility must be located at the proposed site due to technical, topographical or other unique circumstances.

- (d) Existing on-site vegetation shall be preserved to the maximum extent possible. Clearing of land shall be performed in a manner which will maximize preservation of natural beauty and conservation of natural resources and which will minimize marring and scarring of the landscape or silting of streams or wetlands.
 - (e) A landscape buffer at least 10 feet wide of evergreen shrubs shall be provided on the outside of the fenced area. The shrubs shall mature to a height equivalent to the fence height and be planted at a height of at least six feet and planted in staggered double rows five feet on center. All landscape plantings must be continually maintained by the applicant or its successor.
- (4) Lighting and signage.
- (a) No wireless services facility and/or tower(s) installed shall exceed the maximum height limitation established by the Federal Aviation Administration for required night lighting. Night lighting of towers shall be prohibited unless required by the Federal Aviation Administration. Lighting of buildings and the ground may be provided to ensure a safe and secure facility. All lighting shall be designed, shielded and installed to prevent undue impact on surrounding properties.
 - (b) Signs.
 - [1] There shall be no signs except for the following:
 - [a] A sign identifying the facility, the owner and operator and an emergency telephone number where the owner can be reached on a 24-hour basis;
 - [b] A no-trespassing sign;
 - [c] A sign displaying the FCC registration number;
 - [d] Any signs necessary to warn of danger; and
 - [e] No sign shall exceed four square feet.
 - [2] All signs shall comply with the requirements of the East Longmeadow Zoning Bylaw. Advertising of any kind is strictly prohibited at the site.
- (5) Modifications. A modification of a wireless service facility may be considered equivalent to an application for a new wireless service facility and will require a special permit when one or more of the following events occur:
- (a) The applicant and/or co-applicant wants to change the number of facilities permitted on the site;
 - (b) There is a change in technology used for the wireless service facility that requires a change in types or sizes of antennas; or

- (c) The applicant wishes to add any equipment or additional height not specified in the original design filing.

G. Monitoring and maintenance.

- (1) The facility owner/operator shall present a maintenance and monitoring plan to the SPGA demonstrating responsibility for the site.
- (2) There shall be a minimum of one parking space for each carrier, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment.
- (3) Traffic associated with the tower and accessory facilities and structures shall not adversely affect abutting ways.
- (4) The wireless service facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.

H. Abandonment or discontinuation of use.

- (1) At such time that a licensed carrier plans to abandon or discontinue operation of a wireless service facility, such carrier will notify the Town by certified mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.
- (2) Upon abandonment or discontinuation of use, the carrier shall, at its expense, physically remove the wireless service facility within 90 days from the date of abandonment or discontinuation of use. This removal includes, but is not limited to, removal of antennas, mount, equipment shelters and security barriers from the subject property. An extension to this time period may be granted by the Planning Board upon written request from the applicant.
- (3) Also, the owner shall properly dispose of the waste materials from the site in accordance with local and state solid waste disposal regulations and restore the location of the wireless service facility to its natural condition, except that any landscaping and grading shall remain in the "after" condition.
- (4) As a condition of the special permit, the applicant shall post a bond in a reasonable amount determined and approved by the SPGA. This bond shall be in force to cover the costs of the remediation of any damage to the landscape which occurs during the clearing of the site; and to cover the cost of the removal of the tower or facility from the site, and remediation of the landscape, should the facility cease to operate and the Town have to remedy the situation.

I. Site plan review.

- (1) Antennas.
 - (a) The design of antennas, and telecommunications support facilities shall use materials, colors, textures, screening and landscaping that create compatibility with the natural setting and surrounding structures;

- (b) The mass of antennas or an antenna on a tower shall not exceed 450 cubic feet per user, with no one dimension exceeding 14 feet per user.
 - (2) Tower color. Towers shall be finished in a neutral color to reduce visual obtrusiveness, subject to any applicable standards of the FAA.
- J. Provisions of independent consultants.
 - (1) Upon submission of an application for any special permit under this bylaw, the applicant shall pay a review fee for the employment of independent consultants. These consultants shall each be qualified professionals with a record of service to municipalities in one or more of the following:
 - (a) Telecommunications engineering;
 - (b) Structural engineering; monitoring of electromagnetic fields;
 - (c) Other relevant fields of experience as determined by the SPGA.
 - (2) The SPGA shall select an independent consultant from a main list of qualified candidates based on recommendations from the Board of Health, Conservation Commission, Department of Public Works and Pioneer Valley Planning Commission. Said list shall be reviewed and updated from time to time.
- K. Exempted wireless telecommunication uses. The following are exempt from the restrictions and requirements of this bylaw:
 - (1) Police;
 - (2) Fire;
 - (3) Ambulance and other emergency dispatch;
 - (4) Citizen's band radio; and
 - (5) Amateur radio equipment and towers used in accordance with the terms of any amateur radio service license issued by the FCC, provided that:
 - (a) The tower is not used or licensed for any commercial purpose; and
 - (b) The tower shall be removed upon loss or termination of said FCC license.
- L. Insurance. Towers and wireless service facilities shall be insured by the owner against damage to persons and property. The owner shall provide a certificate of insurance to the SPGA on an annual basis. For towers and facilities located on property owned by the Town of East Longmeadow, the Town of East Longmeadow shall be an additional named insured.
- M. Noncompliance; violations; enforcement; and attorney fees. Upon determination that the applicant and/or owner has failed to comply with this bylaw, or is in violation of any portion of this bylaw, and the Town of East Longmeadow takes any action to enforce this bylaw, the owner/applicant shall be liable for and responsible to pay to the Town of East Longmeadow all costs, expenses and reasonable attorney's fees for such action taken by the SPGA. Failure to pay said costs and attorney's fees within 30 days

of receipt of notice to pay same shall be grounds for the revocation of any special permit issued in accordance with this bylaw.

§ 450-5.6. Off-street parking.

A. Parking plan.

- (1) Uses requiring a parking plan. A parking plan shall be submitted at the time of any application for a building permit for the erection, alteration or enlargement of any building other than a single-family dwelling. No building permit for the erection, alteration or enlargement of any building may be issued without approval of said parking plan by the East Longmeadow Planning Board. In the case of alteration or enlargement, these standards shall apply only to the altered or enlarged area.
- (2) A parking plan shall be submitted to the Planning Board at the time of any application for the occupancy permit required in § 450-7.1 of the Zoning Bylaw. No such occupancy permit may be issued without approval of said parking plan by the East Longmeadow Planning Board.
- (3) Parking plans shall show means of vehicular access and interior circulation. The proposed property use and proposed building square footage shall be indicated on the plan. Any required landscaping shall be indicated on the plan.
- (4) Prior to submission of a parking plan to the Planning Board, egress, access and drainage for the site must be approved by the Town Engineer.
- (5) In granting a special permit for any use, the special permit granting authority may require off-street parking spaces, standards or conditions in addition to those set forth in this bylaw, if it deems necessary for the use.

B. Parking specifications.

- (1) In all districts, any and all parking spaces located on any lot shall be restricted to the use of the business allowed on the site by its employees, customers and other persons normally visiting the premises at any one time. There shall be no commuter parking nor shall any business enter into any type of agreement for commuter and/or satellite parking for businesses or activities not located on the site.
- (2) All new structures and alterations or enlargements on existing structures shall be provided with off-street parking spaces in accordance with the following specifications:
 - (a) Specifications for parking layout shall be in accordance with Town of East Longmeadow Planning Board Parking Standards. The standards shall include, and are not limited to, the following:

- [1] All parking areas must meet the minimum parking dimensions in Diagram 5.6-1,¹⁴ except the handicapped parking requirements in Subsection H shall supersede where appropriate.
 - [2] Each off-street parking space shall contain, exclusive of approved access lanes, not less than 180 square feet when located in a parking lot and not less than 160 square feet when located in a garage or other building. For planned business developments, retail outlets and other similar uses, there shall be a minimum of 300 square feet of total paved area for each car parking space required.
 - [3] Parking spaces at a 90° angle are encouraged. Extra width at the end of parking stalls is desirable. Additional driveway width is necessary for main or through circulation aisles. (See Diagram 5.6-2 for a dimensional illustration.¹⁵)
 - [4] Any required landscaping shall be indicated on the parking plan for approval. (See Diagram 5.6-2 for a dimensional illustration.)
 - [5] Parking aisles must be adjusted as necessary to accommodate the size of the trucks serving the facility. (See Diagram 5.6-2 for a dimensional illustration.)
 - [6] Parking stall markings, directional arrows and other traffic signs shall be delineated by at least four-inch painted lines or by other suitable means and shall be permanently maintained.
 - [7] One driveway per parcel shall be permitted as matter of right. Two driveways for business, commercial and industrial uses are generally desirable and shall be clearly marked as an entrance and as an exit.
- (b) Drainage. Drainage facilities for each parking area should be designed and constructed to contain stormwater run-off on the premises, and stormwater should not be distributed on a public way. **[Amended 4-12-2022]**
- (c) Surfacing. All off-street parking facilities shall be surfaced in accordance with the Town of East Longmeadow Department of Public Works (DPW) standards and specifications. The access driveways and parking areas for all business, commercial and industrial uses shall be surfaced with bituminous or cement material, according to established DPW standards and specifications. **[Amended 4-12-2022]**
- C. Joint-use parking. Joint use of off-street parking facilities is permitted, provided that the parking area is contiguous or within the same parcel of land to be occupied by a joint user's principal building and its accessory building(s). The area of such facilities shall not be less than the sum of the requirements of the various users computed in accordance with the specifications of this section.
- D. Off-premises parking.

14. Editor's Note: The diagram is included at the end of this section.

15. Editor's Note: The diagram is included at the end of this section.

- (1) The use of off-premises parking facilities to meet the requirements of this section may be permitted in the Industrial District if access, egress and travel to and from the same, consistent with § 450-5.6, are provided.
 - (2) A proposal to use such facilities must be approved in writing by the Planning Board and Town Engineer.
 - (3) Any termination or reduction of use of such off-premises parking facilities so that minimum required parking spaces are not available in accordance with Subsection G (entries for "manufacturing and industrial establishment" and "warehouse or wholesale storage facility") hereof will constitute further use of the principal premises and buildings and constitute a violation of the Zoning Bylaw.
- E. Multipurpose building. In the case of a building or structure to be devoted to more than one kind of use, the off-street parking spaces provided shall equal the total number which would be required in Subsection G, as if the uses were to be conducted in separate buildings.
- F. Additional parking specifications for business, commercial and industrial uses.
- (1) Landscaping. There shall be 12% of the total parking and circulation area devoted to landscaping within the boundaries of the parking lot. In addition, there shall be at least a ten-foot landscaped buffer along the street lines, except to provide openings for reasonable access to the site. Such landscaping shall include, but not necessarily be limited to, the planting of grass, ground cover, flower beds, shrubs, hedges or trees. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance and free of refuse and debris. All plantings shall be arranged and maintained so as not to obscure the vision of traffic.
 - (2) Lighting. Any outdoor lighting fixture newly installed or replaced shall be shielded so that it does not produce a strong, direct light beyond the property boundaries.
- G. Minimum required parking spaces. In addition to parking requirements for specific uses found elsewhere in this bylaw, the following minimum required spaces shall be provided for the uses shown: **[Amended 4-12-2022]**

Use	Required Spaces
Each single-family dwelling	1 parking space or garage
A project for the aged permitted under the Table of Use Regulations, Subsection B(3) ¹⁶	Parking spaces for 75% of the number of units
Fraternity, sorority house or dormitory	1 parking space for each 4 persons residing on the premises
Hospital or sanitarium	1 parking space for every 2 beds, plus 1 parking space for every 2 employees on any 1 shift

16. Editor's Note: Table 3-1, the Table of Use Regulations, is included as an attachment to this chapter.

Use	Required Spaces
Nursing home	1 parking space for every 3 beds, plus 1 parking space for every 2 employees on any 1 shift
Retail outlets and other similar uses	6 parking spaces for each 1,000 square feet of floor area. For upper floor or basement area used for office or sales purposes, additional parking shall be provided, amounting to 5 spaces per 1,000 square feet of such space.
Restaurants, clubs or similar facilities serving food or beverages (even when in conjunction with retail stores and the like)	1 parking space for each 3 seats
Theaters	1 parking space for each 3 seats
Professional and commercial offices	5 parking spaces for each 1,000 square feet of gross floor area on all floors, but in no case fewer than 10 spaces
Manufacturing or industrial establishment	1 parking space for every 2 employees on combined employment of the 2 largest shifts, plus space for visitor parking, company vehicles based at the facility and off-street parking
Churches	1 parking space for each 6 seats
Elderly residential permitted under § 450-5.1	Parking spaces for 75% of the number of units plus 1 parking space per person for 1/4 of the maximum total capacity of dining rooms, banquet rooms and meeting rooms available for non-tenants
Planned residential unit developments	2 parking spaces per dwelling unit, which may include garages
Planned adult residential developments	2 parking spaces per dwelling unit, which may include garages
Gas/Service station	3 parking spaces per service bay, but not less than 1 parking space per 100 square feet of gross floor area
Warehouse or wholesale storage facility	1 parking space for 3,000 square feet of gross floor area and/or lot area in such use
Used car lot	1 parking space for each employee; 1 parking space for each company vehicle; and 1 parking space for every 8 spaces devoted to sale or storage of cars

H. Handicapped parking.

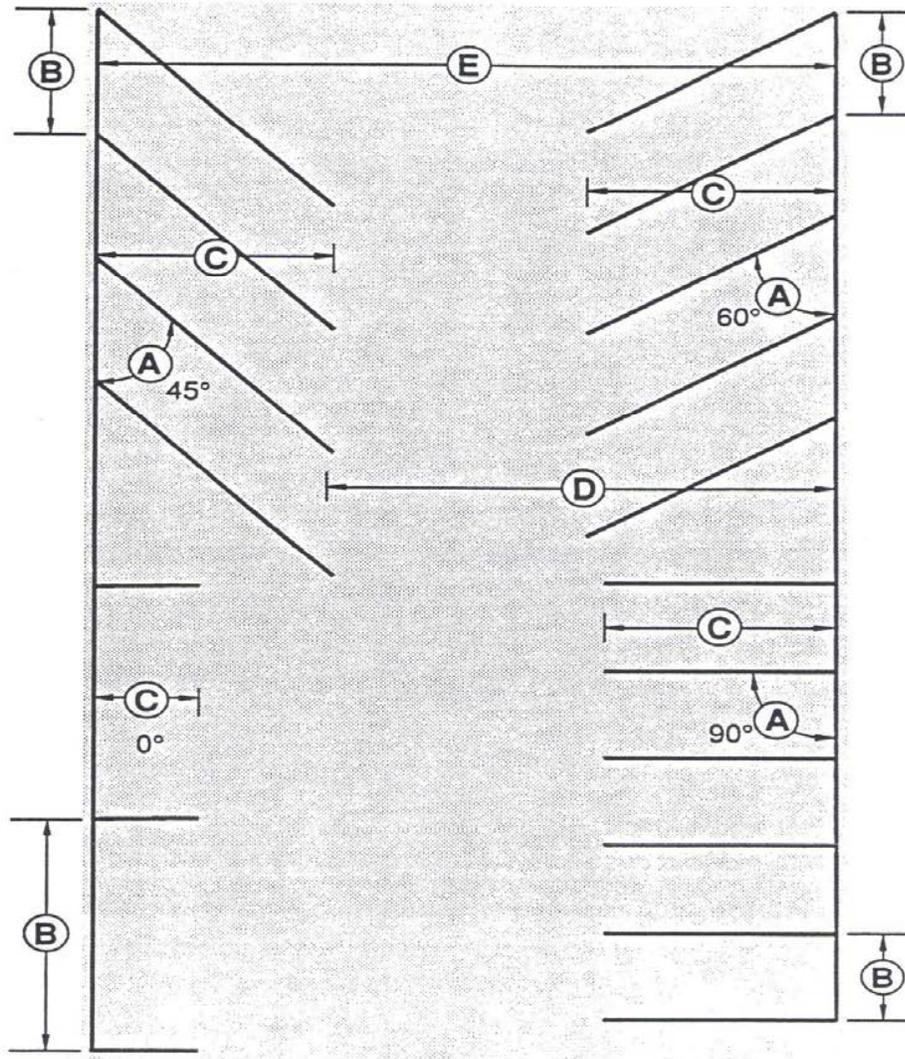
- (1) All parking areas shall provide handicapped-accessible parking spaces, as required by the Federal Americans with Disabilities Act (ADA), and as specified in Diagram 5.6-3,¹⁷ except for the following uses, which are specifically exempted in ADA requirements:
 - (a) Owner-occupied residential dwellings with no more than four units;
 - (b) Single-family homes sold or rented without the use of a broker;
 - (c) Housing operated by religious organizations and private clubs that limit occupancy to members.
- (2) Accessible spaces shall be eight feet zero inches wide, with an adjacent access aisle five feet zero inches wide, and shall be marked with signs and pavement paint. One in every eight accessible spaces, but not less than one, shall have an access aisle eight feet zero inches (rather than five feet zero inches), and shall be signed "van accessible". **[Amended 4-12-2022]**

I. Planning Board decision.

- (1) The concurring vote of a majority (3/5) of the membership of the Planning Board shall be required for any decision on a parking plan. The Board's decision shall consist of either:
 - (a) Approval of the parking plan based on the determination that the proposed parking plan meets all of the requirements of § 450-5.6.
 - (b) Denial of the parking plan based on a determination that either:
 - [1] Insufficient information was submitted with the parking plan in order for the Board to adequately review the proposal; or
 - [2] The project does not meet the requirements of § 450-5.6.
 - (c) Approval of the parking plan subject to conditions, modifications and reasonable restrictions necessary to ensure compliance with the requirements of § 450-5.6.
- (2) The Planning Board shall render a decision within 60 days from the date the parking plan was submitted to the Planning Board and shall file its written decision with the Department of Public Works and the Town Clerk.

17. Editor's Note: The diagram is included at the end of this section.

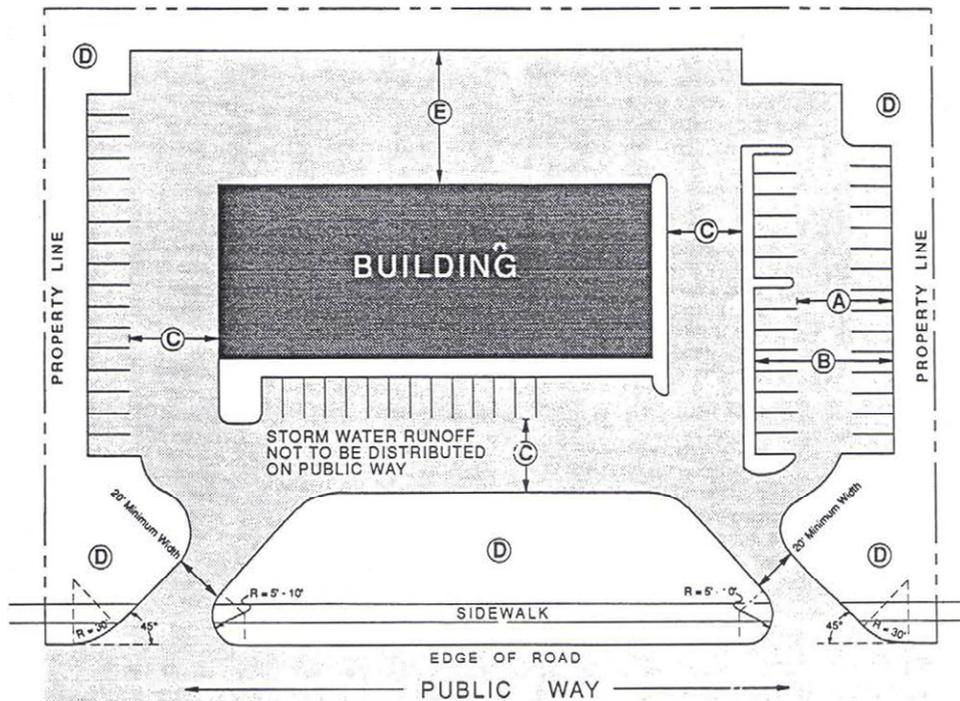
Diagram 5.6-1 Minimum Parking Dimensions



Minimum Dimensions

A. Parking Angle	0°	45°	60°	90°
B. Curb Length Per Car	24'	12' 9"	10' 5"	9'
C. Stall Depth	9'	20' 6"	21' 8"	20'
D. Lot Width for One Row & Driveway	33'	44' 6"	45' 6"	44'
E. Lot Width for Two Rows & Driveway	42'	68' 6"	66' 6"	64'

Diagram 5.6-2 Dimensional Illustration of Parking Area

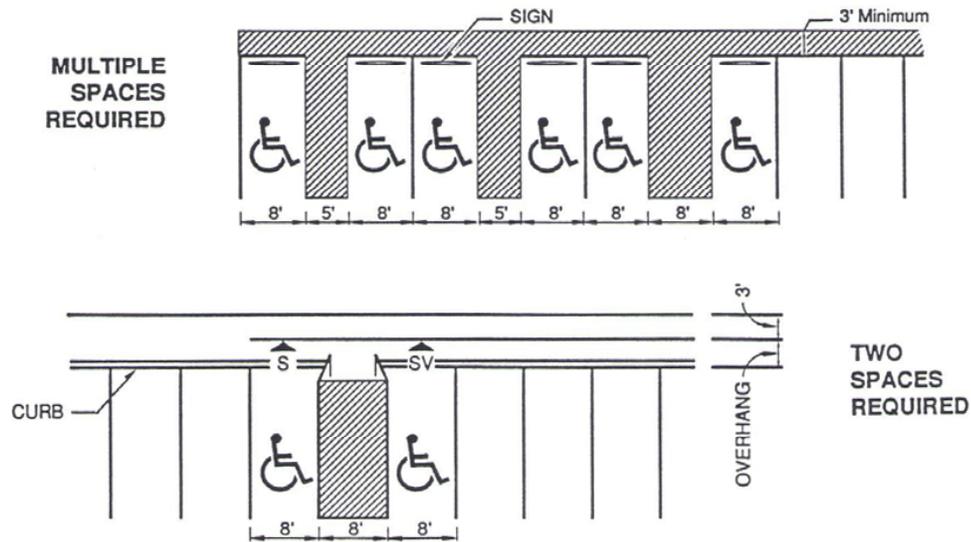


- A. Lot Width for One R.O.W. and Driveway
- B. Lot Width for Two R.O.W.s and Driveway
- C. 90° Parking is Encouraged, Extra Width on End Stalls is Desirable, Additional Driveway Width is Necessary for Main or Thru Circulation Aisles
- D. Landscaping Required by the Zoning By-Law Shall Be Indicated on the Parking Plan Submitted for Approval
- E. Adjust as Necessary for Size of Trucks Serving Facility

**Diagram 5.6-3 Accessible Parking Spaces
(required minimum)**

Total Parking Spaces in Lot	Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2*
1,001 and over	20*

* Percent of Total
 ** Plus One Space for Each 100 Over 1,000



§ 450-5.7. Car service activities.

- A. Public garages, automobile repair shops, storage battery service stations, gasoline filling stations, greasing stations or any of their appurtenances or accessory uses shall hereafter be erected not less than 100 feet from any Residence District. Such building shall have no entrances or exits for motor vehicles within a radius of 300 feet measured from the nearest point of such entrances or exits in any direction to the property of any school, library, church, playground, public building, park, recreation center, social or community center or any institution for the sick, handicapped or feeble. No public garages, automobile repair shops, greasing stations, storage battery service stations, gasoline filling stations or any of their appurtenances or accessory uses shall be placed so that their entrances or exits constitute a potential traffic hazard, and such entrances

or exits to public ways of the Town of East Longmeadow shall be approved by the Department of Public Works as to locations and construction, and approved by the Planning Board as to their conformity with the intent and purpose of this bylaw. A plot plan for any such use as described herein shall require the approval signatures of the Town Manager, the Department of Public Works and the Planning Board prior to the issuance of a building permit or the occupancy or use of land for any of the purposes described in this subsection. **[Amended 4-12-2022]**

B. Gasoline filling station.

- (1) Gasoline filling stations shall be permitted by right in the Business (BUS) and Industrial (I) Districts.
- (2) Additional general requirements. The following standards shall be used as additional standards for all gasoline filling stations:
 - (a) Not more than 30,000 gallons of gasoline may be stored on the premises, with an additional allowable maximum storage of not more than 30,000 gallons of other types of motor fuel.
 - (b) Other types of motor fuel may be stored on the premises, with a maximum storage of 15,000 gallons each of two types of fuel.
 - (c) All fuel must be stored underground, and only nonpressurized (working pressure less than one pound per square inch gauge at the vent) storage will be allowed.
 - (d) An enclosed greasing station for not more than three motor vehicles shall be permitted.

C. Car washing facilities.

- (1) Car washing facilities shall be permitted by special permit in the Business (BUS) and Industrial (I) Districts in accordance with the additional requirements specified herein. **[Amended 4-12-2022]**
- (2) Additional general requirements. The following standards shall be used as additional standards for all car washing facilities:
 - (a) Car washing facilities shall consist of no more than four open-ended bays, which shall be covered by a common roof. Each bay shall be separated from the others by a solid floor-to-ceiling, common interior wall.
 - (b) There shall be a private water supply system located on the premises. Such system shall function independently of the Town water system.
 - (c) The provisions of § 450-5.7 relating to public garages and other enumerated car service activities shall be applicable to car washing facilities.

§ 450-5.8. Signs.

A. General provisions. [Amended 4-12-2022]

- (1) No exterior or ground sign shall be created, placed, erected, altered or enlarged until a building permit has been issued by the Building Commissioner, subject only to the exceptions in Subsection B(2), (4) and (5) below.
 - (2) No sign shall incorporate or be lighted by flashing or blinking lights, light-emitting diode (LED) displays or be designed to attract attention by a change in light intensity or direction, or by repeated mechanical, electrical or computerized motion. All illumination shall have either a source of light from within or exterior to the sign, and such exterior lighting shall be limited to white in color. No changeable and/or graphic display is allowed on any sign. These restrictions do not apply to digital clocks and thermometers.
 - (3) See Definitions, Article XI, including but not limited to the following: "ground sign"; "sign"; "sign, area of."
- B. Residential districts. No sign shall be permitted in a residential district except:
- (1) A professional nameplate having an area of not more than 144 square inches, in connection with permitted uses.
 - (2) A real estate sign having an area of not more than 10 square feet, advertising the sale, rental or lease of the premises on which it is placed.
 - (3) A church and/or school sign, 20 square feet maximum area.
 - (4) A contractor's lawn sign as outlined in Subsection J.
 - (5) Temporary lawn signs for tag sales, elections or other nonprofit social events as outlined in Subsections J and K below.
- C. Commercial District. Signs shall only be permitted in a Commercial (COM) District subject to the following conditions:
- (1) Location and size. All permitted signs shall be attached to a primary building. Attached signs may not exceed five feet in height nor 30 square feet in area, shall not project toward the street more than two feet and shall not extend vertically above the parapet or ridge line, subject only to the following exceptions:
 - (a) One ground sign not to exceed 15 square feet in area nor exceeding 10 feet above ground, which sign shall comply with the setback and side yard requirements for a primary building; or
 - (b) A sign for a building directory of occupants or tenants, not to exceed 40 square feet.
 - (2) Number.
 - (a) There shall not be more than one attached building sign per building occupant/commercial use.
 - (b) A commercial building housing more than one occupant/commercial use is entitled to only one ground sign or one tenant directory sign.

- (3) Construction. No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of 1/4 of an inch. The material of the sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and of the intermediary surface to the wall of the building shall be subject to the approval of the Building Commissioner for the purpose of protecting safety of the public.
 - (4) Illumination. Signs may be illuminated, but shall be nonflashing, nonmoving, and nonanimated. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property; restrictions that pertain to movement do not apply to digital clocks and thermometers.
 - (5) Signs must identify or otherwise relate to the primary building or tenants in such building, and may not be used for other purposes; except that on vacant lots, nonilluminated real estate signs having an area of not more than 20 square feet advertising the sale, rental or lease of the premises on which such signs are located are permitted.
 - (6) Plans for all signs shall be submitted to the Building Commissioner for approval. **[Amended 4-12-2022]**
- D. Business District. Signs shall only be permitted in the Business (BUS) District subject to the following conditions:
- (1) Location. All permitted signs shall be attached to a primary building and shall not extend vertically above the parapet or ridgeline, subject to the following conditions:
 - (a) A sign attached to a building shall be securely affixed to one of the walls or a roof of the building. If affixed to a wall, it shall be parallel with and not project more than 12 inches from the face of such wall and shall not project beyond the face of any other wall of the building. If affixed to the roof, it shall be parallel with the front wall of the building and shall not project beyond the face of any wall of the building. No sign, whether affixed to a wall or roof of a building, shall project above the highest line of the main roof of the building. **[Amended 4-12-2022]**
 - (2) Size. A sign attached to a building shall not be more in area than three square feet per linear foot of building front. A sign on the exterior wall of the first floor of a building may extend across the full width of the store wall, unless the store occupies the entire first floor of a detached building, in which event the sign may extend across not more than 3/4 of the width of the wall. The width of signs of stores occupying other than the first floor of a building shall not exceed three feet. No sign shall exceed 100 square feet in area.
 - (3) Number.

- (a) Exterior wall signs. There shall not be more than one exterior wall sign for each business, except that if the business has a direct customer entrance in a wall other than the business front, there may be a second sign affixed to such wall, and if the store has a wall other than the store front with outside wall fronting on a street, there may be a second sign affixed to such wall, whether or not such wall contains an entrance to the store; provided, however, that no store shall have more than two secondary signs, in any event. The area of the secondary sign or signs shall not exceed 50% of the maximum permissible area of the sign on the storefront. In addition to the foregoing sign or signs, there may be one directory of the occupants or tenants of the building affixed to the exterior wall of the building at each entrance to the building. Such directory shall not exceed an area determined on the basis of 1/2 square foot for each occupant or tenant of the building.
- (b) Ground signs. Only one ground sign is allowed, subject to the following conditions:
- [1] This sign shall be placed so as to comply with the setback and side yard requirements for a primary building. The top of the sign shall not be more than 20 feet above the mean grade level of the building on the lot on which the sign is placed. Such sign shall not contain more than 50 square feet.
 - [2] During the construction of a building, a ground sign may be erected on the premises identifying the building, the owner, the contractors, the architects or the engineers, but such sign shall not exceed 35 square feet in surface area. Such sign shall be removed promptly after the completion of the building.
 - [3] A building housing more than one business is entitled to only one ground sign per the requirements set forth in Subsection D(3)(b)[1] above. Businesses sharing a common wall are considered to be housed in the same building.
- (c) The total area, in aggregate, of all signs, including ground sign, shall not exceed 100 square feet per business use.
- (4) Construction. No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of 1/4 of an inch. The material of the sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and of the intermediary surface to the wall of the building shall be subject to the approval of the Building Commissioner for the purpose of protecting the safety of the public.
- (5) Illumination. Moving and flashing signs are prohibited. No red or green lights shall be used on any sign if, in the opinion of the Building Commissioner, such

lights would create a driving hazard. No sign may be illuminated between 12:00 midnight and 6:00 a.m. except signs identifying police or fire stations and such other signs as the Planning Board may specifically authorize to be illuminated at other hours, if the Board finds that the nature of the use of the premises is such that such illumination should be permitted in the public interest. The provisions of this subsection shall apply not only to exterior signs but also to interior signs that are designed or placed so as to shine through windows or doors of the building. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property. These restrictions do not apply to digital clocks and thermometers.

- (6) Signs must identify or otherwise relate to the primary building or tenants in such building, and may not be used for other purposes; except that on vacant lots, nonilluminated real estate signs having an area of not more than 20 square feet advertising the sale, rental or lease of the premises on which such signs are located are permitted;
 - (7) Gasoline and/or compressed natural gas (CNG) filling and/or electric charging stations and garages. Gasoline and/or CNG filling and/or electric charging stations and garages are limited to the following signs. They may, if they elect to do so, divide the one exterior sign affixed to the front wall of the building, to which they are entitled as hereinabove provided, into separate signs affixed to and parallel to such wall and indicating the separate operations or departments of the business; provided, however, that the total of the area of the separate signs shall not exceed the maximum area permitted under this bylaw for a single exterior sign on such wall. In addition, one sign conforming with the terms of Subsection D(3)(b), standing, indicating the company whose gasoline is being sold, may be erected of such type, in such location, and in such manner as the Planning Board may permit. The standard type of gasoline pump bearing thereon, in usual size and form, the name or type of gasoline and the price thereof shall not be deemed to be in violation of this bylaw. Temporary or movable signs of any and every type are specifically prohibited.
 - (8) Window signs. Signs painted or placed on the inside of the glass of a window shall be permitted, provided that the aggregate area of such signs does not exceed 30% of the area of the window glass.
- E. Industrial District. Signs shall only be permitted in an Industrial (I) District subject to the following conditions: **[Amended 4-12-2022]**
- (1) Signs must identify or otherwise relate to the primary use of the building or tenants in such building and may not be used for other purposes (except that on vacant lots, nonilluminated real estate signs having an area not more than 35 square feet advertising the sale, rental or lease of the premises on which such signs are located is permitted).
 - (2) One ground sign shall be permitted and shall conform to the setback, side yard and rear yard for the Industrial (I) District. The top of the sign shall not be more than 20 feet above mean grade of the building lot on which the sign is placed. Such sign shall not contain more than 50 square feet.

- (3) Signs may be illuminated, but shall be nonflashing, nonmoving and nonanimated. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property.
 - (4) No sign shall have a square footage in excess of 5% of the square footage of the front elevation of the primary building, but in no case shall the square footage of the sign be required to be less than 100 square feet.
 - (5) No sign shall project more than five feet above the roof level of the primary building.
 - (6) Construction. No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of 1/4 of an inch. The material of the sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and of the intermediary surface to the wall of the building shall be subject to the approval of the Building Commissioner for the purpose of protecting the safety of the public.
 - (7) Gasoline and/or compressed natural gas (CNG) filling and/or electric charging stations and garages. Gasoline and/or compressed natural gas (CNG) filling and/or electric charging stations and garages are limited to the following signs. They may, if they elect to do so, divide the one exterior sign affixed to the front wall of the building, to which they are entitled as hereinabove provided, into separate signs, affixed to and parallel to such wall and indicating the separate operations or departments of the business; provided, however, that the total of the area of the separate signs shall not exceed the maximum area permitted under this bylaw for a single exterior sign on such wall. In addition, one sign conforming with the terms of Subsection D(3)(b), standing, indicating the company whose gasoline is being sold, may be erected of such type, in such location and in such manner as the Planning Board may permit. The standard type of gasoline pump bearing thereon, in usual size and form, the name or type of gasoline and the price thereof shall not be deemed to be in violation of this bylaw. Temporary or movable signs of any and every type are specifically prohibited.
- F. Industrial Garden Park District. Signs shall only be permitted in an Industrial Garden Park (IGP) District subject to the following conditions:
- (1) Signs must identify or otherwise relate to the primary use of the building or tenants in such building and may not be used for other purposes (except that on vacant lots, nonilluminated real estate signs advertising the sale of the lot on which they are located, and having an area of not more than 20 square feet, are permitted).
 - (2) One ground sign shall be allowed to be placed no closer than 10 feet to the front property line. The top of the sign shall not be more than 20 feet above the mean

grade level of the building on the lot on which the sign is placed. Such sign shall not contain more than 50 square feet and shall be used only to identify or otherwise relate to the primary use of the building or tenants in such a building and no other purpose. One freestanding sign, not exceeding an area of four square feet, located no nearer than 10 feet to any street or entrance drive curb, shall be permitted at each entrance drive into a site. Such signs shall not exceed an area of four square feet on any one side and a height of 10 feet to the top of the sign, measured from the pavement grade of the adjacent entrance drive.

- (3) Signs may be illuminated, but shall be nonflashing, nonmoving and nonanimated. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property.
 - (4) No sign shall have a square footage in excess of 5% of the square footage of the front elevation of the primary building, but in no case shall the square footage of the sign be more than 100 square feet.
 - (5) No sign shall project more than five feet above the roof level of the primary building.
 - (6) Construction. No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of 1/4 of an inch. The material of the sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and of the intermediary surface to the wall of the building shall be subject to the approval of the Building Commissioner for the purpose of protecting the safety of the public.
- G. Golf Recreational District. Signs shall only be permitted in a Golf Recreational District (GRD) District subject to the following conditions:
- (1) For a residential use, the provision of Subsection B shall apply.
 - (2) For other golf recreational uses, the following provisions shall apply:
 - (a) Only one ground sign is allowed, subject to the following conditions: This sign shall be placed so as to provide a setback and side yard of not less than 50 feet. The top of the sign shall not be more than 15 feet above the grade level below the sign. Such sign shall not be more than five feet from the base of the actual sign to the top of the actual sign, and shall not contain more than 50 square feet.
 - (b) Signs attached to the primary building may not project toward the street more than two feet, may not exceed five feet in height from the base of the sign to the top of the sign, and may not exceed 50 square feet. The top of such sign shall not extend above the parapet or ridgeline.

- (c) Signs may be illuminated, but shall be nonflashing, nonmoving and nonanimated. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property.
- (d) Signs must identify or otherwise relate to the primary building or tenants of such building or the use to which such building is placed, and shall not be used for other purposes.
- (e) Plans for all signs shall be submitted to the Building Commissioner for approval. **[Amended 4-12-2022]**

H. Nonconforming signs.

- (1) Any nonconforming sign, legally erected prior to the adoption of this bylaw or any amendment to this bylaw, may continue to be maintained and repaired. Such a sign shall not be enlarged, reinstated, altered or the copy and wording thereon may not be changed in any way other than normal maintenance and repair, unless it is brought into conformity with this bylaw. **[Amended 4-12-2022]**
- (2) The exemption herein granted is terminated with respect to any sign which:
 - (a) Shall have been abandoned;
 - (b) Advertises or calls attention to any products no longer carried or sold at the premises, or any business or activities which are no longer carried on at the premises; **[Amended 4-12-2022]**
 - (c) Shall not have been repaired or properly maintained within 60 days after notice to that effect has been given by the Building Commissioner.

I. Maintenance. All signs, whether erected before or after the effective date of this bylaw, shall be maintained in a safe condition and in substantially the same condition when created, all to the satisfaction of the Building Commissioner.

J. Contractor's lawn signs. A contractor's lawn sign shall be one sign not exceeding six square feet in area, maintained on the premises while services of a contractor are in process, and containing information identifying the contractor. Such sign shall be removed upon completion of contractor's services. Only one contractor's sign is allowed on the premises at one time.

K. Political, message and/or nonprofit event lawn signs.

- (1) Election signs. Election signs shall be those signs pertaining to a candidate for election or a ballot question. Such signs shall be removed within two days after the election or vote. Each sign shall not exceed six square feet in size.
- (2) Message signs shall be those signs displaying a political, religious or other noncommercial free speech message other than that allowed under Subsection B. Each sign shall not exceed six square feet in size.
- (3) No political sign of any sort shall be placed on Town property.

- (4) Other nonprofit message signs, including tag sales, shall not exceed six square feet in area and must contain a date of the event. Such signs shall be displayed not more than two weeks prior to the event and must be removed within two days after the event.
- (5) Temporary banners of any size are not permitted unless approved by the Building Commissioner. **[Amended 4-12-2022]**

§ 450-5.9. Swimming pools. [Amended 4-12-2022]

All swimming pools must conform to the Massachusetts State Building Code (780 CMR).

- A. Definition. As used in this section, the following terms shall have the meanings indicated:

FAMILY POOL — A swimming pool used or intended to be used by the owner or lessee thereof and the owner's family and by friends invited or permitted to use it without payment of any fee.

NEIGHBORHOOD POOL — A swimming pool not to exceed 24 feet by 52 feet, to be used by a nonprofit organization of not more than 25 families living in the immediate vicinity of the pool.

SWIMMING POOL — A body of water 18 or more inches in depth at any point in an artificial or semi-artificial receptacle or container, permanent or temporary, whether located indoors or outdoors, used or intended to be used for public, semi-public or private swimming by adults or children or both, whether or not any charge or fee is imposed for such use, and includes all structures, appurtenances, equipment, appliances, and all other facilities appurtenant to or intended for the operation and maintenance of a swimming pool, and also all pools operated and maintained in conjunction with or by clubs, community associations, and hotels.

- B. Restrictions and exceptions.

- (1) The family pool and neighborhood pool, in accordance with the Table of Use Regulations, Subsection G(6) and (7),¹⁸ are the only pools permitted in Residence Districts. All swimming pools shall conform to the accessory building setback, side yard and rear yard requirements of the district in which located, except that fencing around neighborhood pools shall conform to the principal building's setback, side yard and rear yard requirements of the district in which they are located.
- (2) Exception. The following special exception may be granted by the Board of Appeals after a public hearing and subject to the approval of the abutting landowners:
 - (a) A neighborhood pool shall be operated under a set of bylaws which include safety rules, limited guest privileges, as well as regulations to keep the use

18. Editor's Note: Table 3-1, the Table of Use Regulations, is included as an attachment to this chapter.

of said pool from becoming objectionable to the abutters and neighbors or a general nuisance.

- (b) The fence surrounding the pool shall be not less than six feet in height and in all other respects shall conform to the regulations set down under Subsection E, Safety devices. Such fence shall conform to the setback, side yard and rear yard requirements for a primary building for the district in which the pool is located.
 - (c) Sufficient provisions shall be made on the property in which the pool is located for off-street parking for all members or their guests.
 - (d) It shall also be required that neighborhood pools whose organizations decide at any time to disband shall be completely filled in before such organization is disbanded. Any of the membership in such organization can be or will be held responsible personally for the fulfillment of this requirement should the organization disband without satisfactory completion of this requirement.
- C. Board of Health construction permit and approval. Before work is commenced on the construction of a swimming pool, neighborhood pool or family pool or on any alteration, addition, remodeling or other improvement to a swimming pool, neighborhood pool or family pool, an application for a permit to construct or erect, and the plans and specifications and pertinent explanatory data for same shall be submitted to the Board of Health for its approval; and no part of the work shall be commenced until the Board of Health has granted such approval by a written permit to construct and has further evidenced its approval by a suitable endorsement upon such plans and specifications. Such plans and specifications shall conform to the provisions of Article VI of the State Sanitary Code.
- D. Lighting. Artificial lighting of the pool shall be shaded and directed in such a manner as to limit the lighting to the actual area of the pool, and shall in no way constitute a nuisance.
- E. Safety devices. All swimming pools, neighborhood pools, family pools, wading pools, fish ponds or other bodies of water which constitute an obvious hazard and which are artificial or semi-artificial in their nature and which contain more than 18 inches of water in depth at any point shall be enclosed by a fence sufficient to make such body of water inaccessible to small children. Such enclosure, including gates, must not be less than four feet above the underlying ground. All gates must be self-closing and self-latching with latches placed four feet above the underlying ground or otherwise made inaccessible from the outside to small children. Such fence shall be constructed in such a manner that no holes or gaps exist larger than four inches in any dimension, except through the doors or gates. If a picket fence is used, the minor dimension shall not be more than four inches. No fence shall be built in such a manner so as to render it easy to climb. A dwelling or accessory building may be used as part of such enclosure. In addition, the wall of the container or receptacle or other structure may be considered to be part of the enclosure if it is completely above the underlying ground adjacent to the swimming pool, family pool or wading pool. If it is not completely above the underlying ground, fencing or other additional obstruction shall be provided that will give protection equal to the wall of the container. In cases where access to the pool is

through ladders, stairs, steps or other such structures, provision must be made to obstruct or otherwise prohibit entry into the pool by use of such structures, when the pool is not in use. These requirements shall be applicable to all swimming pools, neighborhood pools or family pools hereafter constructed, other than indoor pools, and shall apply to all outdoor pools. No person in possession of land within the Town having a swimming pool, neighborhood pool or family pool having a depth in excess of 18 inches shall fail to provide and maintain such fence or wall as herein provided. The Board of Health shall allow a reasonable period within which to comply with the requirements of this subsection.

- F. **Permit.** No person shall operate or maintain a swimming pool, neighborhood pool or family pool until a permit therefor shall have been issued by the Board of Health, which permit shall be valid unless revoked. All permits shall be in writing and shall state the conditions thereof. The Board of Health is hereby authorized to promulgate rules and regulations for the construction, operation and maintenance of swimming pools, neighborhood pools and family pools for the protection and promotion of the public health, safety, morals and public welfare. Any permit granted by the Board of Health hereunder may be revoked by it for failure to comply with its rules and regulations promulgated hereunder or whenever, in the determination of the Board of Health, further operation under such permit creates a menace to the health, safety or morals of the users of the swimming pool, neighborhood pool or family pool. No appeal under this subsection shall entitle the permit holder to continue the operation of the swimming pool, neighborhood pool or family pool pending action under an appeal.
- G. **Inspection.** The Board of Health may inspect or cause to be inspected all swimming pools, neighborhood pools or family pools within the Town at such times as it may deem necessary to carry out the intent of this bylaw. The Board of Health is hereby authorized to enter upon any premises, private or public, to take such samples of water from such pools at such times as it may deem necessary and to require the owner, proprietor or operator to comply with the rules and regulations pertaining to swimming pools, neighborhood pools or family pools promulgated by the Board of Health in accordance with this bylaw. In the event of failure of compliance after due notice by the Board of Health, the Board of Health shall have the power to abate or cause a suspension of such swimming pool, neighborhood pool or family pool permit until such time as the same is, in the opinion of the Board of Health, no longer a menace or a hazard to health, safety or morals.
- H. **Protection of property rights.** No swimming pool, neighborhood pool or family pool shall be so located, designed, operated or maintained as to interfere unduly with the enjoyment of their property rights by owners of property adjoining the swimming pool, neighborhood pool or family pool or located in the neighborhood of such swimming pool, neighborhood pool or family pool. It shall be unlawful for any person to make, continue or cause to be made or continued at any swimming pool, neighborhood pool or family pool any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. In the operation of a swimming pool, neighborhood pool or family pool, the use or permitting the use or operation of any radio, television, receiving set, musical instruments, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing

of the person or persons who are in the swimming pool, neighborhood pool or family pool shall be unlawful. Any commercial undertaking at any swimming pool, neighborhood pool or family pool is expressly prohibited.

- I. Swimming pools, public or semi-public. In addition to compliance with the above bylaw, any swimming pools for public or semi-public use, or any neighborhood pools, shall be required to conform with any special requirements of the Board of Health, these special requirements to be determined by the nature and proposed use and utilization of said pool.

§ 450-5.10. Churches and buildings for educational purposes.

In Residence Districts, churches and buildings for educational purposes. Any use of land for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, or by a religious sect or denomination, or by a nonprofit educational corporation or any public library or museum is exempt from special permits but is subject to the general standards and conditions enumerated in § 450-8.3 and the following specific standards and conditions:

- A. Lot coverage by buildings, structures, parking and driveways shall not exceed 60% of the lot area.
- B. Dimensions of the following shall be increased over those of the highest abutting Residence AA, A, B or C District by the percentages given below:
 - (1) Lot area and lot width: by 100% greater.
 - (2) Setback, side and rear lot width: by 40% greater.
 - (3) Building height: by 10 feet or one story greater.
- C. Parking shall be provided in accordance with the requirements of § 450-5.6 of the Zoning Bylaws, and there shall be no parking or access driveways closer than 25 feet to a Residence District boundary.
- D. The entire length of side and rear yards abutting a Residence District shall be landscaped for a depth of 20 feet from the lot line.

ARTICLE VI

Medical Marijuana Treatment Centers; Registered Marijuana Dispensaries

§ 450-6.0. Purpose. [Amended 4-12-2022]

The purpose of this article is:

- A. To provide for the establishment of medical marijuana treatment centers known as "registered marijuana dispensaries" (hereinafter "RMDs") in appropriate places and under strict conditions in accordance with the Acts of 2012, Chapter 369, entitled "An Act for the Humanitarian Use of Marijuana".¹⁹

¹⁹ Editor's Note: See MGL c. 94I.

- B. To minimize the adverse impacts of RMDs on adjacent properties, residential neighborhoods, schools and other places where children congregate and other land uses potentially incompatible with said RMDs.
- C. To regulate the siting, design, placement, safety, monitoring, modification and removal of RMDs.

§ 450-6.1. Applicability.

- A. The cultivation (unless it meets the requirements for an agricultural exemption under MGL c. 40A, § 3) production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited unless permitted as an RMD under this article.
- B. No RMD shall be established except in compliance with the provisions of this article.
- C. Nothing in this bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- D. If any provision of this article or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this article, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this article are severable.

§ 450-6.2. Eligible locations for RMDs.

RMDs, other than agricultural operations meeting exemption standards under MGL c. 40A, § 3, may be allowed by special permit of the Planning Board in the Industrial Garden Park District, provided the facility otherwise meets the requirements of this article. Operations under MGL c. 40A, § 3 must meet all of the general requirements for a site plan review.

§ 450-6.3. General requirements and conditions for all RMDs.

- A. All RMDs shall be contained within a building or structure in which there will be no windows. [Amended 4-12-2022]
- B. No RMD shall have a gross floor area of less than 2,500 square feet or in excess of 20,000 square feet.
- C. An RMD may not be located in buildings that contain any medical doctor's offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.
- D. The hours of operation of RMDs shall be set by the special permit granting authority, but in no event shall said RMDs be open and/or operating between the hours of 8:00 p.m. and 8:00 a.m.
- E. No RMD shall be located within 300 feet of any existing residence or residential zoning district.

- F. No RMD shall be located within 1,000 feet of any of the following preexisting structures or uses:
- (1) Any school attended by children under the age of 18;
 - (2) Any licensed child-care facility;
 - (3) Any drug or alcohol rehabilitation facility;
 - (4) Any half-way house or similar facility; or
 - (5) Any other RMD.
- G. No RMD shall be located within 500 feet of the following preexisting structures or uses:
- (1) Any church;
 - (2) Any school;
 - (3) Any park, not to include the rail trail/bicycle path;
 - (4) Any playground;
 - (5) Any athletic playing field; or
 - (6) Any youth center.
- H. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of an RMD.
- I. Signage for the RMD shall include the following language: "Registration card issued by the Massachusetts Department of Public Health Required." The required text shall be a minimum of two inches in height.
- J. RMDs shall provide the East Longmeadow Police Department and Building Commissioner with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.
- K. RMDs shall provide the East Longmeadow Police Department and the East Longmeadow Fire Department with a detailed security report as to how the security for the site will be provided.

§ 450-6.4. Additional requirements and conditions for all RMDs.

See additional requirements under § 450-8.10, Registered marijuana dispensaries (RMDs).

ARTICLE VII

Administration and Enforcement**§ 450-7.0. Zoning Board of Appeals.**

A. Membership.

- (1) The Board of Appeals shall consist of five members. The Town Manager shall appoint members of the Board of Appeals pursuant to MGL c. 40A, § 12. The Town Manager shall also appoint two or more associate members of the Board of Appeals as provided in MGL c. 40A, § 12. **[Amended 4-12-2022]**
- (2) The Board of Appeals shall have the powers provided by MGL c. 40A, § 14.

B. Appeals.

- (1) Appeals to the Board of Appeals may be taken by any person aggrieved by reason of their inability to obtain a permit or enforcement action from any administrative office under the provisions of said Chapter 40A, or by any person, including an officer or board of the Town or of an abutting town, aggrieved by an order or decision of the Building Commissioner, or other administrative official, in violation of any provision of said Chapter 40A or the Zoning Bylaw of the Town of East Longmeadow. **[Amended 4-12-2022]**
- (2) Such appeal shall be taken by the Board within 30 days from the date of the order or decision which is being appealed, by filing a notice of appeal with the Town Clerk in accordance with the provisions of Chapter 40A.

C. Variances. Petitions for variances from the terms of the applicable zoning provisions shall be dealt with by the Board of Appeals in accordance with Chapter 40A of the General Laws, as amended. The Board shall grant no variances which would amount to an amendment of this bylaw. 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 bylaw 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 bylaw. A variance is permission to depart from the literal enforcement of the Zoning Bylaw with respect to setback, side yard, frontage and lot size, but not involving use or structures. **[Amended 4-12-2022]**

D. Quorum requirement. Four members of the Zoning Board of Appeals must be present in order to hold a public hearing. Only members who attend the public hearing may vote on a variance decision.

E. Restrictions. In carrying out the provisions above, the Board may impose, as a condition of its decision, such restriction as to manner and duration of use as will in its opinion safeguard the legitimate use of the property in the neighborhood and the health and safety of the public, and conform to the intent and purpose of this bylaw. Such restrictions shall be stated in writing by the Board and made a part of the permit or

variance. No variance shall be conditioned on the continued ownership of the land or structures by the petitioner to whom the variance was issued.

- F. Two years before next appeal. No petition considered under the bylaw that has been unfavorably acted upon by the Board of Appeals shall be again considered on its merits by said Board within two years after the date of such unfavorable action unless the Board of Appeals and Planning Board consent thereto under the provisions of MGL c. 40A, § 16, as amended.
- G. Procedures. Appeals, applications and petitions authorized by this bylaw and/or by Chapter 40A of the Massachusetts General Laws shall be taken and/or filed as provided in MGL c. 40A, §§ 15 through 17. All hearings, meetings and other proceedings conducted by the Board of Appeals shall comply with Chapter 40A of the Massachusetts General Laws. **[Amended 4-12-2022]**

§ 450-7.1. Enforcement.

A. Building Commissioner duties.

- (1) The Building Commissioner shall enforce the provisions of the bylaw and amendments as hereinafter provided. No building shall be constructed, altered, moved or changed in use in the Town without a permit from the Building Commissioner. Such permit shall be withheld unless such construction, alteration or proposed use is in conformity with all the provisions of this bylaw. Where a special permit is required pursuant to the provisions of the bylaw, or where an appeal or petition involving a variance is pending, the Building Commissioner shall issue no such permit except in accordance with written decision of the Planning Board (as special permit granting authority) and/or the Zoning Board of Appeals. **[Amended 4-12-2022]**
- (2) The general duties and responsibilities of the Building Commissioner shall be in accordance with any or all action necessary to enforce full compliance with any or all provisions of this bylaw and the conditions and stipulations of permits and variances issued hereunder, including notification of noncompliance, together with requests for legal action through the Town Manager to the Town Counsel. **[Amended 4-12-2022]**
- (3) If the Building Commissioner shall be informed or have any reason to believe that any provision of this bylaw or any permit or decision hereunder has been, is being or is about to be violated, the Building Commissioner shall make an investigation of the facts, including the inspection of the premises where the violations may exist.
 - (a) If, in the opinion of the Building Commissioner, a violation exists, the Building Commissioner shall issue an order to cease and desist or to correct the violation.
 - (b) If, after such order, such violation continues and no appeal to the Board of Appeals is taken within 30 days, the Town Manager shall, upon notice from the Building Commissioner, forthwith make applications to the Superior Court for an injunction or order restraining the violation and shall take such

other action as is necessary to enforce the provisions of the bylaw. **[Amended 4-12-2022]**

- (c) If, after action by the Building Commissioner, appeal is taken to the Board of Appeals, and after a public hearing the Board of Appeals finds that there has been a violation or prospective violation, the Building Commissioner shall issue an order to cease and desist and refrain from such violation unless such order has been previously issued. If such then continues, the Town Manager shall, upon written notice from the Building Commissioner, forthwith make application to the Superior Court or Land Court for an injunction or order restraining the violation and shall take such other action as may be necessary to enforce this bylaw. **[Amended 4-12-2022]**
- (d) Where written complaint is made to the Building Commissioner, the Building Commissioner shall take action upon such complaint within 14 days of receipt thereof and shall report such action in writing to the complainant and Planning Board.
- (e) If the Zoning Enforcement Officer finds no violation or prospective violation, any person aggrieved by the Zoning Enforcement Officer's decision, or any officer or board of the Town, may within 30 days appeal to the Board of Appeals.

B. Penalties.

- (1) Whoever violates any provision of this bylaw, or any of the conditions of a permit or special permit, may be penalized by a complaint brought in the District Court Trial Department, by a fine of not more than \$300 for each violation or offense, and each day on which a violation occurs shall constitute a separate offense.
- (2) In addition to the procedures described above, the provisions of this bylaw may also be enforced by the Building Commissioner by noncriminal complaint pursuant to the provisions of MGL c. 40, § 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty for violation of any provision of this bylaw shall be \$100 for the first offense; \$200 for the second offense; and \$300 for the third and each subsequent offense.

C. Filing plot plan. Unless otherwise ordered by the Building Commissioner, all applications for building permits under the provisions of the Building Code of the Town of East Longmeadow shall be accompanied by the plans in duplicate. Such plans shall be drawn to scale, shall show the actual dimensions, radii and angles of the lot to be built on, the exact size and location on the lot of the main building and accessory buildings to be erected and such other information as may be necessary to determine and provide for the enforcement of this bylaw, and amendments thereto. One copy of the plans filed by the applicant shall be returned to the applicant when approved by the Building Commissioner.

D. Certificate of occupancy.

- (1) No land shall be occupied or used, and no building or structure hereafter erected or altered shall be occupied or used, in whole or in part, for any purpose until a

certificate of occupancy is issued by the Building Commissioner stating that the building, structure or use complies with the provisions of this bylaw.

- (2) No such certificate shall be issued unless the building or structure and its uses, as well as the uses of all the premises, are in conformity with the provisions of this bylaw.
- (3) Certificates of occupancy shall be required for any of the following:
 - (a) Occupancy and use of a building hereafter erected or altered.
 - (b) Change in use of an existing building or structure or premises to a different use.
 - (c) Any change in use of a nonconforming use.
- (4) Upon completion of any building or structure, and prior to the use of any such building, structure or premises, a certificate of occupancy shall be applied for on a form furnished by the Building Commissioner. Such application shall be acted upon within 10 days after the filing thereof.

§ 450-7.2. Amendments.

This bylaw, and all the maps incorporated in it, may be amended as provided in Chapter 40A of the Massachusetts General Laws.

§ 450-7.3. Severability.

The invalidity or deletion of any section or provision of this bylaw shall not invalidate any other section or provision thereof.

§ 450-7.4. Repeal of previous bylaws.

Any existing bylaws or any parts thereof inconsistent with this bylaw are hereby repealed.

§ 450-7.5. Previous permits.

Nothing in this bylaw shall require a change in the plans, construction or designated use of any structure on land for which a special permit is in effect at the time of adoption of this bylaw, or on which a building permit has been issued; subject, however, to any expiration term of such a special permit or to MGL c. 40A, § 5. The special permit granting authority may require any such special permit to conform with some or all requirements of this bylaw, if it is reviewed, amended, modified or transferred.

ARTICLE VIII
Special Permits

§ 450-8.1. General provisions.

- A. Special permits are required for certain uses, structures or conditions as specified in Article III, Schedule of Use Regulations.²⁰ [Amended 4-12-2022]
- B. Purpose. Special permits are intended to provide detailed review of certain uses and structures which may have substantial impact upon traffic, utility systems and the character of the Town, among other things. The special permit review process is intended to ensure a harmonious relationship between proposed development and its surroundings, and ensure the proposals are consistent with the purpose and intent of this bylaw.
- C. Special permit granting authority (SPGA). The Planning Board shall be the special permit granting authority.

§ 450-8.2. Special permit procedures.

- A. Special permits may be issued by special permit granting authorities in accordance with MGL c. 40A, § 9 and with the following regulations:
 - (1) Public hearing.
 - (a) Special permits shall only be issued following a public hearing held within 65 days after filing an application with the special permit granting authority, a copy of which shall forthwith be given to the Town Clerk by the applicant. The SPGA shall take final action on an application for special permit within 90 days following the public hearing. Failure to do so shall constitute approval. A vote of at least four members of the Planning Board is required. [Amended 4-12-2022]
 - (b) Projects requiring both site plan review and special permit. The period of review for site plan review and special permit shall be the same as any other special permit and shall conform to the requirements of MGL c. 40A, § 9. Specifically, a joint public hearing to address the special permit application and the site plan review application shall be held within 65 days of the filing of a special permit application with the special permit granting authority (SPGA). The SPGA shall then have 90 days following the public hearing in which to act.
 - (2) Application procedures.
 - (a) All applications for special permits shall be made in writing on forms furnished by the Planning Board and located in the Planning Board office and shall be accompanied by a site plan when required in accordance with Article III, Schedule of Use Regulations.

20. Editor's Note: The Schedule of Use Regulations is included as an attachment to this chapter.

- (b) Misrepresentation of any of the required plan items shall be cause to revoke a special permit.
 - (3) Quorum requirement. Four members of the Planning Board must be present in order to hold a public hearing. Only members who have attended the public hearing may vote on whether or not to grant a special permit. **[Amended 4-12-2022]**
- B. Expiration.
- (1) Construction or operations under a special permit shall conform to any subsequent amendment of this bylaw unless the use or construction is commenced within a period of six months after issuance of the permit; additionally, in cases involving construction begun within such six-month period, such construction shall be continued through to completion as continuously and expeditiously as is reasonable.
 - (2) A special permit granted under this section shall lapse after a period of one year has passed if substantial use has not sooner commenced, except for good cause, or, in the case of permit for construction, if construction has not begun by such date, except for good cause. This period shall not include such time required to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17. **[Amended 4-12-2022]**
- C. Application and review procedures.
- (1) The size, form, contents and style of plans and specifications required as part of an application for a special permit are available in the Planning Board office.
 - (2) Upon receipt of an application, the SPGA shall submit one copy of said application and plan to the Board of Appeals, the Planning Board, the Board of Health and the Conservation Commission for their review. Said Boards and Commission shall, within 30 days, make recommendations as they deem appropriate and shall send copies thereof to the SPGA and to the applicant in accordance with MGL c. 40A, § 11.
 - (3) The SPGA may also, at its discretion, transmit copies to the Superintendent of Public Works for review within 30 days in accordance with MGL c. 40A, § 11. Special permit requests for used motor vehicle storage or sales must be transmitted to the Department of Public Works for review and comment under these provisions. The decision of the SPGA shall be made only after obtaining and considering the recommendations of other appropriate Town boards, commissions, departments and agencies.
- D. Modification, amendment, renewal or revocation.
- (1) The SPGA shall have the authority to modify, amend or review its approval of a special permit upon written application of the owner, lessee or mortgagee of the premises; provided, however, that such action is consistent with the purpose and intent of this bylaw, and a public hearing has been held.
 - (2) The SPGA, subsequent to the granting of a special permit, or any extension, modification or renewal thereof, shall retain the right to revoke said special

permit, or the extension, modification or renewal thereof, upon its determination that the use or construction authorized by the granting, extension, modification or renewal of the special permit does not conform to the general or specific provisions set forth in this bylaw pertinent to the particular special permit under consideration. The SPGA shall conduct a meeting for the purpose of deciding whether or not to revoke a special permit, or any extension, modification or renewal thereof, and shall notify the holder of any such permit of the time and place of such a meeting and shall afford the holder of the special permit the opportunity to present its position to the SPGA. Not later than 20 days after the completion of any such meeting, the SPGA shall send written notice to the holder of the special permit of its decision.

- E. Transfer. Where a special permit involving the construction of buildings has not been implemented by substantial construction, said permit shall not pass to future owners of the property without a public hearing and approval of the SPGA.
- F. Document distribution. When a special permit has been granted, one copy each of the decision, conditions and approved plans shall be filed with the Planning Board, the Zoning Board of Appeals, the Town Clerk and the Building Commissioner, and one copy shall be returned to the applicant. The set of documents on file with the Town Clerk shall bear the endorsement of the SPGA and certification that copies of the decision and related plans have been filed in accordance with this section.
- G. Time schedule. A special permit shall only be issued following a public hearing held within 65 days after the SPGA receives the application from the Town Clerk. The SPGA shall act within 90 days following the public hearing. Failure of the SPGA to make final action upon an application for a special permit within said ninety-day period shall be deemed to be a granting of the special permit applied for.

§ 450-8.3. Special permit criteria.

The following general standards and conditions, in addition to the specific standards and conditions set forth in the dimensional and density regulations, shall be met before a special permit can be granted by the special permit granting authority:

- A. The specific site must be an appropriate location for the use, structure or condition.
- B. The use as developed will not adversely affect the neighborhood.
- C. There will be no nuisances, such as noise etc., or safety hazards created.
- D. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- E. Appropriate screening by walls, fences, planting or other devices shall be provided for parking areas.
- F. Exterior features or appearance will not be detrimental to the surrounding neighborhood.
- G. Number and design of access drives and traffic features shall be adequate for intended use.

- H. Uses must be in harmony with the general purpose and intent of the Zoning Bylaws.
- I. All required state and local licenses must be acquired and kept current. Failure to meet this criterion is grounds for revocation of the special permit by the special permit granting authority. **[Added 6-15-2021]**

§ 450-8.4. Earth removal operations.

In all zoning districts, the following uses may be allowed only under a special permit, which may be issued under specified terms and conditions granted by the SPGA after a public hearing:

- A. The removal, from any site, for profit or benefit or for any other purpose, of gravel, sand, loam or any other earth material, provided: **[Amended 4-12-2022]**
 - (1) No material is removed below the average grade of the nearest public or private way.
 - (2) No adverse effect is caused within abutting private or public property.
 - (3) At the conclusion of the operation or of any substantial portion thereof, the whole area where removal takes place shall be covered with not less than four inches of loam and seeded with suitable cover crop.
 - (4) The applicant for such special permit shall submit a plan to the SPGA indicating:
 - (a) Existing grades in the area from which the above material is to be removed, together with finished grades at the conclusion of the operation with grade contour intervals shown at no more than two feet.
 - (b) The provision for proper drainage of the area of the operation, both during the operation and after its completion.
 - (c) That no bank or cut shall exceed a slope of one foot of vertical rise in two feet of horizontal distance.
 - (d) The grades of the nearest public or private way.
 - (e) The grades within any abutting private or public property.Such plan shall be signed and sealed by a professional engineer in conformity with applicable laws of the commonwealth.
 - (5) In any district, gravel, sand, loam or other earth material may be removed from the area covered by a building or other construction operation, as evidenced by a current and valid building permit, provided that if such material is removed from the site in consideration of profit or benefit or for any other purpose, a special permit is required. In the area affected by such operation, no less than four inches of loam shall remain, or be brought in and spread, and provided that the entire open area disturbed is seeded with a suitable cover crop. Filled areas shall be properly drained and covered in the same manner. **[Amended 4-12-2022]**

- (6) Removal of gravel, sand, loam or other earth material from any portion of any premises which is not part of a building or construction operation as evidenced by a current and valid building permit shall be prohibited unless allowed by the issuance of a special permit in accordance with the foregoing procedure. **[Amended 4-12-2022]**
- B. The following earth removal operations are exempt from the requirements of Subsection A:
- (1) Residential driveway construction.
 - (2) Single-house lot development which involves the removal of earth materials. **[Amended 4-12-2022]**
 - (3) Earth removal operations conducted by the Town of East Longmeadow.
 - (4) Portable wood-working mills and machinery, while operating exclusively upon timber being removed from the property upon which said mills and machinery are located and operated for commercial gain, provided that the disposal and disposition of the debris left after such operation is conducted in accordance with applicable Massachusetts General Laws.

§ 450-8.5. Family home day-care uses. [Amended 4-12-2022]

In Residence Districts, family home day-care may be allowed by special permit. The SPGA shall not grant or renew a special permit for the use, construction, extension or modification of a family home day-care unless:

- A. The general standards and conditions enumerated in § 450-8.3 are met;
- B. Conditioned upon the permanent compliance with the Acts and Resolves of the Commonwealth; and
- C. A plan is submitted to the SPGA which provides a safe vehicle circulation and safe off-street vehicle loading and unloading areas.

§ 450-8.6. Hospitals, sanitariums, medical clinics, convalescent homes, assisted-living and nursing homes, congregate elderly and handicapped housing.

- A. In Residence Districts, the SPGA shall not grant or renew a special permit for the use, construction, extension or modification of a hospital, sanitarium, medical clinic, convalescent home, assisted-living facility, congregate elderly and handicapped housing or nursing home unless the standard conditions enumerated in § 450-8.3 are met and unless the following specific standards and conditions are also met:
- B. A plan of development shall be submitted to the SPGA for review, and such plan must be approved by said SPGA before a building permit shall be issued. The SPGA, in reviewing such plan, shall obtain and consider the recommendations of the various Town boards and commissions. In review of such plan, the following standards shall be met:

- (1) The proposed uses should complement and be in harmony with the existing and probable future character of the neighborhood.
- (2) Main and accessory buildings shall be located in relation to one another and in relation to other structures in the vicinity to provide efficient pedestrian and vehicular access and circulation, and to create harmonious appearance. No building shall be built within 50 feet of any property line.
- (3) The plan of development shall show a twenty-foot landscaped buffer zone between buildings, roads, parking areas and any other adjacent property.
- (4) The plan shall provide, within the site, efficient traffic circulation and adequate parking (amount, location and access). The plan of development shall not create excessive traffic load or circulation problems on existing adjacent or nearby streets.
- (5) Sufficient domestic water and sanitary sewage disposal facilities shall be available.
- (6) The development shall be designed so as to protect adjacent property and the neighborhood in general from detrimental effects.
- (7) The proposed use is essential or desirable to the public convenience or welfare.
- (8) Compliance with local, state and federal laws and regulations or agencies thereof.
- (9) The special permit granting authority may require any additional information needed to permit a thorough review.

§ 450-8.7. Used car lots. [Amended 4-12-2022]

In the Business District, used car lots may be allowed by special permit. The SPGA may issue a special permit allowing buildings, structures or land to be used for the sale of, and storage for sale of, used motor vehicles. Issuance of said special permit shall be subject to the general standards and conditions enumerated in § 450-8.3 and the following provisions:

- A. This use will only be allowed in a Business District, as indicated on the Zoning Districts Map identified in § 450-2.1.
- B. The lot shall have a minimum of 20,000 square feet with a minimum of 150 feet frontage on an accepted way.
- C. Not more than 75% of the lot shall be occupied by buildings, parking area or other facilities. At least 25% of the lot area shall be left as green open space.
- D. Buildings, structures or any of their appurtenances or accessory uses shall hereafter be erected not less than 100 feet from any Residence District. Such buildings shall have no entrances or exits for motor vehicles within a radius of 300 feet measured from the nearest point of such entrances or exits in any direction to the property of any school, library, church, playground, public building, park, recreation center, social or community center or any institution for the sick, handicapped or feeble. No building, structure or any of their appurtenances or accessory uses shall be placed so that their entrances or exits constitute a potential traffic hazard, and such entrances and exits to

public ways of the Town of East Longmeadow shall be approved by the Department of Public Works as to locations and construction, and approved by the Planning Board as to their conformity with the intent and purpose of this bylaw. A plot plan for any such use as described herein shall be reviewed by the Town Manager and the Department of Public Works prior to the issuance of a building permit or the occupancy or use of land for the purpose described in this section.

- E. No part of any building or structure shall be erected or altered so as to be less than 25 feet from the street line. Side yards and a rear yard shall not be required for a business building or structure, except as required in Subsection D above. The 15 feet of such rear or side yard nearest to the Residence District shall be left as a natural wooded buffer, or if none exists, shall be landscaped by providing trees, shrubs or fencing to provide a practical buffer between the two districts. The establishment of this buffer strip shall be an integral part of any required parking plan.
- F. Building area shall not exceed 25% of the lot area. Plot plans must be submitted to the Planning Board for approval of parking provisions in all cases, and to the Department of Public Works in accordance with the General Bylaw of the Town of East Longmeadow, Chapter 416, Vehicles and Traffic, § 416-3, where applicable.
- G. Off-street parking shall be provided and shall meet the requirements of § 450-5.6 of the Zoning Bylaw.

§ 450-8.8. Home-based trade.

In residential districts: The special permit granting authority (hereinafter referred to as the "SPGA") may issue a special permit allowing a home-based trade operation (see Article XI, Definitions, "home-based trade"). The availability of this special permit will be limited to those residential zone home-based trade operations in existence in a residential district as of the date of the first publication of notice for the public hearing to amend this § 450-8.8, which is January 28, 2008. Issuance of the special permit shall be subject to the general standards and conditions enumerated in § 450-8.3 of this bylaw and the following provisions:

- A. This use will only be allowed in Residence Districts AA, A, B and C.
- B. Any person wishing to obtain a special permit for this limited use must present satisfactory documentation, as determined by the SPGA, which validates the applicant's ownership of and residence at the property and business existence and operation in the residential district as of the date of the first public notice for the public hearing for this section, which is January 28, 2008. Documentation may include, but is not limited to, paid excise tax bills on the business vehicles validating existence at the residential site.
- C. These specific uses will terminate upon the termination of the existing operation as approved and permitted or upon the sale of the property to a non-family member. Said business is not transferable to anyone other than an immediate family member as defined in Article XI of this bylaw.
- D. All eligible applications for special permit for this limited use must be filed with the Planning Board office on or before December 31, 2008.

- E. The special permit application shall include a site plan designating lot size, existing structures, vehicle/parking footprint, storage area, vehicle access and egress from the rear property and placement of required screening. "Vehicle" references throughout this section refers to home-based trade vehicles, unless otherwise specified. All dimensional regulations (Table 3-2²¹) for residential districts remain in effect for residential parcels acquiring a home-based trade. All vehicles and trailers are to be listed as to type and size, as well as any outside storage of equipment and wheeled accessories (see Article XI, Definitions, "trailer" and "wheeled accessory"). All materials and chemicals as well as all hazardous materials are to be listed and in compliance with the East Longmeadow Zoning Bylaws and the East Longmeadow Fire Department regulations.
- F. Outside storage of materials or equipment required by the home-based trade shall not exceed 6% of the lot size, excluding wetland resource areas as defined by the Wetland Protection Act (MGL c. 131, § 40). Said storage shall be garaged or properly screened from sight of abutting properties and ways (as determined by the SPGA) to the rear of the principal building. Storage containers and trailer beds and/or trailer bodies shall not be permitted.
- G. Not more than 20% of the habitable floor area within the principal building shall be dedicated for the business use. Said area is to be designated on a site plan approved by the SPGA and made a part of said special permit.
- H. The number of employees' vehicles allowed at the residential home-based trade business location shall be limited to the number of trade vehicles permitted on the site, as conditioned by the special permit.
- I. No retail or wholesale activities shall be allowed on the premises.
- J. No fabrication of subassemblies or manufacturing of any type shall be allowed on the lot.
- K. No signage (other than logos on company vehicles) shall be allowed.
- L. Presence of the business shall not be apparent from the street.
- M. The hours of operation shall be permitted from 7:00 a.m. to 8:00 p.m., Monday through Saturday, to get crews and material off-site in the morning and return in the evening, with all work being performed off-site, with no operation on-site on Sunday. Emergencies and/or weather responses involving the health and welfare of the citizens are exempt from the conditions of this subsection. Said emergencies shall be determined by the SPGA.
- N. Noise regulations enumerated in the East Longmeadow General Bylaws Chapter 363, Noise, shall be applicable to any special permit issued under this section. Vehicles with back-up signal alarms shall be placed so as not to activate during the early morning or late night hours in the case of emergency and/or weather responses.
- O. Idling of vehicles shall not exceed the five-minute maximum limit as regulated by MGL c. 90, § 16A.

21. Editor's Note: Table 3-2 is included as an attachment to this chapter.

P. Vehicle and equipment repairs are limited to those that are related to the home-based trade and approved for the site as conditioned through the special permit. All repairs are to be done only within a garage or accessory structure, not to cause any disturbing noise or air pollution to the neighborhood. As required by Chapter 363, Noise, of the East Longmeadow General Bylaws, repairs shall take place between the hours of 7:00 a.m. to 8:00 p.m., Monday through Saturday, with no activity on Sunday.

Q. The number of trade vehicles and/or trailers shall be limited as follows:

Lot Size Minimum (square feet)	Maximum Number of Vehicles/Trailers Allowed
10,000	1 trade vehicle and 1 trailer
20,000	2 trade vehicles and 2 trailers
30,000	3 trade vehicles and 3 trailers
40,000	4 trade vehicles and 4 trailers
60,000 and above	5 trade vehicles and 5 trailers

R. The size of trade vehicles shall be limited to six wheels/two axles maximum. The maximum wheel base length shall be 210 inches, and the maximum trailer bed and/or body length shall not exceed 22 feet in length, nor exceed 13 feet six inches in height, as regulated by the Department of Transportation. Ten-wheeled vehicles, dry van/box trucks or any tractor-trailer vehicles are not permitted.

S. The vehicle footprint for trade vehicles and/or trailers is as follows: All vehicles and/or trailers shall be located to the rear of the principal building and said location shall adhere to the established setbacks of the principal building, as required for the appropriate residential district in which the home-based trade is located. In the case of a corner lot, the side yard facing a public way shall adhere to the front yard setback. (See Article XI, Definitions, "corner lot.")

T. All vehicles must be garaged and/or screened to the rear of the principal building. No on-street parking, as it relates to the home-based trade, shall be allowed. The parking of employee vehicles is limited to the number of trade vehicles, exclusive of trailers, approved for the site. When trade vehicles are in use, the trade vehicle footprint may be occupied with employee vehicles. The footprint for employee parking shall not exceed the footprint for trade vehicles, as approved through the special permit and shown on the plan.

U. All vehicles, equipment and storage materials must be screened to prevent being seen from street view and that of the abutting properties. All storage, which includes vehicles and equipment, is to be properly screened to the rear of the principal building. Screening is subject to existing features of the parcel and may include plantings at four feet to five feet minimum, fence material, or some combination. Should fencing be required, it must be installed at the time of the special permit approval.

V. A preexisting, legal and nonconforming use in existence prior to the East Longmeadow Zoning Bylaw, 1962, is protected in that use and not subject to §450-8.8. Any change in

this use is subject to the conditions of § 450-3.5 of the East Longmeadow Zoning Bylaw.

§ 450-8.9. Massage therapist facilities.

- A. Any person or entity seeking to open a new or to maintain an existing massage therapist facility must submit a floor plan for the premises or portions thereof to be used in connection with the massage therapist facility.
- B. Every massage therapist facility shall file with the special permit application:
 - (1) A copy of its state license as a massage therapy salon and the state massage therapist license for each massage therapist employed at the facility.
 - (2) Photo identification, either a driver's license or a state-issued alternative for non-drivers, for each massage therapist and any other employee, the current residential address and telephone number of each massage therapist. This information shall be updated annually in December. If a massage therapist or a non-therapist employee is hired during the calendar year, said information shall be filed with the special permit granting authority before the therapist or employee begins work.
- C. Violations of the provision of this section or performance of any criminal activity by a massage therapist or other employee while on the premises shall be sufficient cause to revoke the special permit.
- D. Every massage therapist facility currently operating in East Longmeadow shall apply for and obtain a special permit for the facility by December 31, 2012.
- E. Any new massage therapist facility, before opening for business, must obtain a special permit under this section.

§ 450-8.10. Registered marijuana dispensaries (RMDs).

- A. Any person or entity seeking to open a new or to maintain an existing RMD facility must:
 - (1) Complete an application for a special permit and submit it to the Planning Board, which is the special permit granting authority.
 - (2) The special permit for an RMD shall be limited to one or more of the following uses that shall be prescribed by the special permit granting authority:
 - (a) Cultivation of marijuana for medical use (horticulture) (special permit not required for sites meeting agricultural exemption standards pursuant to MGL c. 40A, § 3);
 - (b) Processing and packaging of marijuana for medical use, including marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments and other products;

- (c) Retail sale or distribution of marijuana for medical use to qualifying patients; or
 - (d) Wholesale sales of marijuana for medical use to other RMDs in Massachusetts.
- (3) In addition to the application requirements set forth in this bylaw, a special permit for an RMD shall include the following:
- (a) The name and address of each owner of the facility;
 - (b) Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;
 - (c) Evidence of the applicant's right to use the site or structure, such as a deed or lease;
 - (d) If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers or other similarly situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
 - (e) Proposed security measures for the RMD, including lighting, fencing, gates and alarms, etc. to ensure the safety of persons and to protect the premises from theft; and
 - (f) A full site plan showing all the requirements listed in Article IX.
- (4) Mandatory findings. The special permit granting authority shall not issue a special permit for an RMD unless it finds that:
- (a) The facility is designed to minimize any adverse visual or economic impact on abutters and other parties in interest (as defined in MGL c. 40A, § 11);
 - (b) The facility is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all applicable state laws and regulations;
 - (c) The applicant has satisfied all of the conditions and requirements of § 450-6.3 of this bylaw; and
 - (d) The applicant has satisfied all of the special permit requirements as outlined in §§ 450-8.1, 450-8.2 and 450-8.3.
- (5) Annual reporting. Each RMD permitted under this bylaw shall, as a condition of its special permit, file an annual report to and appear before the special permit granting authority no later than January 1 of each year, providing a copy of all current applicable state licenses for the facility and/or its owners.
- (6) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership of the premises as an RMD.

- (7) Any violation of this section shall be grounds for revocation of a special permit issued under this section.
- B. Waiver. The special permit granting authority, when granting a special permit under this section, may waive setback requirements, provided the applicant submits its request in writing and can demonstrate the proposed site will not have an adverse effect upon the surrounding neighborhood. The special permit granting authority reserves the authority to require the applicant to produce necessary documentation to support its position. Further, a waiver of setback requirements shall require both the affirmative vote of 3/4 of all the members of the special permit granting authority and shall require a separate vote apart from the main vote on the proposed site.
- C. Abandonment or discontinuance of use.
- (1) A special permit granted under this section shall lapse if not exercised within one year of issuance.
 - (2) An RMD shall be required to remove all materials, plants, equipment and other paraphernalia:
 - (a) Prior to surrendering its state-issued licenses or permits; and
 - (b) Within six months of ceasing operations.

§ 450-8.11. Retail sales in Industrial Garden Park District.

- A. Retail sales as a primary use are prohibited in the Industrial Garden Park District. **[Amended 4-12-2022]**
- B. Inside incidental sales shall be allowed, provided that they are related to the merchandise manufactured and that they are ancillary and secondary to the primary use and meet the following specifications:
- (1) The allowed items are to be sold at a counter only. No one from the public is allowed in the main part of the building.
 - (2) No more than 10% of the floor area of a business establishment shall be utilized for retail sales activities. In no event shall the area of the retail sales exceed 1,000 square feet. **[Amended 4-12-2022]**
 - (3) In the event a building is occupied by two or more business establishments, not more than 10% of the floor area of the individual business establishment shall be devoted to retail sales. In no event shall the area of the retail sales exceed 1,000 square feet. **[Amended 4-12-2022]**
 - (4) An interior floor plan to scale must be submitted with the special permit application, with the area to be devoted to sales clearly defined.
 - (5) A list of retail items to be sold shall be provided to and approved by the Planning Board along with the special permit application.

§ 450-8.12. Adult uses. [Added 2018; amended 4-12-2022]

In addition to the requirements of §§ 450-8.1, 450-8.2 and 450-8.3 of the East Longmeadow bylaws, and for an application for an adult use to be considered complete, the following additional criteria must be met:

- A. Adult uses may not be located:
 - (1) Within 1,000 feet of each other;
 - (2) Within 1,000 feet of the nearest lot line of a residential district;
 - (3) Within 1,000 feet of a place of worship;
 - (4) Within 1,000 feet of a school property line or other nonprofit educational use, library or museum;
 - (5) Within 1,000 feet of a playground or a park.
- B. Signage must meet all requirements of § 450-5.8 of this bylaw, except that no advertisement, display or other promotional material is to be visible to the public from any public way, including but not limited to pedestrian walkways.
- C. If the adult use allows for the showing of films or videos within the premises, the booths in which the films or videos are viewed shall not be closed off by curtains, doors or screens or any other materials. All shall be clearly seen from the center of the establishment.
- D. The application for the special permit shall contain the following:
 - (1) Names and address of the legal owner of the establishment;
 - (2) Name and address of all persons having a lawful, equity or security interest in the establishment;
 - (3) A sworn statement must be provided stating that neither the applicant nor any person having an equity or security interest in the establishment has been convicted of violating MGL c. 119, § 63 or MGL c. 272, § 28.
 - (4) Propose security precautions.
 - (5) The number of employees.
- E. No special permit shall be issued under this section to any person convicted of violating MGL c. 119, § 63 or MGL c. 272, § 28.
- F. For the purpose of this bylaw, the term "substantial or significant portion" (See Article XI, "adult use" definitions.) shall mean 10% or more of gross sales for an adult bookstore, adult video store and adult paraphernalia store; and any form or amount of nudity for an adult club.
- G. No obscene matter, material or conduct, as defined in MGL c. 272, § 31, shall be permitted.

- H. Should any provision of this section be declared illegal or unenforceable by the Attorney General or an appeals court, then it shall be deemed stricken from the bylaw and the remaining provisions shall remain in full force and effect.

§ 450-8.13. Nonconforming structures or uses in all districts.

A special permit for nonconforming uses is required as set forth under § 450-3.5 of the Zoning Bylaw.

§ 450-8.14. Floodplain District.

In the Floodplain District, a special permit is required for any construction, development or grading of any nature or description within the floodplain as set forth under Article IV of the Zoning Bylaw.

§ 450-8.15. Scientific research and/or development.

Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit, provided the SPGA finds that the proposed accessory use does not substantially derogate from the public good.

ARTICLE IX
Site Plan Review

§ 450-9.1. Purpose.

This article is enacted under the authority of Chapter 40A of the General Laws to accomplish the purposes set forth in Article I of the Bylaw. In considering a site plan, the Planning Board shall assure that all structures and uses other than a single-family dwelling are developed in a manner which considers community needs, including protection of abutting properties and visual amenities, convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas, adequacy of methods of disposal for wastes and surface water drainage and protection of environmental features on the site and in adjacent area.

§ 450-9.2. Design review.

- A. Purpose.

- (1) It is the intent of this section to provide design criteria and recommendations for external development and/or modification of all nonresidential development projects in an effort to maintain and enhance the character of the Town. The goal is to enhance the natural and aesthetic qualities of the Town; to preserve the value of land and buildings; and to protect and preserve the cultural aspects and heritage of the Town. In addition, specific purposes of design review are intended to:

- (a) Maintain and enhance existing buildings which have historical and architectural significance.
 - (b) Protect existing historical buildings from deterioration and demolition.
 - (c) Foster new development that is aesthetically compatible with existing buildings and infrastructure.
 - (d) Encourage and assist building owners to restore and rehabilitate existing buildings.
 - (e) Encourage originality and creativity in the design and remodeling of existing buildings.
 - (f) Maintain and enhance the appearance and size of signage, new and existing.
- (2) All submitted plans are subject to the requirements of the East Longmeadow Zoning Bylaws.

B. Design Review Committee.

- (1) The Design Review Committee is established in accordance with the provisions of Chapter 40A of the Massachusetts General Laws. The Design Review Committee shall be appointed by the Planning Board, to serve for a period of three years, with member rotation every three years after the initial two-year period, and consist of five members with the following credentials, if possible:
 - (a) Planning Board Administrator (to serve as Committee Chair);
 - (b) One person qualified by training and experience in architecture or landscape design;
 - (c) One person owning and/or operating a business located in East Longmeadow governed by this bylaw;
 - (d) One "at-large" resident of the Town; and
 - (e) One member of the Board of Directors of the East Longmeadow Chamber of Commerce.
- (2) The Planning Board may also appoint up to two voting alternate members, at least one of whom shall be a business owner representing the Business District. In the event that a quorum is not obtained, a member of the Planning Board may participate as a voting member.
- (3) The Design Review Committee shall review applications for all actions that are subject to the provisions of this article and shall make recommendation to the Planning Board, prior to the public hearing for site plan review, as to the conformance with the design standards established within this section. The Planning Board shall retain overall responsibility and authority for design review approval.

C. Applicability and reviewable actions.

- (1) Design review shall apply to all nonresidential proposals to construct new, or change, alter, modify, remodel, move or demolish any and all existing structures or signs, excluding interior modifications. The Industrial Garden Park District is exempt from this review.
- (2) For external enlargements of less than 2,000 square feet, the Planning Board may request a determination from the Design Review Committee prior to waiving any or all of the site plan review requirements.

D. Initiating design review.

- (1) The Planning Board Administrator shall meet with the owner and/or representative of the project to discuss the project, the design review process and the items needed for design review, prior to the submittal of an application. Depending on the complexity of the proposed project, it may be necessary to submit the following:
 - (a) Color photographs showing buildings and site conditions adjacent to the proposed project.
 - (b) Building elevations at 1/8 inch equals one foot scale showing configuration, details and adjacent site/building conditions. All elevations are to be titled and dated. Eight copies are to be provided.
 - (c) Samples of finish materials.
 - (d) Study model of the proposed project (three-dimensional for major projects only as requested by the Design Review Committee).
 - (e) Site line study indicating concealment of rooftop mechanical equipment from the street, if applicable.
 - (f) Site development plan and architectural drawings specifying:
 - [1] The building footprint and dimensions, including all points of access and egress;
 - [2] Plans of interior spaces where applicable in order to determine dual formulas for parking requirements when affected by use;
 - [3] Architectural rendering specifying exterior elevations showing finish materials, windows, doors, light fixtures, stairways, balconies, decks and architectural details. The elevations shall be provided for all affected exterior surfaces;
 - [4] Exterior lighting on the proposed building, including the location, size;
 - [5] Method of illumination of all exterior signs;
 - [6] Location of areas to be landscaped; and
 - [7] Location of garbage disposal area and utility appurtenances, if visible.

- (2) The Design Review Committee shall review the proposed plan according to the criteria established herein. The Committee shall complete its review within 21 days of the date of receipt of a completed application and shall make its recommendation within 14 days thereafter. Should the Design Review Committee not provide comments within 35 days, the Planning Board shall assume responsibility for design review determination. The Committee's recommendations shall be in writing and state the reasons relied upon in reaching its decision.

E. Design standards.

- (1) The Design Review Committee shall review the project for conformance with the following design review standards:
 - (a) Any proposed landscape development or alteration should be compatible with the character and appearance of the surrounding area and the proposed project. Landscape and streetscape elements should provide continuity and definition to the street, pedestrian areas and surrounding landscape.
 - (b) The design should give attention to the placement of storage, waste or mechanical equipment so as to screen it from view.
 - (c) The proposed materials and colors must be compatible with the character of the Town and the intent of the design standards.
 - (d) Where feasible, fire escapes, window-mounted air conditioners or other mechanical features should not be located on facades which front major streets, or face residential districts.
 - (e) Architectural details, including additions, signage, awnings, lighting, pedestrian furniture, planting and paving, shall be compatible with the architecture of the principal building and site landscaping with regards to scale, materials, color and texture.
 - (f) Buildings and structures shall be designed and arranged so as to relate to open space in a manner compatible with adjacent lots.
 - (g) Relation of buildings to the environment.
- (2) New development shall be compatible with the existing natural and developed environment within the surrounding visual area. New buildings, additions or alterations shall be related to their surroundings with respect to:
 - (a) Street facade. All buildings should present high-quality and architecturally related front facades to streets.
 - (b) Buildings on corner lots. If one street is more heavily used, then the facade of a new or renovated building facing that street may be more highly articulated and/or detailed than the facade which faces the side street.
 - (c) Renovations to historic buildings. Historic buildings should be renovated so as to retain historic features with original storefront elements and facade detailing.

- (d) Roof slopes. Heights of new buildings erected on sites without an existing building shall approximate those of adjacent buildings where feasible. Diverse roof heights are encouraged; however, they should be complementary to the surrounding developed environment.

§ 450-9.3. Projects requiring site plan review.

- A. Notwithstanding anything contained in the bylaw to the contrary, no building permit for the construction, exterior alteration or relocation, occupancy or change in use of any building, structure or premises shall be issued, nor shall an occupancy certificate for any new occupant, or any change of use of a building, structure or premises be issued, without site plan review and approval by the Planning Board; provided, however, that a single-family dwelling not within a residential development shall be exempt from these provisions. It is the intent of this section that no individual, corporation or any business entity, regardless of the form chosen, shall occupy any building, structure or premises or change the use thereof or the construction or alteration to the exterior of any structure without first complying with the provisions of site plan review.
- B. For the purposes of this section of the bylaw, a residential development is any residential use of land made possible by the provision of adequate frontage through the subdivision of land. No permit for the construction of a single-family dwelling located within a residential development shall be granted until the Planning Board has reviewed and approved a site plan for the residential development as required by this section. A residential development shall be considered to be a single project for the purposes of site plan review.
- C. Further, if the Planning Board determines that there is no substantive change in use and the proposed use is less detrimental than its present or immediate prior use and that the external enlargement, if applicable, is less than 2,000 square feet, the Board may waive any or all of the requirements of site plan review.

§ 450-9.4. Contents of site plan.

- A. A site plan shall be prepared by a registered professional engineer and/or a registered land surveyor at a scale of one inch equals 20 feet or such scale as may be approved by the Planning Board on standard 24 inches by 36 inches sheets and continuation on 8 1/2 inches by 11 inches sheets as necessary for narrative. The site plan shall include:
 - (1) Name of the project, locus, boundaries, date and scale of the plan.
 - (2) Name and address of the record owner, developer and seal of the engineer or surveyor.
 - (3) Name and addresses of all record owners within 300 feet of the property lines.
 - (4) All existing lot lines, easements, rights-of-way, size in acres or square feet, abutting land uses and location and use of structures within 300 feet of the site.
 - (5) The location and use of all existing and proposed buildings and structures within the site plan, including dimensions and height, and showing exterior entrances,

exits and all anticipated future additions or alterations, and a rendering of buildings to be constructed. The requirements of this subsection do not apply to residential developments.

- (6) Location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, buffers for screening purposes, paths, landscaping, lighting fixtures, planting areas, walls, signs, service areas, refuse and other waste disposal containers.
- (7) Location of all present and proposed utility systems, including sewage or septic systems, water supply system, existing and proposed surface and subsurface drainage systems, telephone, cable and electric lines. Storm drainage systems will include existing and proposed drain lines, culverts, drainage swales, catch basins, headwalls, end walls, hydrants, manholes, channels and subdrainage, along with soil logs, percolation tests when necessary, and drainage calculations. The applicant shall submit plans to prevent the pollution of surface water or groundwater, erosion of soil, excessive run-off of precipitation, excessive raising or lowering of the water table and flooding of other properties. **[Amended 4-12-2022]**
- (8) Existing and proposed topography at a two-foot contour level. Sufficient information to indicate areas in the site and within 50 feet of the site where gravel removal or filling is proposed and the approximate volume in cubic yards. All elevations shall refer to the nearest United States Coastal and Geodetic Survey benchmark.
- (9) A landscape plan showing all existing natural land features, forest coverage and water sources, and all proposed changes to these features. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
- (10) Zoning district boundaries within 500 feet of the site's perimeter shall be drawn and identified on the plan. Floodplain boundaries and the square feet within this district shall be shown.
- (11) Existing and proposed business signs and traffic signs located on the site and within 100 feet of the site, and the size, dimension, height, color and illumination of all signs.
- (12) A traffic study to include:
 - (a) Traffic flow patterns within the site, egresses and entrances, loading and unloading areas, and curb cuts on site and within 100 feet of the site.
 - (b) Traffic impact: The projected number of motor vehicle trips to enter or depart from the site shall be estimated for daily-hour and peak-hour traffic levels.
 - (c) A projected traffic flow pattern for both vehicular and pedestrian access shall be described and related to the site plan, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.

- (d) The impact of this traffic upon existing abutting public and private ways in relation to road capacities. Existing and proposed daily hour and peak hour traffic levels will be given and road capacity levels.
 - (e) As a result of items in Subsection A(12)(a) through (d) above, the Planning Board may request a plan to implement the improvements needed to provide for the free flow of traffic in areas surrounding the site and identified by the Planning Board as impacted by the proposed uses.
- (13) A plan for the control of erosion, dust and silt, both during and after construction. Such plan shall include all existing and proposed slopes, construction sequencing, temporary and permanent erosion control and protection of water bodies.
- (14) For alterations to any existing or new business/commercial/industrial uses, a table containing the following information:
- (a) Maximum area of building to be used for selling, offices, business, industrial or other uses.
 - (b) Maximum number of employees, where applicable.
 - (c) Maximum seating capacity, where applicable.
 - (d) Number of parking spaces existing or required for the intended use, based on § 450-5.6 of the bylaw.
- B. The Planning Board shall have the right to waive any of the above items under unique site conditions or request any additional data it should need to render its decision. A majority vote of the Planning Board would be required to waive any of the site plan items.

§ 450-9.5. Review procedure.

- A. An applicant for site plan review under this article shall file with the Planning Board at a regularly scheduled meeting seven copies each of an application and site plan. A copy of the application shall be given to the Town Clerk by the applicant.
- B. The Planning Board shall transmit to the Town Engineer, Conservation Commission, Board of Health and Building Commissioner or other boards as deemed necessary copies of the application and site plan. The boards shall have up to 45 days to make recommendations to the Planning Board.
- C. The applicant shall submit a filing fee to cover any expenses connected with the public hearing and review of the plan.
- D. Residential developments.
 - (1) Any person proposing a residential development may, at such person's election, combine the process of the site plan review under this article of the bylaw with any review by the Planning Board required under the Subdivision Control Law. The applicant shall make such request in writing upon the submission of a proposed definitive plan of subdivision to the Planning Board. Such written

request shall include a request to extend the definitive plan review process for an additional 95 days. Upon such request, the Planning Board shall, for the purposes of review, treat the residential development and the definitive plan of subdivision as a unified submission under the Site Plan Review Bylaw and the Subdivision Control Law. The Planning Board shall hold a hearing for such submission pursuant to § 450-9.6, Administration, of this bylaw.

- (2) Persons proposing a residential development who do not elect to make a unified submission must satisfy individually this article's requirements and the requirements under the Subdivision Control Law.

§ 450-9.6. Administration.

- A. The Planning Board shall hold a public hearing within 65 days of receipt of an application and shall take final action within 90 days from the time of hearing, as provided in MGL c. 40A, §§ 9 and 11, and in Article VIII of this bylaw relating to special permit procedures. Such final action shall consist of either 1) a finding that the proposed project will constitute a suitable development and will not result in detriment to the neighborhood or the environment; or 2) a written denial of the application, stating the reasons for such denial. Approval may be made subject to conditions, modifications and restrictions as the Planning Board may deem necessary; and any construction, reconstruction, alteration or addition shall be carried out only in conformity with such conditions, modifications or restrictions and in conformity with the application and site plan. A denied applicant may resubmit an application to comply with the requirements of this Site Plan Review Bylaw and resubmit the plan for review. In no event may the Planning Board deny an application that meets all the standards set forth in this article of the bylaw.
- B. The Planning Board may require the posting of a security to assure compliance with the plan and conditions and may suspend any permit or license when work is not performed as required.
- C. The Planning Board may, after a public hearing, adopt and periodically amend or add rules and regulations relating to the procedures and administration of this article and shall file a copy of said rules with the Town Clerk.

§ 450-9.7. Standards for review.

In reviewing site plans, the Planning Board shall consider the following:

- A. Protection of the abutting properties and community to minimize any detrimental use of the site.
- B. Convenience and safety of vehicular and pedestrian movement within the site and the relationship to adjoining ways and properties.
- C. Adequacy of the methods of disposal of sewage and refuse and the drainage of surface and subsurface water.
- D. Adequate means of protecting wetlands, watersheds, aquifers and well areas.

- E. Provisions for off-street loading and unloading of vehicles incidental to the normal operation of the establishment, parking, lighting and internal traffic control.
- F. Provision of open space consistent with Town Master Plan Concepts.
- G. Protection of agricultural land within the proposed development and minimization and development impact on abutting agricultural land. [**Amended 4-12-2022**]
- H. The layout of design features, such as vegetative buffers, within developments which will integrate into the existing landscape.
- I. Consistency of the proposed development with the Town Master Plan Concepts.
- J. Compliance with the provision of MGL c. 40A and the Subdivision Control Law, the rules and regulations of state and federal agencies and the bylaw of the Town of East Longmeadow. [**Amended 4-12-2022**]

§ 450-9.8. Sewer and water capacity.

Each development proposal shall demonstrate that it will not adversely affect the existing loads on the public water and public sewer systems of the Town. The Department of Public Works or the Department of Public Works' agent shall serve to determine what is the existing load on the public water and public sewer systems of the Town. In the event that the applicant is unable to demonstrate that there will be no adverse effect or if the Department should find there will be an adverse impact, the Department may require the applicant to redesign the development proposal to minimize such impact and may require the applicant to proceed with development in phases as specified by the Department. The Department may specifically require a development density less than that otherwise permitted under this bylaw. In the alternative, the applicant may offer to fund any required capital improvements deemed necessary by the Department to handle the increased water and sewer demands of the proposed development, and the Department may require bonding in an amount sufficient to provide adequate security to the Town for the completion of said capital improvements. Any such capital improvements will be subject to the approval and continuing review of the Department of Public Works.

ARTICLE X

Ground-Mounted Photovoltaic Installations

[**Amended 8-11-2020; 4-12-2022**]

§ 450-10.1. Purpose.

- A. The purpose of this bylaw is to promote the creation of new ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.
- B. The provisions set forth in this article shall specifically apply to the location, removal and modifications of all ground-mounted solar photovoltaic installations. In the event

that conflicts may appear in other sections of the zoning bylaws for the Town of East Longmeadow, the criteria set forth in this Article X take precedence.

§ 450-10.2. Applicability; site plan review; design standards for small-scale installations.

- A. This article applies to all ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this article. This article also pertains to physical modifications that materially alter the type, configuration or size of these installations or related equipment. Projects cannot be prohibited, but can be reasonably regulated by the Planning Board for the purpose of zoning conformity and the health and safety of the public.
- B. Medium- and large-scale ground-mounted solar photovoltaic installations shall be subject to site plan review as specified in Article IX of the zoning bylaws for the Town of East Longmeadow, and in accordance with additional requirements specified herein.
- C. Small-scale ground-mounted solar photovoltaic installations must adhere to the following design and operation standards:
 - (1) Utility notification. No grid-intertie solar photovoltaic installation shall be installed until evidence has been given to the Planning Board that the owner has submitted notification to the utility company of the customer's intent to install an interconnection of distributed generation. Off-grid systems are exempt from this requirement.
 - (2) Compliance with laws, bylaws and regulations. The construction and operation of all ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical and communications requirements.
 - (3) Building permit and inspection. No solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit from the Building Commissioner.
 - (4) Visual impacts and glare. At minimum, vegetative buffers must be added to screen the length of the solar photovoltaic installation and 50% of the total height. The solar photovoltaic installation, including all accessories and appurtenant structures, shall be designed to minimize visual impacts, including preserving natural vegetation to the maximum extent possible, blending in equipment with the surroundings and adding vegetative buffers to provide an effective visual barrier from adjacent roads and screen abutting residential properties, regardless of development status. Siting shall be such that the view of the solar photovoltaic installations from locations off site shall be minimal. All solar photovoltaic installations shall be fenced.
 - (5) Accessory use. If installed in a residential district, all ground-mounted solar photovoltaic installations shall be considered an accessory structure to the principal use and must adhere to the setbacks specified in Chapter 450 Attachment 2, Table 3-2 of the Code, for the Town of East Longmeadow. All ground-mounted solar photovoltaic systems in residential districts shall be installed either in the side yard or rear yard to the extent practicable.

§ 450-10.3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AS-OF-RIGHT SITING — As-of-right siting shall mean that ground-mounted solar photovoltaic installations may proceed without the need for a special permit or variance in the areas so designated by Table 3-1, the Schedule of Use Regulations.²²

GROUND-MOUNTED PHOTOVOLTAIC INSTALLATION — A solar photovoltaic installation that is structurally mounted on the ground and is not mounted on a roof or other previously existing structure.

LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION — A ground-mounted solar photovoltaic installation that occupies 32,000 square feet or more of surface area of solar panels. Surface area is the total area covered by the footprint of the solar photovoltaic installation

MEDIUM-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION — A ground-mounted solar photovoltaic installation that occupies more than 2,100 square feet but less than 32,000 square feet of surface area of solar panels. Surface area is the total area covered by the footprint of the solar photovoltaic installation

ON-SITE PHOTOVOLTAIC INSTALLATION — A photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

PHOTOVOLTAIC (PV) — A method of generating electrical power by converting solar radiation into direct current electricity using semiconductors that exhibit the photovoltaic effect. Photovoltaic power generation employs solar panels composed of solar cells containing a photovoltaic material. Materials presently used for photovoltaics include monocrystalline silicon, polycrystalline silicon, amorphous silicon, cadmium telluride and copper indium gallium selenite/sulfide.

PHOTOVOLTAIC ARRAY — See "ground-mounted photovoltaic installations."

RATED NAMEPLATE CAPACITY — The maximum rated output of electrical power production of the commercial solar photovoltaic installation in direct current (DC).

ROOF-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION — A solar photovoltaic system that is structurally mounted to the roof of a structure.

SMALL-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION — A ground-mounted solar photovoltaic installation that occupies 2,100 square feet or less of surface area of solar panels. Surface area is the total area covered by the footprint of the solar photovoltaic installation.

SOLAR ENERGY — Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

SOLAR PHOTOVOLTAIC INSTALLATION — A solar energy system that converts solar energy directly into electricity through an arrangement of solar photovoltaic panels.

22. Editor's Note: The Schedule of Use Regulations is included as an attachment to this chapter.

ZONING ENFORCEMENT AUTHORITY — The Building Commissioner is charged with enforcing all zoning bylaws of East Longmeadow.

§ 450-10.4. General requirements for solar photovoltaic installations.

The following requirements relate to medium- and large-scale ground-mounted solar photovoltaic installations.

§ 450-10.5. Compliance with laws, bylaws and regulations.

The construction and operation of medium- or large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the specific criteria set forth herein.

§ 450-10.6. Building permits and inspections.

No medium- or large-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this article without first obtaining a building permit, after approval of the Planning Board.

§ 450-10.7. Fees.

The application for a site plan review for a medium- or large-scale ground-mounted solar photovoltaic installation must be accompanied by the fee required for said site plan review.

§ 450-10.8. Site plan review and approval.

Medium- and large-scale ground-mounted solar photovoltaic installations shall undergo site plan review and approval by the Planning Board, as stated in the Zoning Bylaws, prior to construction, installation or modification as provided in this article.

§ 450-10.9. Plans and maps.

- A. All plans and maps shall be prepared, stamped and signed by a registered professional engineer licensed to practice in the Commonwealth of Massachusetts.
- B. Required documents. Pursuant to the site plan review process as set forth in Article IX of the Zoning Bylaws, the project proponent shall provide the following documents:
 - (1) A site plan shall be prepared by a registered professional engineer at a scale of one inch equals 20 feet or such scale as may be approved by the Planning Board on standard 24-inch by 36-inch sheets and continuation on 8-1/2-inch by 11-inch sheets necessary for narrative. The site plan shall include:
 - (a) Name and address of project, locus, boundaries, date and scale of plan;

- (b) Name and address of the record owner, developer and seal of the engineer;
- (c) Names and addresses of all record owners within 300 feet of property lines;
- (d) All existing lot lines, easements, rights-of-way, size in acres or square feet, abutting land uses and location and use of structures within 300 feet of the site;
- (e) Property lines and physical features, including roads, characteristics of vegetation (trees-mature, old growth, shrubs, open field, etc.), wetlands, streams, ledge, for the project site;
- (f) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, driveways, snow storage, exterior lighting, screening vegetation or structures and stormwater management systems; including total acreage of disturbed area, total vegetation cleared;
- (g) Location and details of all security measures for the site;
- (h) Location of all existing and proposed roads, both public and private, on the site;
- (i) Location of existing structures on the site;
- (j) Location of the ground-mounted photovoltaic installation, type of mounting devices, access roads, lighting, ground equipment, fencing, electrical infrastructure and associated equipment;
- (k) Plans for accessory buildings or other structures, and location and details of all planned security measures;
- (l) All existing overhead utility lines, if applicable;
- (m) Blueprints or drawings of the solar photovoltaic installation signed by a registered professional engineer licensed to practice in the Commonwealth of Massachusetts, showing the proposed layout of the system and any potential shading from nearby structures;
- (n) One- or three-line electrical diagrams detailing the solar photovoltaic installation, associated components and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- (o) Documentation of the major system components to be used, including the PV panels, mounting system and inverter;
- (p) Name, address and contact information for proposed system installer;
- (q) Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; and
- (r) Name, contact information and signature of any agents representing the project proponent.

- (s) Trees with a DBH of 20 inches or greater within project parcel(s) shall be identified to determine tree loss, along with inventorying of diseased or hazard trees slated to be removed due to proposed development.
 - (2) Documentation establishing legal access and control of the project site. The project proponent shall submit documentation of actual or prospective ownership, access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation to the Planning Board and the Building Commissioner.
 - (3) Operation and maintenance plan. The project proponent shall submit a plan to the Planning Board for the operation and maintenance of the ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
 - (4) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a Zoning Map with the parcel(s) identified is suitable for this purpose).
 - (5) Description of financial surety that satisfies § 450-10.17C.
 - (6) Proof of liability insurance in the amount of \$5,000,000 or greater coverage.
 - (7) Pre-Construction photos from the right-of-way and nearest abutters. These photos shall include tree coverage.
 - (8) Visualization of post-construction solar photovoltaic installation development, including perspectives from right(s)-of-way, nearest abutting properties or residential structures, and tree coverage.
- C. The Planning Board may hire, at the expense of the applicant, consultants to review the plans submitted if it determines independent expert review is appropriate for the interest of the neighborhood and/or the community. In such event, the Planning Board shall select an expert to perform the review. The applicant shall pay the estimated cost of said expert to the Town Collector/Treasurer prior to any review being undertaken. No site plan shall be approved until the total cost of said review has been paid by the applicant.
- D. The Planning Board may waive the submittal of various required documents for cause established in the site plan review record and its written finding that the documents are not necessary for the Planning Board to perform the review set forth herein.

§ 450-10.10. Utility notification.

No grid-intertie solar photovoltaic installation shall be constructed until written evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner's or operator's intent to install an interconnection of distributed generation. Off-grid systems are exempt from this requirement.

§ 450-10.11. Area, dimensional and density requirements.

- A. Medium-scale ground-mounted solar photovoltaic installations within the Commercial, Business and Residential Districts shall be roof-mounted, parking canopy or ground-mounted as accessory use to an allowable use only.
- B. Large-scale ground-mounted solar photovoltaic installations within the Commercial, Business and Residential Districts shall be roof-mounted, parking canopy or ground-mounted as accessory use to an allowable use only.
- C. Setbacks. Medium- and large-scale ground-mounted solar photovoltaic installation front, side and rear setbacks shall be as follows:
 - (1) Front yard. The front yard shall have a depth that is consistent with the existing requirements of the district where it is located.
 - (2) Side yard. Each side yard shall have a depth that is consistent with the existing requirements of the district where it is located, unless said site is within or abuts a residential district or a residence. Where such a lot is within or abuts a residential district or a residence, the side yard shall not be less than 50 feet. (See also § 450-10.12, Buffer strips.)
 - (3) Rear yard. Each rear yard shall have a depth that is consistent with the existing requirements of the district where it is located. Where such a lot is within or abuts a residential district or a residence, the rear yard shall not be less than 50 feet. (See also § 450-10.12, Buffer strips.)
- D. Lot coverage. Lot coverage shall be the same as allowed in the district in which it is to be located.
- E. Height.
 - (1) The height must be measured by the elevation of the landscape; and no mounds will be allowed to change that elevation other than those allowed for the planting of trees in the buffer strip.
 - (2) For all ground-mounted solar photovoltaic installations within or abutting a residential district or a residence, the height will be limited to 15 feet.
 - (3) For all other ground-mounted solar photovoltaic installations, the height will be limited to 25 feet.

§ 450-10.12. Buffer strips.

- A. For medium- and large-scale ground-mounted solar photovoltaic installations within or abutting a residential district or a residence, the 50-foot setback for either side or rear yards shall consist of 25 feet of a landscaped buffer. Said buffer is to consist of plantings a minimum of six feet in height at planting and staggered so as to fill that 25-foot buffer area and keep the arrays from view year-round.

- B. Every abutting property shall be visually screened from the project area through any one or combination of the following: location, distance, plantings, existing vegetation and fencing (not to exceed six feet in height).

§ 450-10.13. Appurtenant structures.

All appurtenant structures to medium- and large-scale ground-mounted solar photovoltaic installations shall be subject to the accessory regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements for the district in which it is to be located. All such appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers and substations, shall be architecturally compatible with each other. Structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts and meet the zoning setback requirements of the specific district in which said structure is to be located.

§ 450-10.14. Design and performance standards.

- A. Lighting. Lighting of solar photovoltaic installations shall comply with applicable laws. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties. Lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full-cut-off fixtures to reduce light pollution and shall not shine on abutting property. Any lighting on the site will require submittal of a lighting plan and written approval from the Planning Board with recommendations from the Fire and Police Departments.
- B. Signage.
- (1) Signs on all ground-mounted solar photovoltaic installations shall identify the owner and provide a 24-hour emergency contact phone number. Said signage shall not exceed six square feet and shall be visible at all times.
 - (2) Solar photovoltaic installations shall not be used for displaying any advertising except for identification of the operator or responsible person of the solar photovoltaic installation.
- C. Utility connections. All utility connections from the solar photovoltaic installations shall be placed underground. However, depending on appropriate soil conditions, shape and topography of the site and any requirements of the utility provider, the applicant may seek relief from this requirement from the Planning Board. Electrical transformers for utility interconnections may be above ground if required by the utility provider; however, placement on the site must be approved as part of its existing standard procedures.
- D. Roads. Access roads shall be constructed to minimize grading, removal of stone walls or street trees and minimize impacts to environmental or historic resources.
- E. Hazardous materials. Hazardous materials stored, used or generated on-site shall not exceed the amount for a very-small-quantity generator of hazardous waste as defined by the DEP pursuant to MassDEP regulations, 310 CMR 30.000, or any amendment or

replacement, and shall meet all requirements of the DEP, including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the solar electric equipment, then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required. A full inspection report establishing compliance prepared by the Fire Department will be required before the site plan can be approved.

- F. Noise. Sound or noise levels may not exceed 50 DBA at the boundary of the property.
- G. Pollinator-friendly certification. No large-scale solar photovoltaic installation shall be constructed until proof has been given to the Planning Board that the project proponent has obtained pollinator-friendly certification for the solar photovoltaic installation through the UMass Clean Energy Extension Pollinator-Certification Program at a minimum of the silver certification level, or other equivalent certification as determined by the Planning Board. This certification must be maintained throughout the life of the installation.
- H. Daytime visual distraction. All ground-mounted solar photovoltaic installations must be positioned to minimize glare on any residence or public way and must not create a visual obstruction on a public roadway, such as blocking the sight-line of intersections or creating blind curves. The applicant should submit ratings and technical specifications for the solar panels to ensure minimal reflectivity.

§ 450-10.15. Safety and environmental standards.

- A. Emergency services. The ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic and site plan to the East Longmeadow Fire Chief. Upon request from the East Longmeadow Fire Chief, the owner or operator shall cooperate with local emergency services in developing an emergency response plan and provide a copy to the Fire Department. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- B. Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations and bylaws, including any requirements of the Conservation Commission.
- C. Fencing. A chain-link fence no more than one-quarter solid shall be installed around the installation at the setback line with a gate that is locked, at all times, which lock is to be approved by the Fire Department. The Fire and Police Departments shall have 24-hour access to the site. There shall be a gap along the bottom of the fence that complies with UMass Clean Energy Extension Pollinator-Friendly Certification Program standards, in order to allow for wildlife crossing under fence.

§ 450-10.16. Monitoring and maintenance.

- A. Solar photovoltaic installation conditions. The ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs and integrity of security measures. Site access shall be maintained as required by the Zoning Bylaw and applicable laws. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation, any access road(s) and ground maintenance.
- B. Modifications. No building permit for modifications to a medium- or large-scale ground-mounted solar photovoltaic installation shall be issued after the issuance of the initial building permit unless an amended site plan for said modification has been approved by the Planning Board.
- C. Annual reporting. The owner or operator of the installation shall submit an annual report which certifies compliance with the requirements of this bylaw and the approved site plan, including control of vegetation, noise standards and adequacy of road access. The annual report shall also provide information on the maintenance completed during the year and the amount of electricity generated by the facility. The report shall be submitted to the Planning Board, Fire Chief, Emergency Management Director, Building Commissioner and Conservation Commission (if a wetlands permit was issued) no later than 45 days after the end of the calendar year. Failure to provide such an annual report will result in a fine of \$100 per day until said report is received.

§ 450-10.17. Abandonment or decommissioning.

- A. Removal requirements. Any ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Subsection B of this section shall be removed. The owner or operator shall physically remove the installation no more than 90 days after the date of discontinued operations or determination of the Building Commissioner that the installation is not being actively used for meaningful solar photovoltaic generation. The owner or operator shall notify the Building Commissioner, with a copy to the Planning Board, by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - (1) Physical removal of all ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - (2) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
 - (3) Stabilization or revegetation of the site as necessary to minimize erosion. The Building Commissioner may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- B. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than six months without the written consent of the Planning Board. If the owner or operator of the ground-mounted solar

photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 90 days of abandonment or the proposed date of decommissioning, the Town may seek an order from an appropriate court to enter the property and physically remove the installation, at a cost to the owner or operator of the installation, and use the bond money being held and/or place a municipal charges lien on the property for the costs of removal, site restoration and all other related costs, including attorney fees if not covered by the cash bond being held by the Town.

- C. Financial surety. Prior to any construction, petitioners of large-scale ground-mounted solar photovoltaic installations shall provide surety in a cash bond, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount determined to be reasonable by the Planning Board, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein, as agreed upon by the project proponent and the Planning Board or its agents. Such surety will not be required for municipally or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer, which estimate must be reviewed and approved by the Planning Board or its agent. The amount shall include a mechanism for calculating increased removal costs due to inflation.

ARTICLE XI

Definitions

§ 450-11.1. Interpretation and word usage. [Amended 4-12-2022]

- A. 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" to be used or occupied; and the words "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 meanings given in Merriam Webster's Unabridged Dictionary.
- B. Definitions are provided strictly for clarification and are not to be interpreted as permissible or allowed unless stated within this Zoning Bylaw.

§ 450-11.2. Terms defined.

Unless otherwise specified in other sections of this bylaw, the following terms shall have the meanings indicated:²³

100-YEAR FLOOD — See "base flood."

23. Editor's Note: This lead-in statement was added 4-12-2022.

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.

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.

ADULT BOOKSTORE — An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement, as defined in MGL c. 272, § 31. **[Added 2018; amended 4-12-2022]**

ADULT CLUB (ESTABLISHMENT DISPLAYING LIVE NUDITY FOR ITS PATRONS) — An establishment having as a substantial or significant portion of its entertainment a person or persons performing in a state of nudity or distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement, as defined in MGL c. 272, § 31. **[Added 2018; amended 4-12-2022]**

ADULT PARAPHERNALIA STORE — An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in MGL c. 272, § 31. **[Added 2018; amended 4-12-2022]**

ADULT THEATER — An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31. **[Added 2018; amended 4-12-2022]**

ADULT USE — An adult bookstore, adult club, adult theater, adult video store, and adult paraphernalia store, as defined in this bylaw. **[Added 2018]**

ADULT VIDEO STORE — An establishment having a substantial or significant portion of its stock in videos or other matters which are distinguished by emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31. **[Added 2018; amended 4-12-2022]**

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 thereof, 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 a 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 regulations and do not apply to this section. **[Amended 4-12-2022]**

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE or V.

ASSISTED LIVING — A special combination of housing, supportive services, personalized assistance and health care 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.

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 — The flood having a 1% chance of being equaled or exceeded in any given year.

BED-AND-BREAKFAST — See "lodging, short-term."

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

BUFFER AREA — Except as provided in § 450-5.5 of this bylaw, 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 except for any fencing for the purposes of noise abatement, security and/or grading, as deemed appropriate by the Planning Board. **[Amended 4-12-2022]**

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 requires, as though followed by the words "or part or parts thereof". A porch is to be considered as part of a building when considering setbacks. **[Amended 4-12-2022]**

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.

CHILD-CARE FACILITY — Centers operating on a regular basis that serve more than six children under seven years of age or under 16 years of age if the children have special needs, or school-age children (under 14 years of age or under 16 years of age if the children have special needs) in programs with supervised group care that are held before or after school hours or during vacation. **[Amended 4-12-2022]**

COASTAL HIGH-HAZARD AREA — 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 of "farm business, commercial greenhouse and farm stand."

COMMERCIAL USE — Activity carried out for pecuniary gain.

COMMERCIAL VEHICLE — Any vehicle currently registered as such with the state Registry of Motor Vehicles or equivalent out-of-state or federal agency and is used primarily in the conduct of a business, as evidenced by signage or other commercial enhancements to the vehicle, as opposed to private family or individual use. **[Added 4-12-2022]**

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 62 or older or for handicapped persons, as defined in Chapter 121B of the Massachusetts 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 — 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 hours to 24 hours a day.

CORNER LOT — A lot bounded on two 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.

DETACHED — Separated from.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings 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 § 450-2.1, District locations and boundaries). In Article 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 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 60 years of age, who are not acutely ill or generally in need of medical or nursing care. **[Amended 4-12-2022]**

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.

DWELLING, MULTIFAMILY — 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 common wall between said units. **[Amended 4-12-2022]**

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

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 definition, however, does not apply to nonrelated disabled persons as defined by any applicable federal and/or state law and/or regulations.

FAMILY HOME DAY-CARE — 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 16 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 day-care" 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. (Also see the definition of "large family home day-care".)

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 — 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) — 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) — 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 — 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 the 100-year flood as designated on Panel 2501380001B of the East Longmeadow Flood Insurance Rate Map.

FLOODPLAIN, NEW CONSTRUCTION —

- A. 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.
- B. 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 ORGANIZATION — A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements, including related uses such as fraternity houses, sorority houses and dormitories. **[Amended 4-12-2022]**

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% 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, with the exception of nonprofit or religious organizations. **[Amended 4-12-2022]**

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.

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 — Includes 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 — 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 landing and takeoff of helicopters, and including auxiliary facilities such as parking, fueling and maintenance equipment. **[Amended 4-12-2022]**

HIGHLY HAZARDOUS CHEMICAL —

A. A substance possessing toxic, reactive, flammable or explosive properties and specified by Subsection A(1) of this section.

(1) This definition applies to:

- (a) A process which involves a chemical at or above specified threshold quantities;
- (b) 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.

(2) This definition does not apply to:

- (a) Retail facilities;
- (b) Oil or gas drilling or servicing operations; or

(c) Normally unoccupied remote facilities.

B. 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.

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 § 450-8.8 of the East Longmeadow Zoning Bylaw.

HORTICULTURE — The cultivation of a garden or orchard.

HOSPITAL OR SANITARIUM — 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 innholder where lodging is furnished and food may be served to transient or permanent guests, and which has a public dining room and general kitchen. See also "lodging, short-term." [Amended 4-12-2022]

HOUSE TRAILER — See "mobile home."

IMMEDIATE FAMILY — For the purposes of § 450-8.8, a 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 DAY-CARE — 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 16 years of age if such children have special needs; provided

that the total number shall not exceed 10, including participating children living in the residence and the proper day-care 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 day-care" 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 for not to exceed 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 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 8-1.²⁴)

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 10 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 8-1.²⁵

LOT LINE, SIDE — Any lot line other than a front or rear lot line. (See Diagram 8-1.²⁶)

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 Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.00. Such lot must have frontage on a street or way as defined below, excepting only a preexisting lot exempted by the provisions of MGL c. 40A, § 6.

LOWEST FLOOR — 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 access or storage in an area other than a basement area is not considered a building's

24. Editor's Note: Diagram 8-1 is included at the end of this section.

25. Editor's Note: Diagram 8-1 is included at the end of this section.

26. Editor's Note: Diagram 8-1 is included at the end of this section.

lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of NFIP Regulations 60.3.

MANUFACTURE — To compound, blend, extract, infuse or otherwise make or prepare a marijuana product. **[Added 3-19-2018]**

MARIJUANA ACCESSORIES — Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body. **[Added 3-19-2018]**

MARIJUANA CULTIVATOR — An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers. **[Added 3-19-2018]**

MARIJUANA DISPENSARY, REGISTERED (RMD) — A not-for-profit entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes [including development of related products such as edible marijuana-infused products ("MIPs"), tinctures, aerosols, oils or ointments], transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana, related supplies or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, "RMD" refers to the site(s) of dispensing, cultivation and preparation of marijuana. **[Added 4-12-2022]**

MARIJUANA ESTABLISHMENT — A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business. **[Added 3-19-2018]**

MARIJUANA PRODUCT MANUFACTURER — An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers. **[Added 3-19-2018]**

MARIJUANA PRODUCTS — Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures. **[Added 3-19-2018]**

MARIJUANA RETAILER — An entity licensed to purchase and deliver marijuana to and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers. **[Added 3-19-2018]**

MARIJUANA TESTING FACILITY — An entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants. **[Added 3-19-2018]**

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 exertion 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. [Amended 4-12-2022]

MASSAGE THERAPIST FACILITY — See "licensed massage therapy salon."

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.

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 is not permitted; however, when necessary as defined in the Table of Use Regulations, Subsection B(4),²⁷ said use is temporary and not to exceed 12 months.

MOTEL — An establishment providing transient accommodations containing six or more rooms with at least 25% 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.

NONACCESSORY SIGN — Any billboard, sign or other advertising device not an accessory sign.

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.

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.

27. Editor's Note: The Table of Use Regulations is included as an attachment to this chapter.

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 nonpublic or nongovernmental group.

PROFESSIONAL ENGINEER — A person employed in a practice of engineering as defined in MGL c. 112, § 81D and acts amendatory thereto.

PROFESSIONAL OFFICE — The office of a member of a recognized profession, including but not limited to an 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, leisuretime activities and other customary and usual recreational activities.

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

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

RECREATIONAL VEHICLE — A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living 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 are 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.²⁸

SEMI-DETACHED DWELLING — See "dwelling, semi-detached." [**Amended 4-12-2022**]

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.
- 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 — Includes 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 — 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.

- 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.
- 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.

28. Editor's Note: The definition of "secondhand personal property," which immediately followed this definition, was repealed 4-12-2022.

- 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 — 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, V1-30, VE.

SPECIAL PERMIT — 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.

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 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 in 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. **[Amended 4-12-2022]**

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 a 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".

- A. For floodplain management purposes, "structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- B. For insurance coverage purposes, "structure" 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 — The division of a tract of land into two or more lots and shall include resubdivision, 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 1) a public way or a way which the Clerk of the Town certifies is maintained and used as a public way, or 2) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or 3) 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, 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 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 resubdivision, shall be defined in the Subdivision Control Law, MGL 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 — 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% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% 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 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 seventeen-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 bylaw 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 requested because:

- A. Of circumstances relating to the soil conditions, shape or topography of the land especially affecting the land but not the surrounding lots in the district;
- B. A literal enforcement of the bylaws will involve substantial hardship; and
- C. 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 bylaw.

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 — Includes 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 AND 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 8-1.²⁹)

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 8-1.³⁰)

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 8-1.³¹)

ZONE A — 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) — The 100-year floodplain where the base flood elevation has been determined.

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

ZONE AH AND ZONE AO — The 100-year floodplain with flood depths of one foot to three feet.

ZONE V — 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 V1-30 AND ZONE VE (FOR NEW AND REVISED MAPS) — 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.

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

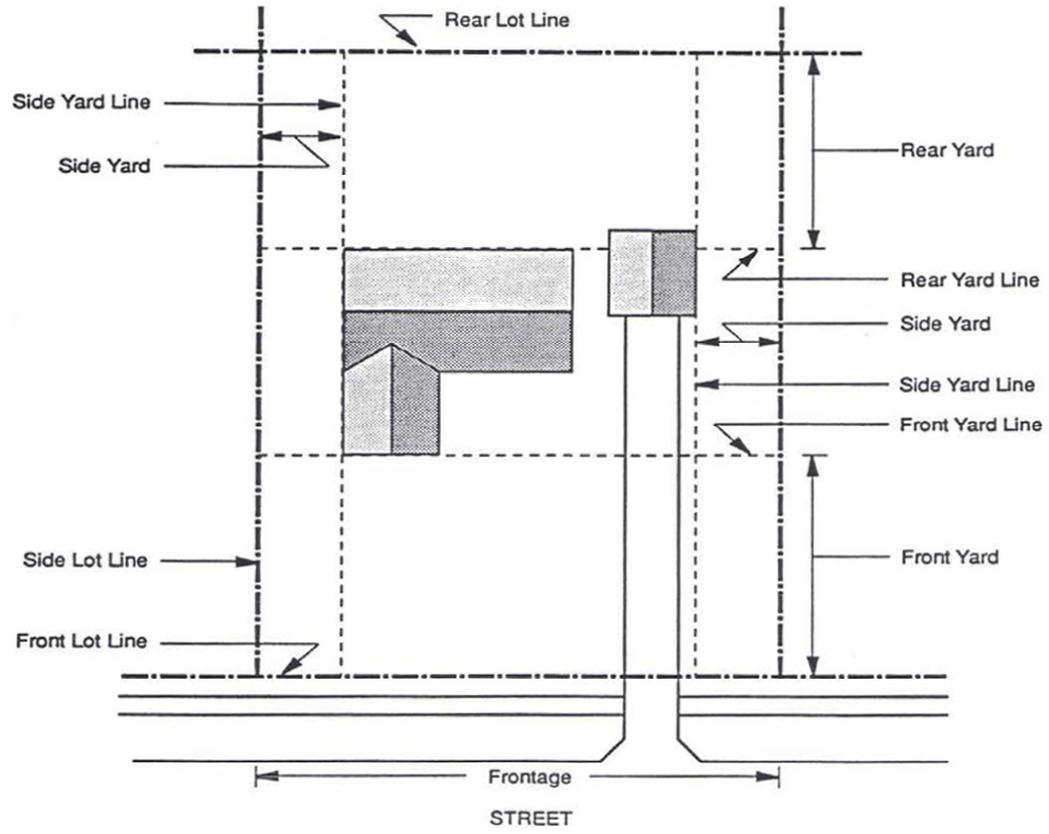
ZONING — The dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

29. Editor's Note: Diagram 8-1 is included at the end of this section.

30. Editor's Note: Diagram 8-1 is included at the end of this section.

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Diagram 8-1



For Definition Use Only

ZONING

450 Attachment 1

Town of East Longmeadow

**Table 3-1
East Longmeadow Schedule of Use Regulations
[Amended 6-15-2021; 4-12-2022]**

		Types of Districts			Permitted Uses		
		ER	Elderly Residential	IGP	Industrial Garden Park	Y	YES, Use Permitted
A	Residence A	COM	Commercial	GR	Golf Recreational	N	NO, Prohibited
B	Residence B	BUS	Business	PUR	Planned Unit Residential	SP	Use allowed by Special Permit from the Planning Board
C	Residence C	I	Industrial	PAR	Planned Adult Residential		
				MUVM	Mixed Use Village District		

Bylaw No.	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR	MUV
A.	GENERAL USES														
(1)	Agriculture, horticulture, floriculture, viticulture, aquaculture uses; on parcels of land more than 5 acres, including: a. Commercial livestock, dairy, poultry farm. b. Farm business commercial greenhouse, farm stand.	See Article XI, Definitions.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
(2)	Agriculture, horticulture, floriculture, viticulture, aquaculture uses; on parcels of land 5 acres or less, including: a. Commercial livestock, dairy, poultry farm. b. Farm business commercial greenhouse.	90% of products sold must have been raised or produced on the premises.	Y	Y	N	N	N	N	N	N	N	Y	Y	Y	Y

EAST LONGMEADOW CODE

Bylaw No.	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR	MUV
(3)	c. Farm stand.	For the sale and display of farm products, 90% of which must have been raised or produced on the premises.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
(4)	Commercial riding academy, boarding stable	Must be over 5 acres, farm-related	N	N	N	N	N	N	N	N	N	N	N	N	N
(5)	Commercial kennel	See Article VIII.	N	N	N	N	N	N	N	N	N	N	N	N	N
(6)	Pet day care and grooming		N	N	N	N	N	N	N	N	N	N	N	N	N
(7)	Forestry, wood harvesting tree farm, nursery		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
(8)	Golf recreation uses are permitted golf recreation uses: a. Area and facility for practice of golf, basketball or tennis. b. A swimming pool. c. A golf clubhouse with accessory buildings for caddies, golf professional shop and storage for the golf course maintenance equipment. d. The conduct of a restaurant in the golf clubhouse, together with the right to act as a common victualer. e. A golf course.		N	N	N	N	N	N	N	N	N	N	N	N	N
(9)	Area and facility for sporting activity	Does not apply to family use.	N	N	N	N	N	N	N	N	N	N	N	N	N
(10)	Recreational facility, commercial and private	See Article VIII.	N	N	N	N	N	N	N	N	N	N	N	N	N
(11)	Commercial landing strip or heliport		N	N	N	N	N	N	N	N	N	N	N	N	N
B.	Nonconforming structures or uses	See § 450-3.5 and Article VIII.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
(1)	RESIDENTIAL USES														
(2)	Single-family detached dwelling		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Multifamily dwelling	Permitted in the Elderly Residential District	N	N	N	N	N	N	N	N	N	N	N	N	N

ZONING

Bylaw No.	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR	MUV
(3)	Multiple dwelling Town property	Managed by the Housing Authority in conformity with Chapter 121B of the Massachusetts General Laws, including dwellings for the aged	Y	Y	Y	Y	N	Y	N	N	N	Y	Y	Y	N
(4)	Mobile home	A mobile home is not a single-family dwelling. The owner or occupier of a residence which has been destroyed by fire or disaster may place a trailer or mobile home on the site of such residence and may, by right, reside in such trailer or mobile home for a period not to exceed 12 months while the residence is being rebuilt. Any such trailer or mobile home shall be subject to the provisions of the State Sanitary Code.	N	N	N	N	N	N	N	N	N	N	N	N	N
(5)	Mobile home park		N	N	N	N	N	N	N	N	N	N	N	N	N
C.	COMMUNITY AND PUBLIC SERVICE USES														
(1)	Town buildings, playgrounds and parks and associated accessory buildings	As may be ordered by the Department of Public Works or Town officials having charge of the land upon which said accessory buildings are or will be erected	Y	Y	Y	Y	N	Y	N	N	N	Y	Y	N	Y
(2)	Ground-mounted photovoltaic arrays	See Article X.	N	N	N	N	N	N	N	Y	Y	N	N	N	SP
(3)	Public or nonprofit school and college	See § 450-5.10.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
(4)	Child-care facility		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
(5)	Family home day-care and large family home day-care	See § 450-8.5.	SP	SP	SP	SP	SP	SP	N	N	N	N	SP	N	N
(6)	Church or other place of worship	See § 450-5.10.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
(7)	Public library, museum	See Article VIII.	SP	SP	SP	SP	SP	Y	N	N	N	Y	SP	N	N
(8)	Public or commercial garage	See Article VIII.	N	N	N	N	N	N	SP	SP	SP	N	N	N	N
(9)	Telephone exchange buildings, public utility, substation	See Article VIII.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	SP
(10)	Wireless/Telecommunications service facilities and towers	See Article VIII.	N	N	N	N	N	SP	SP	SP	SP	N	N	N	SP

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Bylaw No.	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR	MUV
(11)	Cemetery	Must be adjacent to or extension of an existing cemetery	Y	Y	Y	Y	N	Y	N	N	N	Y	Y	N	N
(12)	Crematory	Must be situated within existing cemetery	Y	Y	Y	Y	N	Y	N	N	N	Y	Y	N	N
(13)	Membership club, lodge, social, recreational and community center organization		N	N	N	N	N	N	Y	N	N	N	SP	N	SP
(14)	Convalescent, assisted-living, congregate elderly, handicapped housing or nursing home	See Article VIII.	SP	SP	SP	SP	SP	N	N	N	N	N	SP	N	N
(15)	Hospital or sanitarium, medical clinic	See Article VIII.	SP	SP	SP	SP	SP	N	N	N	SP	N	SP	N	SP
D.	COMMERCIAL USES														
(1)	Professional office	Including, but not limited to doctors, architects and lawyers	N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y
(2)	Bank, financial, brokerage and loan office		N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y
(3)	Insurance and real estate office		N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y
(4)	Dental, medical and scientific labs		N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y
(5)	General consultant office		N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y
(6)	Telephone and utility office		N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y
(7)	Studio for professional photographer and artist		N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y
(8)	Travel agency		N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y
(9)	Commercial school		N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y
(10)	Sales office	Provided no goods for sale are stored on the premises and no retail sales are conducted from the location	N	N	N	N	N	Y	Y	Y	Y	N	N	N	Y
E.	BUSINESS USES														
(1)	Retail store	See § 450-8.11 for IGP allowance.	N	N	N	N	N	N	Y	Y	SP	N	N	N	Y
(2)	Convenience store		N	N	N	N	N	N	Y	Y	N	N	N	N	Y
(3)	Indoor self-storage	See Article VIII.													Y
(4)	Wholesale business		N	N	N	N	N	N	Y	Y	N	N	N	N	Y
(5)	Planned business development	Includes shopping centers. See § 450-5.2	N	N	N	N	N	N	SP	SP	N	N	N	N	N
(6)	Supermarket		N	N	N	N	N	N	Y	Y	N	N	N	N	Y

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Bylaw No.	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR	MUV
(7)	Personal service shop		N	N	N	N	N	N	Y	Y	N	N	N	N	Y
(8)	Massage therapist facility or licensed massage therapy salon	See Article VIII and § 450-8.9.	N	N	N	N	N	SP	SP	SP	N	N	N	N	SP
(9)	Gasoline filling station	Body and fender work prohibited. See § 450-5.7.	N	N	N	N	N	N	Y	Y	N	N	N	N	N
(10)	Gasoline filling station with convenience store	Body and fender work prohibited. See § 450-5.7 and Article VIII.	N	N	N	N	N	N	SP	SP	N	N	N	N	N
(11)	Car washing facility	See § 450-5.7 and Article VIII.	N	N	N	N	N	N	SP	SP	N	N	N	N	N
(12)	Automobile repair shop, storage battery service, greasing station	Body and fender work prohibited. See § 450-5.7.	N	N	N	N	N	N	Y	Y	N	N	N	N	N
(13)	Used car lot	See § 450-5.7 and Article VIII.	N	N	N	N	N	N	SP	N	N	N	N	N	N
(14)	Restaurant	See Article VIII.	N	N	N	N	N	N	SP	SP	N	N	N	N	SP
(15)	Funeral establishment		N	N	N	N	N	N	Y	Y	N	N	N	N	N
(16)	Veterinary hospital	All animals must be kept inside permanent buildings	N	N	N	N	N	Y	Y	Y	N	N	N	N	Y
(17)	Gaming establishments		N	N	N	N	N	N	N	N	N	N	N	N	N
(18)	Medical marijuana treatment centers, registered marijuana dispensaries	See Article VI, Article VIII and § 450-8.10.	N	N	N	N	N	N	N	N	SP	N	N	N	N
(19)	Adult uses	See definitions in Article X and § 450-8.12.	N	N	N	N	N	N	N	N	SP	N	N	N	N
F.	INDUSTRIAL USES														
(1)	Industrial uses, not commonly considered hazardous or noxious	All industrial uses are permitted except those uses listed in § 450-3.1. No use shall be permitted which would be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reason of dirt, odor, fumes, smoke, gas, sewage, refuse, noise, excessive vibration or danger of fire or explosion.	N	N	N	N	N	N	N	Y	Y	N	N	N	N
(2)	Wholesale trade and warehouse operations		N	N	N	N	N	N	N	Y	Y	N	N	N	N
(3)	Construction supply establishment (including a lumber yard)		N	N	N	N	N	N	Y	Y	Y	N	N	N	N
(4)	Open quarrying and removal of sandstone		N	N	N	N	N	N	N	N	N	N	N	N	N

EAST LONGMEADOW CODE

Bylaw No.	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR	MUV
G. (1)	ACCESSORY USES Home office or studio	<p>The use of a portion of a home by a bona fide resident of the premises as an office or studio for the private conduct of a profession, home occupation, or trade shall be considered accessory to the use of the residence, provided that:</p> <ol style="list-style-type: none"> A waiver of site plan approval for a private home office or studio must be granted by the Planning Board prior to any business being conducted at the residence. The home occupation is to be conducted in an office or studio in the primary dwelling and is carried on only by members of the resident family living on the premises. The home occupation is clearly incidental to and secondary to the use of the dwelling as a residence. The area devoted to the conduct of the home occupation does not exceed 20% of the habitable floor area of the dwelling unit. No external change is made which alters the residential appearance of the dwelling or the residential character of the lot. 	Y	Y	Y	Y	N	Y	Y	N	N	Y	Y	N	Y

ZONING

Bylaw No.	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR	MUV
	Home office or studio (cont.)	<p>f. There is no exterior display, signage or visible storage or other outward evidence that the premises are being used for any purpose other than for a residential use.</p> <p>g. The use will not constitute a nuisance by reason of an unacceptable level of air or water pollution, noise, vibration, smoke, dust, odor, heat, glare, unsightliness, electrical interference or other activity which, when produced, is detectable to normal sensory perception beyond the property line in amounts exceeding those normal to a residential property. The use shall not constitute a safety hazard to abutters.</p> <p>h. No articles are sold or offered for sale on the premises.</p>													
(2)	Private garage	A private garage or storage space for not more than 5 vehicles shall be permitted on a lot. Not for lease. The standards and conditions in this section shall not apply to any business, commercial or industrial use in the COM, BUS or IGP Districts.													

EAST LONGMEADOW CODE

Bylaw No.	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR	MUV
(3)	Home-based trade	The incidental and secondary use of a portion of the home or accessory building therefor, as a place for 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. Said use is specifically limited as enumerated in § 450-8.8 of the East Longmeadow Zoning Bylaw.	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N
(4)	Garaging or parking commercial vehicles Notwithstanding § 450-8.8, additional criteria for home-based trade	Vehicles used primarily for agricultural purposes on the premises are exempt. The following standards AND CONDITIONS shall apply only in the residential district (AA, A, B, C and ER): a. Commercial vehicle shall not be more than 1 ton in rated capacity. b. Not more than 1 commercial vehicle of any size can be kept per lot. c. If not garaged, commercial vehicles must be screened from view. d. The lease or rental of garage storage to a nonresident owner of a commercial vehicle is not permitted.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y
(5)	Private stable, not conducted for gain	Business operations are prohibited. No more than 4 horses shall be kept on a single lot. A minimum area of lot shall be 10,000 square feet per horse.	Y	Y	Y	Y	N	Y	N	N	N	Y	Y	N	N
(6)	Family pool	See § 450-5.9.	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y	N	N
(7)	Neighborhood pool, not conducted for gain	See § 450-5.9.	Y	Y	Y	Y	Y	N	N	N	N	N	Y	N	Y
(8)	House trailer, mobile home	Not more than 1 house trailer may be located on a lot. Cannot be used as a dwelling unit on the lot. Must conform to accessory building setback, side yard and rear yard requirement of the zone in which it is located	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N

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Bylaw No.	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR	MUV
(9)	Clubhouse	Intended for residents and guests in the Mixed Use Village District	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	Y
(10)	Public transportation service area to support bus stop, regional bus, rapid transit bus, shuttle bus or ride services		N	N	N	N	Y	Y	Y	Y	Y	N	N	N	Y
(11)	Helistop, limited use		N	N	N	N					SP	N	N	N	N

ZONING

450 Attachment 2

Town of East Longmeadow

**Table 3-2
Table of Dimensional Regulations: Residence Districts AA, A, B, C and ER (Elderly Residential)**

District	Use	Minimum Lot Area (square feet or as noted)	Minimum Frontage (feet)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Setback, Accessory ² (feet)	Maximum Height ¹ (feet)	Maximum Lot Coverage	Comment
AA	Any permitted use	40,000	175	50	35	50	60	35	25%	Private stable - for stabling 1 horse, a lot must have a minimum lot size of 10,000 square feet. For stabling additional horses, a lot shall have 10,000 square feet of additional area for each additional horse.
	Town building	40,000	175	50	35	50	60	50	25%	No building shall be built within 50 feet of any property line. See § 450-8.6.
	Hospital, sanitarium, medical clinic, convalescent, nursing home, congregate-care, handicapped or assisted-living facility	40,000	175	50	50	50	60	35 ³	25%	
	Church, building for educational purposes, public library, museum	80,000	350	70	49	70	80	45	60%	There shall be no parking or access driveways closer than 25 feet to a residential district boundary. See § 450-5.10. The entire length of the side and rear yards abutting a residential district shall be landscaped for a depth of 20 feet from the lot line.

EAST LONGMEADOW CODE

District	Use	Minimum Lot Area (square feet or as noted)	Minimum Frontage (feet)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Setback, Accessory ² (feet)	Maximum Height ¹ (feet)	Maximum Lot Coverage	Comment
A	Any permitted use	25,000	140	50	20	50	60	35	25%	Private stable - for stabling 1 horse, a lot must have a minimum lot size of 10,000 square feet. For stabling additional horses, a lot shall have 10,000 square feet of additional area for each additional horse.
	Town building	25,000	140	50	20	50	60	50	25%	No building shall be built within 50 feet of any property line. See § 450-8.6.
	Hospital, sanitarium, medical clinic, convalescent, nursing home, congregate-care, handicapped or assisted-living facility	25,000	140	50	50	50	60	35 ³	25%	
	Church, building for educational purposes, public library, museum	50,000	280	70	28	70	80	45	60%	There shall be no parking or access driveways closer than 25 feet to a residential district boundary. See § 450-5.10. The entire length of the side and rear yards abutting a residential district shall be landscaped for a depth of 20 feet from the lot line.

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District	Use	Minimum Lot Area (square feet or as noted)	Minimum Frontage (feet)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Setback, Accessory ² (feet)	Maximum Height ¹ (feet)	Maximum Lot Coverage	Comment
B	Any permitted use	15,000	100	40	15	35	50	35	25%	Private stable - for stabling 1 horse, a lot must have a minimum lot size of 10,000 square feet. For stabling additional horses, a lot shall have 10,000 square feet of additional area for each additional horse.
	Town building	15,000	100	40	15	35	50	50	25%	No building shall be built within 50 feet of any property line. See § 450-8.6.
	Hospital, sanitarium, medical clinic, convalescent, nursing home, congregate-care, handicapped or assisted-living facility	15,000	100	50	50	50	60	35 ³	25%	
	Church, building for educational purposes, public library, museum	30,000	200	56	21	49	66	45	60%	There shall be no parking or access driveways closer than 25 feet to a residential district boundary. See § 450-5.10. The entire length of the side and rear yards abutting a residential district shall be landscaped for a depth of 20 feet from the lot line.

EAST LONGMEADOW CODE

District	Use	Minimum Lot Area (square feet or as noted)	Minimum Frontage (feet)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Setback, Accessory ² (feet)	Maximum Height ¹ (feet)	Maximum Lot Coverage	Comment
C	Any permitted use	10,000	75	25	12	25	35	35	25%	Private stable - for stabling 1 horse, a lot must have a minimum lot size of 10,000 square feet. For stabling additional horses, a lot shall have 10,000 square feet of additional area for each additional horse.
	Town building	10,000	75	25	12	25	35	50	25%	No building shall be built within 50 feet of any property line. See § 450-8.6.
	Hospital, sanitarium, medical clinic, convalescent, nursing home, congregate-care, handicapped or assisted-living facility	10,000	50	50	50	50	60	35 ³	25%	
	Church, building for educational purposes, public library, museum	20,000	150	35	17	35	45	45	60%	There shall be no parking or access driveways closer than 25 feet to a residential district boundary. See § 450-5.10. The entire length of the side and rear yards abutting a residential district shall be landscaped for a depth of 20 feet from the lot line.

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District	Use	Minimum Lot Area (square feet or as noted)	Minimum Frontage (feet)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum ² Setback Accessory (feet)	Maximum ¹ Height (feet)	Maximum Lot Coverage	Comment
ER	Any permitted use	5 acres	200	50	50	50	50	35 ³	25%	<p>Unit density is limited to 25 units/acre. There shall be a maximum of 200 units on any 1 lot. Minimum of 8 units for each principal building.</p> <p>A 120-foot distance between dwelling buildings is required.</p> <p>Vehicular access to a public way or ways must be provided at a minimum of 2 locations not less than 100 feet apart.</p> <p>Note: A 25-foot landscaped buffer is required along the front yard, side yard and rear yard requirements if abutting any other residential districts.</p>

NOTES:

- ¹ Height shall not apply to chimneys, steeples or flagpoles. However, no radio, television antenna or other aerial devices which are mounted on an existing man-made structure, other than an antenna structure, shall increase the overall height of such man-made structures by more than 20 feet, and in all cases they shall be stayed in such a manner to assure stability.
- ² Any accessory structure constructed at least 10 feet behind the principal building can be erected no closer than five feet to the rear and/or side yard property line. Any other accessory structures must meet the required side and rear yard setbacks for the principal building.
- ³ Height may be increased to 45 feet upon special permit application and Planning Board review and approval.

EAST LONGMEADOW CODE

**Table 3-2
Table of Dimensional Regulations: Planned Unit Residential (PUR) District**

District	Use	Minimum Lot Area (square feet or as noted)	Minimum Frontage (feet)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Setback, Accessory ² (feet)	Maximum Height ¹ (feet)	Maximum Lot Coverage	Comment
PUR										
	PURD ²	40 acres	(4)	(5)	(6)	(7)	(8)	35	(9)	
	Residential use	40,000	175	50	35	50	60	35	25%	
	Any other permitted use	40,000	175	50	35	50	60	35 ³	25%	Accessory side and rear yard not less than 50 feet

NOTES:

- (1) These provisions shall not apply to chimneys, flag or radio poles, elevator penthouses and required bulkheads.
- (2) Planned unit residential development (PURD): Minimum setback and side/yard dimensions of Residence AA shall pertain to the periphery of the PURD.
- (3) For § 450-5.10 uses only. Height may be increased to 45 feet upon special permit application and Planning Board review and approval.
- (4) Frontage is not applicable.
- (5) Minimum of 40 feet setback as measured from the center line of street to structure, as applicable.
- (6) Minimum of 25 feet side yard between structures.
- (7) Minimum of 25 feet rear yard between structures.
- (8) Minimum of 40 feet setback as measured from center line of street to structure, as applicable.
- (9) Maximum lot coverage is not applicable. The PURD density shall not exceed three units per aggregate acre, excluding wetlands of the PURD, and there shall be no more than three bedrooms per unit.

ZONING

**Table 3-2
Table of Dimensional Regulations: Planned Adult Residential (PAR) District**

District	Use	Minimum Lot Area (square feet or as noted)	Minimum Frontage (feet)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Setback, Accessory ² (feet)	Maximum Height ¹ (feet)	Maximum Lot Coverage (%)	Density	Comment
PAR	PHARD ²	25 acres	(3)	(4)	(5)	(6)	(7)	35	(8)	(9)	

NOTES:

- (1) These provisions shall not apply to chimneys, flag or radio poles, elevator penthouses and required bulkheads.
- (2) Planned adult residential district (PHARD): Minimum setback and side/yard dimensions pertaining to the periphery of the PHARD shall be 50 feet.
- (3) Frontage not applicable.
- (4) Minimum of 40 feet setback as measured from center line of street to structure, as applicable.
- (5) Minimum of 24 feet side yard between structures.
- (6) Minimum of 25 feet rear yard between structures.
- (7) Minimum of 40 feet setback as measured from center line of street to structure, as applicable.
- (8) Maximum lot coverage 50% (structures, road pavements and impervious surfaces), excluding 100% of the wetlands in the calculations.
- (9) The PHARD density shall not exceed the units per aggregate usable acre of the PHARD based on the average square foot requirements set forth below and there shall be no more than three bedrooms per unit.

Average Square Feet of Units	Units Per Usable Acre
<1600	5
1,601 to 2,300	4
>2301	3

Basements, porches and decks shall not be included in the calculation of the square footage of the units. The density calculation shall be the average of all units as depicted on the site plan submitted to the Planning Board for either the entire PHARD development or the phase of the PHARD development identified on the site plan submitted to the Planning Board and shall be based upon the usable acres developed to said site plan.

EAST LONGMEADOW CODE

**Table 3-2
Table of Dimensional Regulations: Commercial District (COM)**

District	Use	Minimum Lot Area (square feet or as noted)	Minimum Frontage (feet)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Setback, Accessory (feet)	Maximum Height ¹ (feet)	Maximum Lot Coverage (%)	Comment
COM	Any permitted use	15,000	100	25	(2)	25	25	30	Single story = 40% 2 story = 30%	See § 450-3.3.

NOTES:

- (1) Height provisions shall not apply to chimneys, flag or radio poles, water tanks or hose towers, nor to required bulkheads or elevator penthouses. A residence building shall comply with the height requirements for residential districts.
- (2) Twelve-foot side yard, except where abutting any residential property or district, in which case the side yard shall be 25 feet.

ZONING

**Table 3-2
Table of Dimensional Regulations: Business District (BUS)**

District	Use	Minimum Lot Area (square feet or as noted)	Minimum Frontage (feet)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Setback Accessory (feet)	Maximum Height ¹ (feet)	Maximum Lot Coverage %	Maximum Size ² (square feet)	Comment
BUS	Any permitted use	None	100	25	None	None	25	40	25	(2)	See § 450-3.3.
	Residential use	None	75	25	12	25	35	35	25	None	
	Planned business development	2.5 acres	120	50	5	5	50	40	35	65,000	See § 450-5.2.
	Storage or sale of unused motor vehicles	20,000	150	25	None	None	25	40	75	65,000 (subject to § 450-8.7)	See § 450-3.3.

NOTES:

- (1) Height provisions shall not apply to chimneys, flag or radio poles, water tanks or hose towers, nor to required bulkheads or elevator penthouses. For a building to be devoted in whole or in part to residence purposes, the requirements for setbacks, side yards and rear yards prescribed for the Residence C District shall apply.
- (2) For size limits, see § 450-3.3D and § 450-5.2D. For any permitted use, except retail use, no maximum square footage. Retail use: 65,000 square foot for maximum building size.

EAST LONGMEADOW CODE

Table 3-2
Table of Dimensional Regulations: Industrial Districts I and IGP (Industrial Garden Park)

District	Use	Minimum Lot Area (square feet or as noted)	Minimum Frontage (feet)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Setback, Accessory (feet)	Maximum Height ¹ (feet)	Maximum Lot Coverage (%)	Maximum Size ² (square feet)	Comment
I	Any permitted use	None	None	25	12	25	25	50	60	(3)	See § 450-3.3.
	Planned business development	2.5 acres	120	50	5	5	50	40	35	65,000	See § 450-5.2.
	Abutting a Residence District	None	None	25	50	50	25	50	60	(3)	See § 450-3.3E.
	Abutting a Commercial, Business or Industrial District	None	None	25	12	25	25	50	60	(3)	
IGP	Any permitted use	75,000	250	75	40	50	75	50 ⁵	(6)		When abutting any residential district, the rear and/or side yard shall be 50 feet. A 25-foot landscaped buffer is required if a property abuts any residential district.
	Medical marijuana treatment centers, registered marijuana treatment centers	75,000	250	75	40	50	75	50 ⁵	(6)		See additional requirements in Article VI, Article VIII and § 450-8.10.

NOTES:

- (1) These provisions shall not apply to chimneys, smokestacks, aerators, flag or radio poles, elevator penthouses, gas holders, water tanks, grain elevators, required bulkheads or other equipment appurtenant to industrial buildings.
- (2) For size limits, see § 450-3.3E(3).
- (3) Any permitted use, except retail use, no maximum square footage. Retail use: 65,000 square feet maximum building size.
- (4) Maximum square footage limitation determined by designated use.
- (5) Height shall not apply to chimneys, smokestacks, water towers, flagpoles, aerators, antennas or other equipment appurtenances necessitated by the permitted use to which the building is put.
- (6) Maximum lot coverage in the IGP District: On any lot, building area shall not exceed 40% of the lot area on lots having less than 225,000 square feet of area and 45% of the lot area on lots having 225,000 square feet or more.

ZONING

**Table 3-2
Table of Dimensional Regulations: Golf Recreational District (GR)**

District	Use	Minimum Lot Area (square feet or as noted)	Minimum Frontage (feet)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Setback, Accessory (feet)	Maximum Height ¹ (feet)	Maximum Lot Coverage	Comment
GR										
	Residential use	40,000	175	50	35	50	60	35	25%	
	Any other permitted use	40,000	175	50	35	50	60	35	25%	Accessory side and rear yard not less than 50 feet.

NOTES:

(1) These provisions shall not apply to chimneys, flag or radio poles, elevator penthouses and required bulkheads.

EAST LONGMEADOW CODE

**Table 3-2
Table of Dimensional Regulations: Mixed-Use Village District (MUV)
[Added 6-15-2021]**

District	Use	Minimum Lot Area (square feet or as noted)	Minimum Frontage (feet)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Setback, Accessory (feet)	Maximum Height' (feet)	Maximum Lot Coverage	Comment
MUV	Any permitted use	40 acres	175	100	50	50	Note 3	Note 2	60%	A 25-foot landscaped buffer is required.

NOTES:

- (1) Height provisions shall not apply to chimneys, smoke stacks, water towers, antennas, flag or radio poles, water tanks or hose towers, nor to required bulkheads or elevator penthouses or other equipment appurtenances necessitated by the permitted use to which the building is put.
- (2) The maximum height of structures within a Mixed-Use Village District shall reflect the zone and the surrounding context where the district is to be created.
 - (a) All residential zones: maximum height up to 35 feet.
 - (b) Commercial and Business Zones: maximum height up to 40 feet.
 - (c) Golf Recreational Zone: maximum height up to 35 feet.
 - (d) Industrial and Industrial Garden Park Zones: maximum height up to 50 feet.
- (3) All buildings will meet primary setbacks.