

# Memorandum

To: Regulatory Review Advisory Working Group, Town of East Longmeadow  
Planning Board – Russell Denver  
Planning and Community Development – Bethany Yeo  
Department of Public Works – Bruce Fenney and Tom Christensen

From: Patty Gambarini, PVPC, and Dillon Sussman, Dodson & Flinker

Re: MVP Action Grant – East Longmeadow Regulatory Review for Climate Resilience

Date: June 16, 2021

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## Overview of Regulatory Work Accomplished

Under East Longmeadow’s MVP Action Grant, PVPC and Dodson & Flinker staff met a total of 4 times with the Regulatory Review Advisory Working Group. At the first meeting, PVPC and Dodson & Flinker presented an overview of the proposed work and facilitated discussion about best areas of focus for regulatory updates. Areas of focus for the review, based on promoting better stormwater management and climate resiliency, involved the following: East Longmeadow’s Zoning Bylaw, Stormwater Bylaw and Regulations, and a Green Infrastructure and Climate Resiliency Policy. Subsequent meetings covered discussion on updates recommended by PVPC and Dodson & Flinker within each of these code elements. More detail on each element is provided below and in the accompanying Dodson & Flinker “Summary of East Longmeadow LID Zoning Review” memo. All final marked up code documents with proposed new sections are attached as appendixes to this Memorandum. Note that while Subdivision Regulations are being reviewed by a consultant through another project for compliance with the MS4 permit, PVPC did flag locations where those Regulations ought to refer out to the Stormwater Bylaw and Regulations.

## Changing Climate and Regulatory Considerations

For East Longmeadow, the greatest climate change considerations involve increased heat, including warmer winters and more summer days of 90 degrees or more, and greater variability in rainfall, including greater frequency of larger storms and increasing consecutive dry days. Fortunately, strategies to deal with these changes are fully complementary in that reduced impervious cover and greater use of green infrastructure help to cool during hot temperatures, as well as create a landscape more able to absorb increased rainfall that reduces runoff volumes, but also infiltrates to help sustain ecosystems and human communities through dryer periods.

As such, the overall aim of regulatory review work with the Town has been to institute development and redevelopment project review processes and standards that advance low impact approaches, including reductions in impervious cover, wider use of green infrastructure, nature-based solutions, and trees. At the same time, regulatory review work helped with Town compliance on new requirements under the EPA and MassDEP's Municipal Separate Storm Sewer System (MS4) permit.

### **Stormwater Management Bylaw and Regulations**

East Longmeadow has a Stormwater Management Bylaw, along with associated Stormwater Management Regulations that cover both stormwater management and erosion and sediment control. Recommended changes discussed and accepted by the working group are shown in the appendixes to this memo. Among the most significant updates is extending the requirements for a stormwater management permit from projects to disturbing one acre or more to also include projects that meet 2 out of 3 conditions:

- located within 100' of an existing or proposed inlet to any storm drain, catch basin, or other storm drain system component discharging into any lake, pond, river or wetland;
- will result in a slope of 15% or greater;
- disturbs greater than 10,000 square feet of area.

Other important elements written into the Regulations for greater climate resiliency and compliance with the MS4 permit include:

- A pre-application and concept plan meeting that gets project proponents thinking early in the process about a low impact development approach. PVPC has developed a pre-application checklist for use with such meetings that entail preparation of three simple maps: 1. an existing resources site analysis map that identifies, locates, and describes noteworthy features to be designed around; 2 a hydrologic soils group (HSG) map and soils description of site and abutting properties using NRCS's web soil survey on-line mapping tool; and 3. a sketch plan, based on the existing resources/site analysis and soils map, that illustrates conceptual layout of the proposed development or redevelopment. This checklist is included in the appendixes to this memo.
- Rainfall data recommendations that currently tie to NOAA Atlas 14, Plus (what MassDEP has indicated it will include in the updated Massachusetts Stormwater Handbook) to account for current precipitation. PVPC talked with the working group about considerations of future rainfall amounts through RMAP and there was general agreement that it will be important once the tool has been finalized to determine whether an updated approach to rainfall data use ought to be adopted for local projects.
- Requirement of low impact development in all development and redevelopment projects to meet volume and pollutant removal objectives and to reduce impervious surface. This includes alternative design for streets, driveways, and parking. For redevelopment projects that cannot meet volume or pollutant removal objectives on site for technical reasons, there is an option to mitigate for impacts off site within the same subwatershed area.

- LID standards include some new specifications, including:
  - tree protection for stands of trees and trees with a trunk diameter at breast height of 8 inches or more
  - naturally vegetated buffers along all perennial streams and other water features, and prohibition of mowing and brush hogging within riparian buffers
  - cold-water fishery protection with mapping of such resources and mitigation of potential thermal impacts from development
  - avoid soil compaction through best practices, including reducing the number of trips required over area of disturbance, laying down soil protective mats for trafficked areas, avoiding work after rain or snowmelt that soaks soils, using construction vehicles with low axle loads, reduced tire pressures, and use of flotation tires, doubles, radial tires, and/or large-diameter tires.

### **Green Infrastructure and Climate Resiliency Policy**

PVPC shared its current model Green Infrastructure and Climate Resiliency Policy with the advisory working group. The group expressed interest in the policy and agreed that adoption of a policy would help lay a foundation for advancing regulatory updates and resiliency. The policy would help to inform other boards and town officials, but also developers working in the community. The model is included in the appendixes to this memo.

### **Subdivision Regulations**

As noted above, the Subdivision Regulations are being reviewed by a consultant through another project for alignment with the MS4 permit. PVPC reviewed the Subdivision Regulations only to flag locations where developers ought to be referred out to the Stormwater Bylaw, Chapter 1, 8.070, and the Rules and Regulations adopted thereunder.

Following part 2.2 entitled, “Compliance with Zoning Bylaws,” insert new part entitled, “Compliance with Stormwater Management Bylaw and Regulations” with language along the following lines:

Subdivision projects must obtain a stormwater management permit and shall meet all the requirements pertaining to stormwater management and erosion and sediment control under the existing Stormwater Management Bylaw, Chapter 1, 8.070, and Rules and Regulations.

Also, add reference to Stormwater Management Bylaw and Regulations under the following sections:

- In part 6.2.4 entitled, “Storm and Surface Drainage,” and “1. General.”
- In part 6.4 entitled, “Stormwater Drainage.”
- In part 7.3 entitled, “Drainage and Drainage Structures.”

# EAST LONGMEADOW ZONING REVIEW FOR LOW IMPACT DEVELOPMENT

## Introduction

As the impacts of climate change are increasingly becoming evident, communities, like East Longmeadow, are stepping up to prepare for the future. There are many actions the town can, and is, taking on its own: preparing the town's stormwater systems for more intense storm events, planting more trees, conserving key lands, developing emergency response systems, etc. However, the town's responsibility for preparing for climate change extends beyond what the town itself can do. The Town is also responsible for ensuring that private activities do not unduly endanger public health, safety and welfare, including ensuring that sites are built and managed to minimize the risk of climate change impacts.

The Town's bylaws and regulations, in particular its zoning, are a key tool for ensuring that private development helps make East Longmeadow a more climate resilient town. By revising its regulations, the town can sure that privately developed sites are resilient to increased storms, increased heat, and broadscale ecological changes. Better bylaws will result in better built outcomes which will benefit property owners in the long run, protect neighboring properties from flooding and erosion, and minimize the burden placed on the town's infrastructure and emergency management systems.

Recognizing the need to update its bylaws for climate resilience, the Town of East Longmeadow applied for, and was awarded, a grant from the Commonwealth of Massachusetts Municipal Vulnerability Preparedness (MVP) Program to undertake a climate resilient regulatory review.

During initial discussions, the East Longmeadow Regulatory Review Advisory Working Group, identified several key regulatory review opportunities. Among those was reviewing of the Town's zoning to identify opportunities to encourage and or eliminate barriers to Low Impact Development. This was prioritized because low impact development has multiple benefits that are aligned with town goals related to climate change and town character, and because completing the review is required by the MS4 Permit, which the town is subject to. Dodson & Flinker undertook the review of the Town's zoning for LID. Our work is summarized in this report.

## What Is Low Impact Development?

Low Impact Development (LID). Low Impact Development (LID) is a development strategy that seeks to mimic—or in the case of redevelopment, restore or recreate—a site's predevelopment hydrology through protection of on-site natural features and better site design that limits impervious areas, preserves open space, and uses decentralized small-scale facilities to capture and manage rainfall (or snowmelt) close to where it falls. These small-scale facilities serve to slow, absorb, and treat flow and include bioretention areas, grassed swales, porous pavements, cisterns, and green roofs and walls.

Low Impact Development is often contrasted with conventional design and engineering practices, which in their worst forms, approach sites as blank slates to be cleared, regraded, and paved and built upon without regard to existing natural systems and the benefits they provide. In conventional design and engineering—sometimes called gray infrastructure—stormwater is treated as a waster product that is moved quickly from roofs and pavement to storm drains or detention basins via catch basins and pipes.

The conventional engineering practice is efficient but can result in increased flood flows and the loss of water soaking into the earth which ultimately can compromise drinking water supplies.

Low Impact Development, on the other hand, can:

- Reduce flooding;
- Improve water quality
- Reduce the need for investments in gray infrastructure
- Increase water supply
- Reduce urban heat island
- Improve habitat, ecosystems
- Maintain community character
- Improve aesthetics of sites

There are four key components to a low impact development approach. They are to:

- Preserve and protect natural systems: natural drainage and infiltration, soils, vegetation, ecosystems;
- Steer development to best locations including previously disturbed areas with well drained soils and/or existing stormwater infrastructure with spare capacity;
- Reduce impervious surfaces;
- Use green infrastructure stormwater management practices.

The Low Impact Development approach can be applied across scales, from broad scale land use planning that is the basis of zoning districts and allowed densities and uses within them, to site specific designs. Often both green and gray stormwater approaches are used together. In this case green stormwater management practices can reduce the amount of stormwater flowing into gray infrastructure—prolonging the useful life of pipes, culverts and other stormwater system components that would otherwise be undersized as climate change drives larger storms.

## Summary of Review

Dodson & Flinker reviewed East Longmeadow’s zoning bylaw for the degree to which the zoning promotes or obstructs low impact development (LID) practices. The review used *The Code & Ordinance Worksheet: A Tool for Evaluating the Development Rules in Your Community* (Center for Watershed Protection, 2017). This code review tool was chosen after an extensive review of LID code tools because its companion handbook provides clear explanations of LID techniques and will be a useful resource for explaining LID going forward, and because the tool offers an overall “score” that makes it easy to see how well East Longmeadow is doing overall.

The Code & Ordinance Worksheet (COW), is calibrated for several different community types. We selected the “Suburban” form. Because the COW is a comprehensive code review tool, some sections did not apply to this project which focused solely on zoning. Other projects are in the works to review the subdivision regulations and stormwater regulations. The overall score was recalibrated to remove code items that were not part of this review.

Overall, East Longmeadow’s zoning received a score of 31 out of 95.5 possible points, or 32%.

For the most part, East Longmeadow’s zoning is silent about low impact development and associated practices. In fact, LID is not mentioned by name. On other topics, the code runs counter to Low Impact Development practices, especially in its excessive parking requirements and its focus on landscape buffers to visually separate uses, rather than an approach that prioritizes environmentally sensitive site design and landscaping.

East Longmeadow’s zoning is fairly complex, as is typical of zoning codes that have accreted changes over time. For example, there are numerous similar sections dealing with parking, landscaping, and buffers. This complexity makes integrating LID revisions more onerous. There two possible approaches to redundant sections. The first is to make changes to promote LID in each redundant section. This would result in a large package of zoning amendments and risks missing relevant sections. The second approach is to establish new sections that enable and encourage LID and override other sections. For example, a new section could say that LID is allowed in landscaping and buffers throughout the town regardless of what other sections of the zoning say. This approach would result in a smaller package of zoning amendments and could make it clearer that the town prefers an LID approach. Based on discussions with the Regulatory Review Advisory Working Group, the second approach is recommended, especially for the following topics: landscaping and buffers, lot coverage, and minimizing clearing and grading. This approach is shown in the attached version of the zoning which shows recommended revisions in “red-lined” format.

A key question when incorporating Low Impact Development practices into zoning is how proscriptive a community wants to be about use of LID techniques. Some communities may want to simply allow LID and eliminate regulatory barriers to it. Others will want to encourage LID design techniques and features but not require them. Others will require LID in some situations. Finally, some communities may choose to make LID the default approach for development that is required in all situations. It is important to note that the MS4 permit requires the last approach for all projects under its jurisdiction.

### Calibrating LID Regulations to Local Situation



*The LID “regulatory dial” can be calibrated to suit local goals, and physical, political, and economic conditions.*

Based on discussions with the Regulatory Review Advisory Working Group, we recommend that LID design techniques and features be required unless not feasible for all projects that are subject to Site Plan Review, and that it be encouraged for all other projects. This change has been made in the redlined version of the zoning. Keep in mind that many projects that undergo Site Plan Review will also be subject to the Town's Stormwater Bylaw. Recommended revisions to the Stormwater Bylaw (described elsewhere) will require LID unless not feasible for projects that disturb one acre or more and also include projects that meet 2 out of 3 conditions:

- located within 100' of an existing or proposed inlet to any storm drain, catch basin, or other storm drain system component discharging into any lake, pond, river or wetland;
- will result in a slope of 15% or greater;
- disturbs greater than 10,000 square feet of area.

It is important to note that while many areas of East Longmeadow have soils that are not well suited for stormwater infiltration, and so may not be well suited for all the LID "green infrastructure" facilities, projects at those locations can nevertheless use a LID design approach which prioritizes conservation of existing natural resources, preserving existing native vegetation, and preserving natural stormwater features, etc.

The COW worksheet documents the code review. In addition, the Appendix includes a version of East Longmeadow's zoning with sections of the zoning that relate to the COW criteria called out in situ using Microsoft Word "comments." These comments may be useful for identifying additional opportunities for improvements, beyond those that were addressed in this project and are described below.

## Key Recommendations

Key recommendations based on the code review are summarized below. Specific zoning revisions for implementing these recommendations are shown in two documents included in the Appendix: a "red-lined" version of the Zoning Bylaw<sup>1</sup> and a standalone document that has entirely new paragraphs to be added to the Zoning. References to the relevant section of the proposed zoning document are included in italics below each bulleted recommendation below.

### **Encourage LID Strategies and Techniques**

Low Impact Development (LID) is not currently mentioned in the zoning bylaw. There are no explicit prohibitions on using LID in East Longmeadow's zoning, but the zoning also does not state that LID is the preferred method of site design and stormwater management. In order to encourage better site design, reduce the burden on the town's stormwater system and implement the MS4 General Permit requirements we recommend that the Town of East Longmeadow explicitly encourage and, in some circumstances, require low impact development.

- Recommendation: Define Low-Impact Development in definitions section  
*See Section VIII-Definitions in the red-lined version of the Zoning included in the Appendix*
- Recommendation: For projects that are subject to Site Plan Review:

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<sup>1</sup> In the redlined version of the zoning changes have been tracked using Microsoft Word's "track changes" function. Proposed text is shown in colored and underlined text. Proposed deletions are shown in colored and strikethrough text. The redlined version of the zoning was based on a word file that appears to have been converted from a pdf. Some formatting differs from the pdf including locations where section numbers have been lost.

- State that LID is the preferred method of development and stormwater management in East Longmeadow and specify recommended techniques.
- Encourage a pre-application meeting with the use of a Pre-Application Checklist for LID.
- Require LID for all projects subject to Site Plan Review unless LID is not feasible.
- This section should refer out to the Stormwater Regulations for LID standards and plan contents.
- We recommend that the Planning Board's Plan Review Checklist be aligned with the plan contents in the stormwater regulations regarding stormwater plan contents.  
*See Section 7.4 Site Plan Review in the red-lined version of the Zoning included in the Appendix*

### **Landscaping/Buffers**

The zoning bylaw has numerous sections addressing landscaping and buffering. Landscaping is found in: 5.6, 5.231, 5.45a, 5.247, 5.36, 5.36-A, 5.65. Buffer strips are mentioned in: 3.321, 3.331, 3.341, 3.351, 5.8, 5.23, 5.36, 5.36-A, 5.5c.5., 5.65, 7.331c, 7.35e, 7.46, 7.512. The requirements of these sections predominantly address visual screening and buffering. While these sections do not explicitly prohibit low impact development, some requirements could make the installation of LID facilities more difficult and the focus on vegetation for screening could preclude installation of vegetation used for stormwater management.

- Recommendation: Rather than adding language about LID each place landscaping or buffers are mentioned, establish one section that states a preference for LID approaches to landscaping. This section would state that it overrides any conflicting provisions in other sections.  
*See page 6, Section 5.11.1 of the Proposed Zoning Sections document*
- Recommendation: State that clearing, grading, and removal of vegetation should be minimized where possible.  
*See page 7, Section 5.11.3 of the Proposed Zoning Sections document*

### **Trees (mentioned under "Landscaping" in several sections, but no dedicated section)**

Preserving existing trees and planting new ones is an impactful climate resilience strategy. Trees can help reduce local temperatures. They uptake stormwater. They provide habitat for other species that will be challenged by climate change. They sequester carbon and so can help slow climate change. Finally, trees have been shown to increase the value of properties.

Because the benefits of trees are related to their size and growing trees is a long-term process, it is especially important to preserve existing mature trees. A zoning bylaw can set specific requirements for preserving trees. It can also establish requirements for planting new trees including their size, appropriate planting locations and conditions, and the species of trees.

- Tree requirements are currently found in some parking requirements sections, in sections that call for preserving existing trees in buffers, in the PURD and PARD sections, and in the Industrial Garden Park District's provision that "Trees spaced not more than 50 feet apart shall be provided on said landscaped strip", 5.6).
- Recommendation: adopt a tree preservation section that establishes which trees shall be preserved, how they should be protected during site work, and establishes a requirement to replace significant trees that are removed or die as a result of construction.  
*See page 1, Section 5.10 of the Proposed Zoning Sections document*
- Recommendation: adopt a recommended tree list into the Planning Board's Rules and Regulations.



See Appendix for the Recommended Tree List

- Recommendation: Add design standards for tree planting, especially streets and parking lots. See Section 3.310 in the red-lined version of the Zoning included in the Appendix

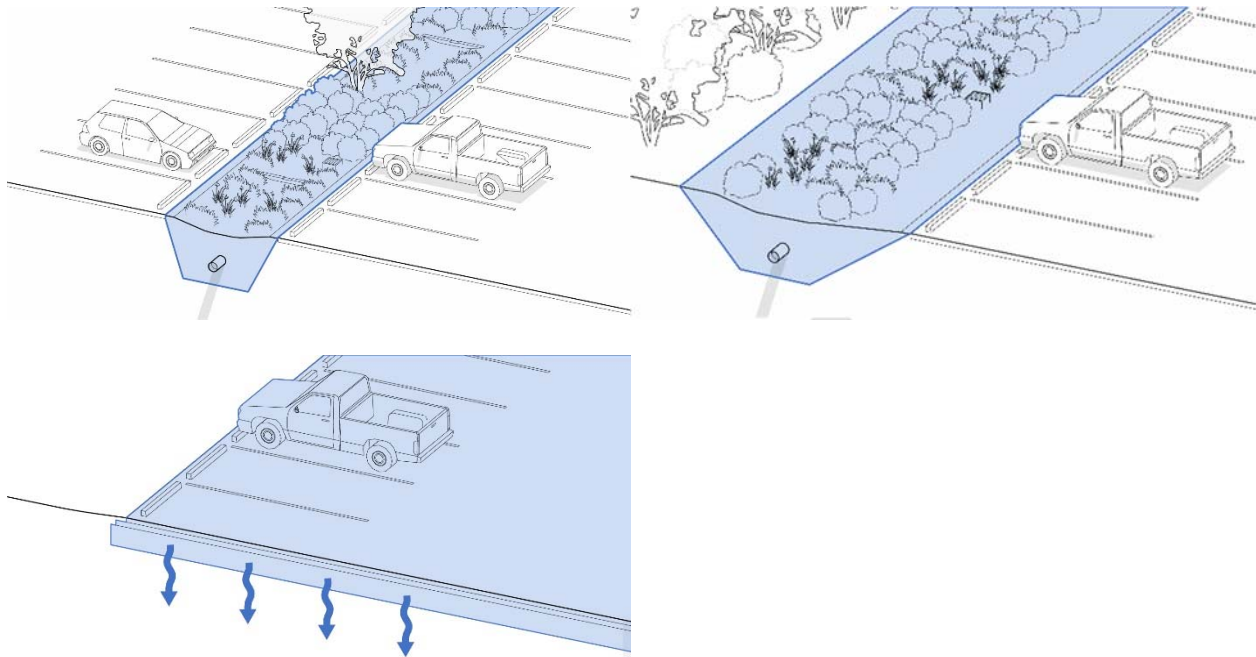
**Benefits of a Street Tree**

- absorbs rain**  
reduces burden on sewers and streams<sup>1</sup>
- cleans the air**  
provides oxygen and fights climate change<sup>4</sup>  
 $CO^2 \rightarrow O^2$
- improves health**  
decreases stress levels and encourages walking, exercise<sup>2</sup>
- adds value**  
trees increase property values<sup>3</sup>  
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- provides shade**  
and lowers air temperature
- promotes biodiversity**  
provides habitat, food, and shelter for other plants<sup>5</sup>

1. <https://www.landscapeperformance.org/fast-fact-library/trees-in-bioswales-transpiration>  
 2. <https://www.landscapeperformance.org/fast-fact-library/tree-cover-health-california>  
 3. <https://www.landscapeperformance.org/fast-fact-library/physical-activity-treed-areas>  
 4. <https://www.landscapeperformance.org/fast-fact-library/monetary-benefits-of-urban-trees-outweigh-costs>  
 5. <https://www.landscapeperformance.org/fast-fact-library/preserving-trees-increases-bird-diversity>

**Parking (5.6 Off-street Parking, referred to in many other sections)**

Parking lots are significant source of stormwater runoff. They increase local heat island effects. They also reduce the space available for greenspace or for buildings that have benefits like generating taxes, providing jobs, or providing housing. While parking is necessary in a community like East Longmeadow that has limited infrastructure for walking and bicycling or transit, zoning codes often require more parking than is necessary for the usual operation of most uses. This appears to be the case for East Longmeadow’s zoning, which also contains some internal inconsistencies regarding parking requirements. For example, existing requirements for residential use vary from 1 per single family (5.66, general parking requirements), to 1 per bedroom (MUV). On the plus side, the recently adopted MUV district includes more flexibility for parking requirements which is in keeping with current zoning best practices.



*Illustrations of three LID stormwater management practices for parking lots: a bioswale between parking aisles, a bioretention area (rain garden) at the edge of a parking area, permeable pavement*

- Recommendation: Revise approach to parking space requirements throughout the zoning.
  - Approach 1: Remove specific parking requirements and require that applicants conduct a parking demand study to establish the number of spaces required by the specific use and context. The parking demand study can be based on an established manual for parking generation like those from Urban Land Institute (ULI) or ITE, or preferably a local study of parking demand.
  - Approach 2: Set parking requirements as maximums (currently minimums). Often a community can use its current minimums as maximums and set new minimums at one half to one third of the current minimums.<sup>2</sup>
  - Approach 3: Hybrid approach. Allow an applicant to either propose their own parking requirements based on a parking demand study, or use the default numbers in the code, which should be validated based on local demand and contemporary best practices. This is the approach we recommend for East Longmeadow.
- Recommendation: Allow off-site parking throughout town
- Recommendation: Incentivize shared parking by reducing the number of spaces required for shared uses (for example, by using a “shared parking factor” for mixed-uses). This is included in the MUV bylaw.
- Recommendation: Allow a project proponent to request via Site Plan Approval or Special Permit, to build less parking than the bylaw requires, provided that the applicant sets aside a reserve area for future parking with a binding requirement that parking will be built at a future date if the reviewing authority deems it necessary based on operation of the site. (Similar provision is included in MUV)
- Recommendation: Allow permeable paving materials for parking

<sup>2</sup> Smart Parking Model Bylaw, Smart Growth/Smart Energy Toolkit, Massachusetts EOEEA (<https://www.mass.gov/files/documents/2017/11/03/Smart%20Parking.pdf>)

- Recommendation: Require bicycle parking
- Recommendation: Reduce parking requirements when conditions warrant (where there are bicycle facilities or public transportation) or Transportation Demand Management features are provided.

*For the above changes see Section 5.6 Off-Street Parking in the red-lined version of the Zoning included in the Appendix. It may be warranted to rewrite this section from scratch. Careful attention needs to be paid to the overlapping provisions of this sections, Site Plan Review, and in sections related to specific uses like Planned Business Development.*

### **Driveways & Sidewalks**

Driveways and sidewalks are another source of impervious surface. Driveway widths should be limited to the minimum for safe operation. This has the side benefit of slowing traffic speeds which can reduce injuries and damage from traffic collisions. Sidewalks, meanwhile, are crucial for transitioning away from reliance on automobiles and are therefore essential to reducing impervious surfaces overall (because parking lots are such a big source of impervious surfaces). Both driveways and sidewalks can be surfaced with permeable paving and can be integrated into green stormwater systems. Related provisions in the zoning can be found at: 3.306 Means of Entry or Exit, 5.245 Access Standards for Planned Business Development, 5.352 PUD, 5.612 Parking, and 7.42 Site Plan Review.

- Recommendation: Provide guidance on LID standards for design, materials (permeable), and shared use for driveways.  
*See Section 3.311 in the red-lined version of the Zoning included in the Appendix*
- Recommendation: Allow permeable paving for sidewalks  
*See Section 3.310 in the red-lined version of the Zoning included in the Appendix*
- Recommendation: Require functional sidewalk networks via site Plan Review.  
*See Section 7.462 in the red-lined version of the Zoning included in the Appendix*

### **Open Space Development**

Open Space Development is a crucial strategy for improving the climate resilience of subdivisions. In an Open Space Development the applicant undertakes a site analysis to determine which areas of a site should be preserved and which areas should be conserved. The density of the development is typically set using a formula and the applicant is giving flexibility to design streets, layout lots, and site buildings in a manner that meets their project goals, and best fits the existing conditions. The design flexibility can result in more environmentally sensitive site designs and often, more attractive developments. Additional benefits for the applicant and the Town are reduced road lengths which reduce the cost of construction and maintenance and improve emergency response times. East Longmeadow's zoning does not include an OSD section. Two districts, 5.3 Planned Unit Development and 5.3-A Planned Adult Residential District, include OSD-like elements. Both sections could be improved to follow best practices for OSD. However, it appears these districts are effectively built out and so regulatory changes may not be necessary. It is strongly recommended that East Longmeadow adopt a Open Space Development bylaw and apply it to an area of the Town where subdivision activity may be possible. Pioneer Valley Planning Commission was recently awarded a grant to work with regional communities to develop a regionally appropriate OSD bylaw. We recommend that East Longmeadow participate in this project.

#### **Recommendations**

- Create an OSD section to apply to other districts
- Allow OSD by-right (currently requires Special Permit)

- Require a rigorous site analysis (conservation analysis) to identify areas to protect and develop, including LID stormwater management. Currently, open space that is set aside is prioritized for active and passive recreation. Detail criteria for prioritizing open space protection to include key habitats and ecosystems, climate resilience, greenways, green infrastructure, trail systems, historic and cultural resources, farmland and soils preservation, and scenic views. Tie open space prioritization to OSRP and Master Plan priorities. Site analysis to be confirmed by Planning Board. Require placing a conservation restriction on open space, if feasible
- Set allowed density by a formula
- Set Common Open Space Requirements as percentage, instead of "2,000 square feet per dwelling unit" (5.37 PURD) and unclear requirements for PARD
- Provide wide flexibility on lot size, frontage, and setbacks
- Calibrate required site size to district context. Required site size should be the minimum feasible size for a subdivision in the district.
- Provide wide flexibility in lot dimensions, frontage, setbacks, etc, including allowing more than one unit per lot
- Provide density bonus for smaller units, affordable housing, and open space conservation beyond the required minimum
- Set performance and design standards (including site layout, landscaping, massing, etc).
- Encourage or require a Low Impact Development approach to site design and stormwater management

*Because PVPC is engaging in extensive OSD bylaw project we did not write zoning language for this topic. Instead, we recommend that East Longmeadow participate in the PVPC project.*

### **Zoning Overhaul**

Though it is beyond the scope of this project, we recommend a thorough review of East Longmeadow's zoning to ensure that it is meeting the Town's planning goals, that it is internally consistent, and that it is efficient to administer. This is particularly opportune as the town completes its Master Plan. We found that the zoning's structure is relatively complex, both in its written form and the overlapping regulations found in various sections. In general, newer sections contain provisions that are more in line with contemporary zoning practices than the older sections. This presents an odd situation where relatively specialized uses or districts have standards that are more in line with contemporary zoning practices than sections that apply to much more common and widespread uses.

We recommend, at a minimum, reviewing the zoning for consistency and applying environmental performance standards, and provisions that allow for flexibility related to parking more widely throughout the code. In the long-run, East Longmeadow would be well served by a complete overhaul of its zoning.

## CONCLUSION

East Longmeadow has numerous opportunities to integrate Low Impact Development into its zoning. While undertaking zoning changes can be a time-consuming effort, the long-term benefits are numerous. Adopting provisions for low impact development outlined in this report would make East Longmeadow more resilient to climate change, would reduce the long-term cost of local investments in stormwater infrastructure, and would make East Longmeadow a more attractive place to live, work and play.

# Appendixes

1. Stormwater Management Bylaw with track change recommendations and notes
2. Stormwater Management Regulations with track change recommendations and notes
3. LID Checklist for use with Stormwater Management Permit pre-application meeting
4. Erosion and Sediment Control Inspection Form for use by Town in conducting inspections
5. Model Green Infrastructure and Climate Resiliency Policy
6. Zoning Bylaw review, analysis, and scoring using Center for Watershed Protection “Updated Code and Ordinance Worksheet for Improving Local Development Regulations”
7. Proposed New Zoning Sections to Implement Low Impact Development
8. Zoning Bylaw with track change recommendations and notes

## Chapter 1

### GENERAL PROVISIONS

#### 8.070 Stormwater Management

##### 8.070.010 Definitions

The following definitions describe the meaning of the terms used in this bylaw:

*Adverse Impact:* Harmful effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

*As-Built Drawings:* Drawings that completely record and document applicable aspects and features of conditions of a project following construction using Stormwater Management Plans derived from a Stormwater Management Permit.

*Best Management Practices (BMP):* Structural or biological devices that temporarily store or treat stormwater runoff to reduce flooding, remove pollutants, and provide other amenities. They can also be nonstructural practices that reduce pollutants at their source. Examples of BMP's are described in the Massachusetts Department of Environmental Protection's (MassDEP) stormwater design manual: Stormwater Management Handbook, Volume 2: Chapter 2: Structural BMP Specifications for the Massachusetts Stormwater Handbook (February 2008, MassDEP, as updated or amended).

*Town Manager or their Designee:* The permitting and enforcement agency.

*Construction Activity:* Disturbance of the ground by removal of surface cover, grading, excavation, clearing or filling.

*Detention:* The temporary storage of storm runoff in a BMP, which is used to control the "peak discharge" rates, and which provides gravity settling of pollutants.

*Discharge of Pollutants:* The addition of a pollutant or combination of pollutants into a Municipal Separate Storm Sewer System (MS4) or into the waters of the Commonwealth from any source.

*Groundwater:* Water beneath the surface of the ground.

*Illicit Discharge:* Direct or indirect non-stormwater discharge to an MS4, except as specifically exempted in Illicit Stormwater Section 8.07.100. (D). The term does not include a discharge in compliance with a National Pollutant Discharge and Elimination System (NPDES) stormwater discharge permit or resulting from fire fighting or other municipal activities, not including Construction Activities.

*Illicit Connection:* Surface or subsurface drain or conveyance, which allows an illicit discharge into an MS4. Illicit connections include conveyances which allow a non- stormwater discharge to an MS4 including sewage, process wastewater or wash water and connections from indoor drains, sinks or toilets, regardless of whether said connection was previously allowed, permitted or approved before the effective date of this bylaw.

*Infiltration:* The downward movement of water from the surface to the subsoil.

*Land Use with Higher Potential Pollutant Load (LUHPPL) – Land uses such as auto salvage yards, auto fueling facilities, exterior fleet storage yards, vehicle service and equipment cleaning areas, commercial parking lots with high intensity use, road salt storage areas, outdoor storage and loading areas of hazardous substances, confined disposal facilities and disposal sites, marinas, boat yards, or other uses identified by the Massachusetts Stormwater Handbook.*

**Comment [P1]:** See Applicability section below.

*Municipal Separate Storm Sewer System (MS4):* The system of conveyances designed or used for collecting or conveying stormwater, including road or street with a drainage system, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, drain channel, reservoir, and other drainage owned or operated by the Town of East Longmeadow.

*National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit:* A permit issued by the United States Environmental Protection Agency or jointly with the state that authorizes the discharge of pollutants to waters of the United States.

*Non-Stormwater Discharges:* Discharge to the MS4 not composed entirely of stormwater.

*Peak Discharge:* The maximum rate of flow during a storm.

*Permeable Soils:* Soil materials with a sufficiently rapid infiltration rate so as to greatly reduce or eliminate surface and stormwater runoff.

*Person:* An individual, group of individuals, association, partnership, corporation, company, business, organization, trust, estate, administrative agency, public or quasi-public entity, the Commonwealth or political subdivision thereof or the federal government, to the extent permitted by law and an officer, employee or agent of such person.

*Pollutant:* Any element or property of sewage, agricultural, industrial, commercial or residential waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source that is introduced into the MS4 or waters of the Commonwealth. Pollutants shall include, but not be limited to: construction site wastes as demolition debris, litter, and sanitary wastes, dredged spoil, solid waste, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, hot fluids, wrecked or discarded equipment, rock, sand, and industrial, municipal, agricultural and residential waste discharged into water.

*Project Design Engineer:* The individual responsible for the analysis, design and inspection of the stormwater management system who shall be a Massachusetts Registered Professional Engineer with experience and qualifications in the area of stormwater management, design, inspection and operations.

**Comment [P2]:** Definition here added to support Section 8.070.060 on Performance Bond below



*Retention:* The holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

*Runoff:* Rainfall, snowmelt, or irrigation water flowing over the ground surface.

*Stormwater:* Runoff from precipitation or snowmelt.

*Stormwater Management Facility:* A structural stormwater management measure, including stormwater management basins and filtration or other treatment systems.

*Uncontaminated Water:* Water containing no pollutants.

*Uncontaminated Groundwater:* Groundwater containing no pollutants.

*Waters of the Commonwealth:* All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters and groundwater.

*Wastewater:* Sanitary waste or sludge and water used during manufacturing, cleaning or processing of materials that enters the MS4 or waters of the Commonwealth.

#### ***8.070.020 Purpose***

The purpose of this section is to better manage land development in order to protect, maintain, and enhance the public health, safety, and general welfare of the citizens of East Longmeadow by establishing minimum requirements and procedures to control the adverse impacts associated with stormwater runoff.

#### ***8.070.030 Authority***

The Department of Public Works Superintendent or their designee shall administer, enforce and implement this section. The Town Manager or their designee shall promulgate rules, regulations and a permitting process to effectuate the purposes of this section. Failure by the Town Manager or their designee to promulgate such rules and regulations shall not have the effect of suspending or invalidating this section.

### 8.070.040 Applicability

*Applicability.* This bylaw shall apply to activities that result in disturbance of one (1) or more acres (43,560+ square feet) of land or if activities disturb less than an acre but meets at least 2 out of the 3 following conditions:

- is located within 100' of an existing or proposed inlet to any storm drain, catch basin, or other storm drain system component discharging into any lake, pond, river or wetland;
- will result in a slope of 15% or greater;
- disturbs greater than 10,000 square feet of area.

In determining whether an activity is subject to jurisdiction under this bylaw, the Department of Public Works Superintendent or ~~their~~ designee and applicant shall consider the entirety of the project, including any likely future expansion, and not separate phases or segments thereof. The applicant shall not phase or segment a project to evade, defer or curtail review under this bylaw. Except as authorized by the Department of Public Works Superintendent or their designee, no person shall perform an activity that results in disturbance of one (1) or more acres of land.

Notwithstanding any exemption provided for below, any alteration, redevelopment, or conversion of land use to a "land use with a higher potential pollutant load" as defined above in Section 8.070.010 and in the most recent version of the Massachusetts Stormwater Handbook, and projects posing other potential water quality concerns shall require a Stormwater Management Permit.

Comment [P3]: Important addition made to Regs so need to add to Bylaw as well.

(A) *Exemptions.* The following uses and activities are exempt from compliance with this bylaw:

1. Stormwater discharges resulting from land disturbance activities that are subject to an Order of Conditions issued by the Conservation Commission under the Wetlands Protection Act;
2. An agricultural activity which is in compliance with an approved soil conservation plan prepared or approved by the United States Natural Resource Conservation Service;
3. Logging which is in compliance with a timber management plan approved under the Forest Cutting Practices Act by Massachusetts Department of Conservation and Recreation;
4. Activities that ~~do not~~ disturb ~~more-less~~ than one (1) acre (43,560 square feet) of land;
5. Construction of municipal ~~utilities~~;
6. In-kind repairs to a stormwater treatment system deemed necessary by the East Longmeadow Department of Public Works Superintendent; and
7. An emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Department of Public Works Superintendent or ~~their~~ designee.

Comment [P4]: Consider removing because if disturbs ≥1 acre, not MS4 compliant.

8. Activities that are exclusively limited to maintenance and improvement of existing ~~sidewalks~~, municipal roadways (including widening less than a single lane, adding shoulders, correcting

substandard intersections, improving existing drainage systems, and repaving projects). Note that roadway widening or improvements that increase the amount of impervious surface area on the redevelopment site by greater than or equal to a single lane width are subject to the requirements of this Article and the rules and regulations adopted hereunder.

7.-

**Comment [P5]:** This exemption is enabled by MS4 permit. Note that yellow highlights are not included in MS4 permit, but some municipalities have elected to include these.

**Formatted:** Indent: Left: 0.07", No bullets or numbering

(B) *Waivers.* The Department of Public Works Superintendent or ~~their~~ designee may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder upon written findings of the fact setting forth the basis for the waiver by the Department of Public Works Superintendent. No waivers of performance standards will be granted if the waiver results in a project that does not meet the EPA Small MS4 requirements.

#### **8.070.050 Permit Requirements**

(A) Permit required. Prior to the approval of a Special Permit, Site Plan or waiver thereof or Building Permit for an activity regulated hereunder, a Stormwater Management Permit must be approved by the Department of Public Works Superintendent or their designee.

(B) Permit fees. For Stormwater Management Permit fee shall be based on the amount of land to be disturbed at the site and the fee structure shall be established by the Department of Public Works Superintendent by regulation. If, in the judgment of the Department of Public Works Superintendent, or ~~their~~ designee consulting services are necessary or appropriate, the applicant shall, prior to a determination on an application, deposit with the Town, an amount determined by the Department of Public Works Superintendent or ~~their~~ designee to be sufficient to cover the full costs of such services. All such consultants shall be selected by ~~the~~ Department of Public Works Superintendent or ~~their~~ designee and paid out of said deposit. The Town will reimburse the applicant for any credits remaining after a consultant has been paid within thirty (30) days of said payment. In the event the deposit is insufficient to cover consultant services, the outstanding balance is to be paid by the applicant within thirty (30) days of receipt of invoice for the outstanding balance.

(C) Stormwater and erosion control plan. The application for a stormwater management permit shall consist of submittal of a stormwater management and erosion control plan prepared in accordance with the rules and regulations adopted hereunder.

(D) Stormwater Management Performance Standards. Projects that require a permit under this bylaw must meet the Massachusetts Stormwater Management Standards, ~~and~~ the development and redevelopment requirements of the EPA General Permits for Stormwater Discharges from Small MS4's in Massachusetts, and the rules and regulations adopted hereunder.-

#### **8.070.060 Performance ~~Bond~~ Guarantee**

**Comment [P6]:** Same language as Regulations

The Department of Public Works Superintendent shall require from the developer a cash- bond prior to the submittal of a building permit application for the construction of a development requiring a stormwater management facility. The amount of the security shall not be less than the total estimated construction cost of the stormwater management facility including the applicable prevailing wage cost for the project. The bond shall be forfeited for failure to complete work specified in the approved stormwater management permit, compliance with all of the provisions of this bylaw and other applicable laws and rules and regulations, and any time limitations. No portion of the bond shall be released without an inspection of the completed work by the Department of Public Works Superintendent or their designee. The bond shall not be fully released without submission to the Department of Public Works Superintendent or their designee of acceptable "as-

built” ~~plans drawings within two years of completion of work and a statement stamped and certified by the Project Design Engineer -certification of completion-~~ that the stormwater management facilities are in compliance with the permit and plans approved thereunder. As-built drawings will show all on-site stormwater controls and treatment practices, both structural and nonstructural, designed to manage the stormwater associated with the completed site. As-built drawings shall be full size plans that include all final grades and clearly depict all changes to project design from the approved plans, if any, and be certified by the Project Design Engineer. Submission shall include one paper copy and digital format in pdf format.

Comment [P7]: Pull in SD language here from Section 5.4.8

#### ***8.070.070 Certificate of Completion***

The Department of Public Works Superintendent or their designee shall issue a letter certifying completion upon receipt and approval of the final inspection reports, as-built plans received ~~within two years of completion of work,~~ including evidence of recording of permanent easements, and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this bylaw.

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RULES AND REGULATIONS  
FOR THE  
MANAGEMENT OF STORMWATER

EAST LONGMEADOW, MASSACHUSETTS

[PVPC Recommended Revisions, June 2021](#)

Town of East Longmeadow  
Department of Public Works

October 26, 2017



Revisions made October 26, 2017

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# Section 1 General

## 1.1 Authority

These Rules and Regulations are adopted by the Town Manager or their designee as the Stormwater permitting and enforcement agency pursuant to the Town of East Longmeadow **General Bylaws Section 4.080(A) and Section 8.070**. The Town Manager authorizes the Department of Public Works to act as its agent in implementing and enforcing these regulations.

**Comment [P1]:** Note: Stated somewhat differently in Bylaw.

## 1.2 Purpose

The purpose of these Stormwater Management Rules and Regulations is to better manage land development in order to protect, maintain, and enhance the public health, safety, and general welfare of the citizens of East Longmeadow by establishing minimum requirements and procedures to control the ~~a~~Adverse ~~i~~mpacts associated with ~~S~~stormwater ~~R~~unoff.

## 1.3 Applicability

These ~~Rules and Regulations~~is by-law shall apply to activities that result in disturbance of one or more acres (43,560+ square feet) of land or if activities disturb less than an acre but meets at least 2 out of the 3 following conditions:

**Comment [P2]:** Note that changed "By-law" to "Regulations" throughout.

- is located within 100' of an existing or proposed inlet to any storm drain, catch basin, or other storm drain system component discharging into any lake, pond, river or wetland;
- will result in a slope of 15% or greater;
- disturbs greater than 10,000 square feet of area.

In determining whether an activity is subject to jurisdiction under ~~these Regulations~~is by-law, the Department of Public Works and Applicant shall consider the entirety of the project, including any likely future expansion, and not separate phases or segments thereof. The Applicant shall not phase or segment a project to evade, defer or curtail review under ~~these Regulations~~this by-law. Except as authorized by the Department of Public Works pursuant to these regulations, no Person shall perform an activity that results in disturbance of one or more acres of land.

**Comment [P3]:** This is good language...working well? Many others using... that will disturb, individually or part of a common plan of development or sale

Notwithstanding any exemption provided for below, any alteration, redevelopment, or conversion of land use to a "land use with a higher potential pollutant load" as defined below in **Section 2** and in the most recent version of the Massachusetts Stormwater Handbook, and projects posing other potential water quality concerns shall require a Stormwater Management Permit.

**Comment [P4]:** This seems an important addition, but would need to add to Bylaw as well.

## 1.4 Exemptions

The following uses and activities are exempt from compliance with ~~these Regulations~~this by-law:

- Storm water discharges resulting from land disturbance activities that are subject to an Order of Conditions issued by the Conservation Commission under the Wetlands



Protection Act;

2. An agricultural activity which is in compliance with an approved soil conservation plan prepared or approved by the United States Natural Resource Conservation Service;
3. Logging which is in compliance with a timber management plan approved under the Forest Cutting Practices Act by Massachusetts Department of Conservation and Recreation;
4. Activities that ~~do not~~ disturb ~~less more~~ than one acre (43,560 square feet) of land;
5. Construction of municipal utilities;
6. In-kind repairs to a Stormwater treatment system deemed necessary by the East Longmeadow Department of Public Works; and
7. An emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Department of Public Works.

8. Activities that are exclusively limited to maintenance and improvement of existing sidewalks, municipal roadways (including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving projects). Note that roadway widening or improvements that increase the amount of impervious surface area on the redevelopment site by greater than or equal to a single lane width are subject to the requirements of this Article and associated Regulations.

**Comment [P5]:** Wording here could be interpreted to exempt disturbances of 1 acre. Recommend same change in Bylaw.

**Comment [P6]:** Consider removing because if disturbs  $\geq 1$  acre, not MS4 compliant.

**Comment [P7]:** This exemption is enabled by MS4 permit. Note that yellow highlights are not included in MS4 permit, but some municipalities have elected to include these.

## 1.5 Amendments

These Rules and Regulations or any portion thereof may be amended from time to time in accordance with the General Bylaws Section 4.090 (B) and Section 8.070.030.

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The Application for Stormwater Management Permit shall be governed by the Stormwater Rules and Regulations in effect at the time of submission of such application.

## 1.6 Coordination with Municipal Departments and Other Agencies

Compliance with these Rules and Regulations does not preclude the need to comply with other local, state and federal regulations.

## 1.7 Effective Date

These regulations become effective after approval by the Town Manager and recommendation of the Board of Public Works for publication.

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## Section 2 Definitions

As used in these Rules and Regulations, the following terms shall mean:

*Adverse Impact:* Harmful effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

*Agricultural Activity:* Producing or raising one or more of the following agricultural commodities for commercial purposes:

1. animals, including but not limited to livestock, poultry, and bees;
  2. fruits, vegetables, berries, nuts, maple sap, and other foods for human consumption; and
  3. feed, seed, forage, tobacco, flowers, sod, nursery or greenhouse products, and ornamental plants or shrubs.
- and as further defined by the Massachusetts Wetlands Protection Act and its implementing regulations.

*Alter:* Any activity that will measurably change the ability of a ground surface area to absorb water or will change existing surface drainage patterns. Alter may be similarly represented as "alteration of drainage characteristics," and "conducting land disturbance activities."

*Applicant* - A Person, as hereinafter defined, who applies for the approval of a plan of a Paper Street Development. Applicant shall include an owner, his/her agent, representative or assigns.

*As-Built Drawings:* Drawings that completely record and document applicable aspects and features of conditions of a project following construction using Stormwater Management Plans derived from a Stormwater Management Permit.

*Best Management Practices (BMP):* Structural or biological devices that temporarily store or treat Stormwater Runoff to reduce flooding, remove Pollutants, and provide other amenities. They can also be nonstructural practices that reduce Pollutants at their source. Examples of BMPs are described in the Massachusetts Department of Environmental Protection's (MassDEP) stormwater design manual: Stormwater Management Handbook, Volume 2: Chapter 2: Structural BMP Specifications for the Massachusetts Stormwater Handbook (February 2008, MassDEP, as updated or amended).

*Coldwater Fish Resource* – A waterbody (stream, river, or tributary thereto) used by reproducing coldwater fish to meet one or more of their life history requirements. CFRs are particularly sensitive habitats. Changes in land and water use can reduce the ability of these waters to support trout and other kinds of coldwater fish. Massachusetts Division of Fisheries and Wildlife identify coldwater fish resources based on fish samples collected annually by staff biologists and technicians. The Division of Fisheries and Wildlife maintains a list of waters that are identified as Coldwater Fish Resources (CFR) and an associated map layer.

Superintendent of Public Works: The permitting and enforcement agency.

*Construction Activity:* Disturbance of the ground by removal of surface cover, grubbing, grading, excavation, clearing or filling.

*Design Storm:* A rainfall event of specified size and return frequency that is used to calculate the Runoff volume and "Ppeak Ddischarge" rate to a BMP.

*Detention:* The temporary storage of Stormwater Runoff in a BMP, which is used to control the "Ppeak Ddischarge" rates, and which provides gravity settling of pPollutants.

*Discharge of Pollutants:* The addition of a Pollutant or combination of pPollutants into a Municipal Separate Storm Sewer System (MS4) or into the Waters of the Commonwealth from any source.

*Drainage Area:* That area contributing Runoff to a single point measured in a horizontal plane, which is enclosed by a Ridgeline.

Easement: A legal right granted by a landowner for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

Erosion: The wearing away of the land surface by natural or artificial forces, such as wind, water, ice, gravity, or vehicle traffic, and subsequent detachment and transportation of soil particles.

Erosion Control Plan: Is a document containing narrative, drawings and details—developed by a qualified professional engineer (PE) or a certified professional in erosion and sedimentation control (CPESC) — that includes best management practices or equivalent measures designed to control surface runoff, erosion, and sedimentation during construction and construction-related land disturbance activities.

Forest Cutting Plan: A plan for the cutting of trees on forest land, which is prepared and submitted in accordance with M.G.L. Chapter 132 Sections 40 - 46A. The forest cutting plan requires approval by a Service Forester of the Massachusetts Department of Conservation and Recreation, as provided under 304 CMR 11.04.

Grading: Changing the level or shape of the ground surface.

Grubbing: The act of clearing land surface by digging up roots and stumps.

*Groundwater:* Water beneath the surface of the ground.

Hazardous Material or Waste: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under M.G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

*Illicit Discharge:* Direct or indirect Non-Stormwater Discharge to an MS4, except as specifically exempted in Illicit Stormwater Section 8.07.100. (D). The term does not include a discharge in compliance with a National Pollutant Discharge and Elimination System (NPDES) Stormwater discharge permit or resulting from firefighting or other municipal activities, not including Construction Activities.

*Illicit Connection:* Surface or subsurface drain or conveyance, which allows an Illicit Discharge into an MS4. Illicit Connections include conveyances which allow a Non-Stormwater Discharge to an MS4 including sewage, process Wastewater or wash water and connections from indoor drains, sinks or toilets, regardless of whether said

connection was previously allowed, permitted or approved before the effective date of ~~these Regulations~~this by-law.

*Impervious Surfaces:* Material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious Surfaces include paved roads, paved parking lots, sidewalks, and rooftops.

*Infiltration:* The downward movement of water from the surface to the subsoil.

*Land Use with Higher Potential Pollutant Load (LUHPPL) – Land uses such as auto salvage yards, auto fueling facilities, exterior fleet storage yards, vehicle service and equipment cleaning areas, commercial parking lots with high intensity use, road salt storage areas, outdoor storage and loading areas of hazardous substances, confined disposal facilities and disposal sites, marinas, boat yards, or other uses identified by the Massachusetts Stormwater Handbook.*

*Low Impact Development (LID): A development strategy that seeks to mimic (or in the case of redevelopment, restore/recreate) a site's predevelopment hydrology through protection of on-site natural features and better site design that limits impervious areas, preserves open space, and uses decentralized small scale facilities to capture and manage rainfall (or snowmelt) close to where it falls. These small-scale facilities serve to slow, absorb, and treat flow and include bioretention areas, grassed swales, porous pavements, cisterns, and green roofs and walls.*

*Massachusetts Stormwater Handbook and Stormwater Standards: The guidance issued by MassDEP, and as amended, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Handbook and Standards addresses stormwater impacts through implementation of performance standards to promote increased stormwater recharge, the treatment of more runoff from polluting land uses, low impact development (LID) techniques, pollution prevention, the removal of illicit discharges to stormwater management systems, and improved operation and maintenance of stormwater best management practices (BMPs). MassDEP applies the Stormwater Management Standards pursuant to its authority under the Wetlands Protection Act, M.G.L. c. 131, § 40, and the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53. The revised Stormwater Management Standards have been incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a).*

*Municipal Separate Storm Sewer System (MS4):* The system of conveyances designed or used for collecting or conveying Stormwater, including road or street with a drainage system, gutter, curb, inlet, piped storm drain, pumping facility, Retention or Detention basin, drain channel, reservoir, and other drainage owned or operated by the Town of East Longmeadow.

*National Pollutant Discharge Elimination System (NPDES) Stormwater discharge permit:* A permit issued by the United States Environmental Protection Agency or jointly with the state that authorizes the Discharge of Pollutants to waters of the United States.

*New Development: Any construction activities or land alteration on a site that has not previously been altered to include buildings or impervious surfaces.*

*Non-Stormwater Discharges:* Discharge to the MS4 not composed entirely of stormwater.

*Operation and Maintenance Plan: A plan that defines the functional, financial and organizational mechanisms for the ongoing operation and maintenance of the stormwater management system to ensure that it continues to function as designed.*

*Outfall:* The part of a storm drain or other Stormwater structure where the contents are released.

*Peak Discharge:* The maximum rate of flow during a storm.

*Permeable Soils:* Soil materials with a sufficiently rapid Infiltration rate so as to greatly reduce or eliminate surface and Stormwater Runoff.

*Person:* An individual, group of individuals, association, partnership, corporation, company, business, organization, trust, estate, administrative agency, public or quasi-public entity, the commonwealth or political subdivision thereof or the federal government, to the extent permitted by law and an officer, employee or agent of such Person.

*Pollutant:* Any element or property of sewage, agricultural, industrial, commercial or residential waste, Runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is introduced into the MS4 or Waters of the Commonwealth. Pollutants shall include, but not be limited to: construction site wastes such as demolition debris, litter, and sanitary wastes, dredged spoil, solid waste, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, hot fluids, wrecked or discarded equipment, rock, sand, and industrial, municipal, agricultural and residential waste discharged into water.

*Post Construction:* The state of a site after development-related construction activity is complete.

*Post-Construction Impervious Surface:* Is the final impervious cover on the portion of the property where construction activities have occurred.

*Pre-Construction:* The state of a site prior to development. The pre-development state shall be interpreted as the state of a site at the time of permitting for a redevelopment project.

*Project Design Engineer:* The individual responsible for the analysis, design and inspection of the stormwater management system who shall be a Massachusetts Registered Professional Engineer with experience and qualifications in the area of stormwater management, design, inspection and operations.

**Comment [P8]:** Definition here added to support Section 5.2 below

*Recharge:* The process by which Groundwater is replenished by precipitation through the percolation of Runoff and surface water through the soil.

*Recorded:* Recorded in the Hampden County Registry of Deeds

*Redevelopment:* Any construction, land alteration, or improvement of impervious surfaces resulting in earth disturbances.

*Registry of Deeds:* Hampden County Registry of Deeds, the registry in which the land in question is situated, and, when appropriate, shall include the land court.

*Retention:* The holding of Runoff in a basin without release except by means of evaporation, Infiltration, or emergency bypass.

*Ridgeline:* The maximum elevation that connects the upper boundary of a watershed.

*Runoff:* Rainfall, snowmelt, or irrigation water flowing over the ground surface.

*Sediment:* Any mineral or organic soil material that is transported by wind or water from its origin to another location, the product of erosion processes.

Sedimentation: A process of depositing material that has been suspended and transported in water.

Site: The area extent of construction activities, including but not limited to the creation of new impervious surface and modifications to existing impervious surface, or other site alterations.

*Stormwater:* Runoff from precipitation or snow melt.

*Stormwater Management Facility:* A structural Stormwater management measure, including Stormwater management basins and filtration or other treatment systems.

*Swale:* A depression or wide shallow ditch used to temporarily store, route, or filter Runoff.

Town Manager or their Designee: The permitting and enforcement agency.

*Untaminated Water:* Water containing no Pollutants.

*Untaminated Groundwater:* Groundwater containing no Pollutants.

*Waters of the Commonwealth:* All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters and Groundwater.

*Wastewater:* Sanitary waste or sludge and water used during manufacturing, cleaning or processing of materials that enter the MS4 or waters of the Commonwealth.

**Comment [P9]:** Definition required by MS4 permit.

**Comment [P10]:** Jibes with 1.1 above and Bylaw.

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## Section 3 Permit Application Submission

### 3.1 Administrative Procedures and Requirements

1. Prior to investing in extensive professional design efforts, it may be beneficial for applicants for a Stormwater Management Permit to attend at least one pre-application meeting with the Department of Public Works. This meeting is intended to provide the applicant with advice and guidance relative to the approval process; and allow the applicant and Department of Public Works to have a preliminary conversation about the site, stormwater management and erosion control considerations, and concept plan. The Department of Public Works may invite to this meeting other town boards and officers at its discretion.

For this pre-application meeting, the Town has a Low Impact Development design checklist to encourage a better site design approach. This checklist identifies several items that will be helpful for this preliminary meeting and may help to streamline the permitting process overall.

~~1.2.~~ Unless exempt under **Section 1.4** of these Rules and Regulations, prior to disturbance of one or more acres (43,560+ square feet) of land, an Applicant shall file one five (15) paper and one electronic (PDF) clearly labeled copies of a completed application package for a Stormwater Management Permit to the Department of Public Works. The Stormwater Management Application shall consist of the following:

a. A properly executed Application Form signed by the Applicant and all other owners of record, and providing all information requested. See Application Form in Appendix A.

~~a.b.~~ A Stormwater Management and Erosion Control Plan, which shall be prepared and signed by a professional engineer licensed by the Commonwealth and which shall contain sufficient information to describe the nature and purpose of the proposed development. The plan, with contents as described in **Section 3.34** and standards as described in **Section 4**, shall serve as the basis for subsequent construction.

~~b.c.~~ Supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which Stormwater Runoff shall be managed for the entire development.

d. ~~Draft Operations and Maintenance Plan and o~~ngoing maintenance ~~agreement.~~

e. For projects not otherwise subject to a public hearing through another permitting process, application submissions must also include:

i. A list of abutters and addresses, certified by the Assessors' Office, within 300 feet of the property line of the site, including property owners in another municipality.

ii. Proof of notification of abutters, which makes use of the **form letter**

**Comment [P11]:** Pre application/concept meeting here meant to promote Low Impact Development approach. MS4 permit requires LID site planning and design unless "infeasible." My sense is we need to help advance practice on this through a number of measures in regulations, including this pre-application meeting. You'll see more below.

**Comment [P12]:** Idea is that final would be submitted with As-built plans once construction completed and recorded at Registry.

provided for in the Stormwater Management Permit application form.

e.f.

e.g. A list of requested waivers, if applicable. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrate that strict compliance with the Bylaw or Rules and Regulations is not necessary to meet the purposes or objectives of the bylaw. No waivers of performance standards will be granted if the waiver results in a project that does not meet the EPA Small MS4 requirements.

e.h. A non-refundable application fee, payable to the Town of East Longmeadow, in the amount calculated as follows:

| Project Type   | Permit Review and Inspection Fee     |
|--|--------------------------------------|
| Minor Project – Single or Multifamily Residential                                      | \$100                                |
| Minor Project – Commercial or Residential Subdivision (less than 5 acres disturbed)    | \$500                                |
| Major Project – Commercial or Residential Subdivision (greater than 5 acres disturbed) | \$500 + \$100 per acre above 5 acres |

If, in the judgment of the Department of Public Works, consulting services are necessary or appropriate, the Applicant shall, prior to a determination on an application, deposit with the Town, an amount determined by the Department of Public Works to be sufficient to cover the full costs of such services. All such consultants shall be selected by the Department of Public Works and paid out of said deposit. The Town will reimburse the Applicant for any credits remaining after a consultant has been paid within thirty (30) days of said payment. In the event the deposit is insufficient to cover consultant services, the outstanding balance is to be paid by the Applicant pursuant to procedures outlined in paragraphs 5.1 of these Rules and Regulations within 30 days of receipt of invoice for the outstanding balance.

### 3.2 Opportunity for Public Comment

For projects not otherwise subject to a public hearing through another permitting process, applicants must notify abutters prior to submitting an application using the form letter provided for in the Stormwater Management Permit application. The letter notifies abutters about the project and provides information for abutters to contact the Town Clerk for application documents and then comment directly to the Department of Public Works. This notification shall be made by certified mail with proof of mailing provided to the Department of Public Works at time of application submission.

#### 3.23.3 Waivers

The Department of Public Works may waive strict compliance with any requirement of these Rules and Regulations upon written findings of fact setting forth the basis for the waiver by the Department of Public Works. Any request for a waiver shall be made in writing at the time of the application.



### 3.33.4 Stormwater Management and Erosion Control Plan Contents

The Stormwater Management and Erosion Control Plan submitted with the permit application shall ~~be prepared and signed by a professional engineer licensed by the Commonwealth which meets the design requirements provided by this by-law. The plan shall~~ include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources; and the effectiveness and acceptability of measures proposed for managing Stormwater ~~r~~Runoff. The plans must be designed to meet all Performance Standards in Section 4. A narrative summary on how the applicant has addressed the standards in Section 4 is part of the plan submission requirements for parts 1 and 2 below.

~~the Massachusetts Stormwater Management Standards as set forth in Section 4.2, and the erosion and sediment control performance standards in Section 4.3, and the Stormwater Management Handbook (February 2008, MassDEP, as updated or amended).~~ The Applicant shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plans. The Superintendent of the Department of Public Works may require and alter as they see fit the components of these submissions.

#### 1. Stormwater Management Plan

All components of the Stormwater Management Plan shall be prepared and submitted with the stamp and signature of a Professional Engineer licensed in the Commonwealth of Massachusetts. That engineer shall be available during the construction phase to advise the builder of any alterations required to protect resource waters and adjacent properties as needed from water volume and water quality impacts due to the project.

The minimum information submitted for support of a Stormwater Management ~~and Erosion Control~~ Plan shall be as follows:

- a. Names, addresses and phone numbers of the applicant, owner and preparer:
- b. A project narrative including a brief description of the project, amount and type of existing and proposed ~~i~~mpervious ~~s~~urfaces, and how and where Stormwater will be controlled;
- c. A locus map, using a portion of the relevant USGS Quadrangle Map to show the site and properties within a minimum of 500 feet from the project property line:
- d. Existing conditions map showing:
  - i. Lot lines and lines of existing streets;
  - ~~i~~-ii. The existing zoning and land use at the site;
  - iii. The existing site hydrology and topography at 2-foot intervals;
  - ~~ii~~-iv. A description and delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which storm water flows;
  - ~~iii~~-v. A delineation of 100 and 500-year flood plains, if applicable;
  - ~~iv~~-vi. Estimated seasonal high groundwater elevation (November to April) in areas to be used for storm water retention, detention, or infiltration;
  - vii. Habitats mapped by the Massachusetts Natural Heritage & Endangered

Species Program as Endangered, Threatened, or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity;

e. Existing conditions and proposed land use map showing:

- i. The location(s) of existing and proposed easements;
- ii. The location of existing and proposed buildings and/or structures, including materials and approximate height;
- iii. The location of existing and proposed utilities, roadways, driveways, and parking areas;
- ~~iii-iv.~~ The proposed limits of disturbance;
- ~~iv-v.~~ Estimate of the total area expected to be disturbed by excavation, grading, or other construction activities.

f. Stormwater management design plan(s) and details showing:

- i. The site's existing and proposed topography with contours at 2-foot intervals;
- ii. The existing and proposed vegetation and ground surfaces with runoff coefficient for each;
- iii. Soils information from test pits performed at the location of proposed stormwater management facilities, including soil descriptions, depth to season high groundwater, depth to bedrock, and infiltration rates. Soils information will be based on site test pits logged by a Massachusetts Registered Soil Evaluator, a Massachusetts Registered Sanitarian, or a Massachusetts Registered Professional Engineer;
- ~~iii-iv.~~ A drainage area map showing pre- and post-construction watershed boundaries, drainage area and storm water flow paths;
- ~~iv-v.~~ A description and drawings of all components of the proposed drainage system, including:
  - locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization;
  - drainage patterns and approximate slopes anticipated after major grading activities;
  - all measures for the detention, retention or infiltration of water;
  - all measures for the protection of water quality;
  - the structural details for all components of the proposed drainage systems and storm water management facilities;
  - notes on drawings specifying materials to be used, construction specifications, and typicals;
  - expected hydrology with supporting calculations;
  - proposed improvements including location of buildings, utilities, or other structures, impervious surfaces, and drainage facilities, if applicable;
  - any other information requested by the Department of Public Works

g. A landscaping plan, showing and describing existing and proposed vegetation and the woody and herbaceous vegetative stabilization and management techniques

to be used within and adjacent to the stormwater practices.

h. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions. Calculations shall include:

- i. Hydrologic soils group (HSG) information, soil type, and relevant characteristics for the purpose of modeling the project's runoff, using NRCS soils information
- ii. Description of design storm frequency, intensity, and duration;
- iii. Time of concentration;
- iv. Runoff Curve Number (RCN) based on land use and soil hydrologic group;
- v. Peak runoff rates and total runoff volumes for each watershed area for the 2-year, 10-year and 100-year 24-hour storms;
- vi. Information on construction measures used to maintain the infiltration capacity of the soil where any kind of infiltration is proposed;
- vii. Infiltration rates where applicable;
- viii. Groundwater recharge analysis and BMP drawdown (time to empty)
- ix. Culvert capacities;
- x. Flow velocities;
- xi. Data on the increase in rate and volume of runoff for the specified design storms;
- xii. Data showing how project stormwater BMPs are optimized for nitrogen removal, using estimated Nitrogen load from the proposed project and the load reduction achieved through proposed BMPs (calculations should use material provided for in Attachment 1 of Appendix H of the Massachusetts MS4 Permit or as otherwise updated by EPA Region 1);
- xiii. Data and documentation of sources for all computation methods and field test results showing how the project will meet stormwater runoff water quality and/or retention requirements of New Development or Redevelopment specified in Section 4. This shall include:
  - Water quality design calculations showing the estimated Total Suspended Sediment (TSS) load from the proposed project and the load reduction achieved through proposed BMPs  
\_\_\_\_\_ and
  - Water quality design calculations showing the estimated Phosphorus load from the proposed project and the load reduction achieved through proposed BMPs (Attachments 2 and 3 in Appendix F of the Massachusetts MS4 Permit or as otherwise updated by EPA Region 1)  
\_\_\_\_\_ or
  - Calculations showing runoff volume from the total post-construction impervious surface area and retention of required volume  
\_\_\_\_\_ or
  - Calculations showing how will meet required standards through a combination of water quality treatment and retention
- xiv. Data showing BMP performance for land uses of higher potential pollutant loads if applicable;
- xv. Post-development downstream analysis, if deemed necessary by the Department of Public Works. The downstream analysis will evaluate the

**Comment [P13]:** This section for submissions is entirely new.

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hydrologic impacts of the project downstream of the project to a location where the watershed to project size is approximately equal to 10:1.

- a. The existing zoning, and land use at the site,
- b. The proposed land use,
- c. The location(s) of existing and proposed easements,
- d. The location of existing and proposed utilities,
- e. The site's existing and proposed topography with contours at two-foot intervals,
- f. The existing site hydrology,
- g. A description and delineation of existing Stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which storm water flows,
- h. A delineation of 100-year flood plains, if applicable,
- i. Estimated seasonal high Groundwater elevation (November to April) in areas to be used for Stormwater Retention, Detention, or Infiltration,
- j. The existing and proposed vegetation and ground surfaces with Runoff coefficient for each,
- k. A Drainage Area map showing pre and postconstruction watershed boundaries, Drainage Area and storm water flow paths,
- l. A description and drawings of the components of the proposed drainage system including Locations, cross sections, and profiles of brooks, streams, drainage Swales and their method of stabilization,
- ii. All measures for the Detention, Retention or Infiltration of water,
- iii. All measures for the protection of water quality,
- iv. The structural details for all components of the proposed drainage systems and storm water management facilities,
- v. Notes on drawings specifying materials to be used, construction specifications, and typicals,
- 1. Expected hydrology with supporting calculations,

2. Proposed improvements including location of buildings or other structures, Impervious Surfaces, and drainage facilities, if applicable, Erosion Control Plan

The Erosion and Sediment Control Plan must be stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control. The Erosion and Sediment Control Plan, which must meet the performance standards in Section 4 shall include:

- a. Name and contact information for party responsible for maintaining erosion and sediment control measures;
- b. A narrative description of how the plan demonstrates consideration for all standards identified in Section 4;
- c. Description of site conditions and location and details of erosion and sediment control measures appropriate to the site;
- d. with a narrative of the construction sequence/phasing of the project, with timing, schedules, and sequence of development, including both operation and maintenance for structural and non-structural measures, clearing, stripping, interim

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grading, construction, final grading, material stockpiling areas and vegetative stabilization;

- e. A description of both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas;
- f. Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable;
- g. Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures;
- h. A description of how demolition materials, litter, sanitary waste, and any other waste will be managed on site and a description of construction materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
- i. ~~A description of construction and waste materials expected to be stored on site, and a description of controls to reduce Pollutants from these materials including storage practices to minimize exposure of the materials to Stormwater, and spill prevention and response;~~ Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures, and
- a-j. A maintenance schedule for the period of construction.

### 3-43.5 Performance Guarantee

The Applicant shall file performance guarantee in the form of a cash bond prior to the submittal of a building permit application for the construction of a development requiring a ~~s~~Stormwater ~~m~~Management ~~f~~Facility. A performance guarantee for the project under the Subdivision Control Law will meet this criterion. The amount of the security shall not be less than the total estimated construction cost of the ~~s~~Stormwater ~~m~~Management ~~f~~Facility. The bond so required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved Stormwater Management Plan, compliance with all of the provisions of ~~these Regulations, this by-law~~ and other applicable laws and regulations, and any time limitations. ~~The bond shall not be fully released without a final inspection of the completed work by the Department of Public Works, submission of "as-built" plans within two years of completion of work, and certification of completion by the authorized permitting agency of the Stormwater Management Facilities being in compliance with the approved plan and the provisions of this by-law.~~

No portion of the bond shall be released without an inspection of the completed work by the Department of Public Works Superintendent or their designee. The bond shall not be fully released without submission to the Department of Public Works Superintendent or their designee of acceptable "as-built" drawings and a statement stamped and certified by the Project Design Engineer that the stormwater management facilities are in compliance with the permit and plans approved thereunder. As-built drawings will show all on-site stormwater controls and treatment practices, both structural and nonstructural, designed to manage the stormwater associated with the completed site. As-built drawings shall be full size plans that include all final grades and clearly depict all changes to project design from the approved plans, if any, and be certified by the Project Design Engineer. Submission shall include one paper copy and digital format in pdf format.

**Comment [P14]:** Use this as aligns with updated language in bylaw.

### ~~3-5~~3.6 Review Procedures

Review of Applications for Stormwater Management Permits shall follow the procedures provided below.

~~4-~~ A Stormwater Management and Erosion Control Plan (or an application for waiver) shall be submitted to the Department of Public Works for review and approval.

~~One (1) Five~~

~~2-1-~~ ~~(5)~~ paper and one electronic (PDF) clearly labeled copies of the Stormwater Management Plan shall be submitted.

~~3-2-~~ The Department of Public Works shall have seven days from the receipt of the application to review the application for administrative completeness. If found incomplete, it shall be returned by First Class Mail to the Applicant within 10 (ten) business days of filing, with written notice of the deficiencies.

~~4-3-~~ The Department of Public Works as authorized permitting agency shall distribute copies of the Stormwater Management Permit application to the Planning Department and the Conservation Commission for review, as deemed appropriate, and shall consider comments submitted by said departments during the review period.

~~5-4-~~ The Department of Public Works shall take final action within 28 days of the determination the application is a complete application unless such time is extended by agreement between the Applicant and the Department of Public Works.

~~6-5-~~ The authorized permitting agency must find that the Stormwater Management and Erosion Control Plan submitted with the permit application meets the following criteria:

- a. The Stormwater Management and Erosion Control Plan is consistent with the purposes and objectives of these Rules and Regulations;
- b. The Stormwater Management and Erosion Control Plan meets the performance standards described in [Section 4](#).

~~7-6-~~ The authorized permitting agency's action, rendered in writing, shall ~~consist~~ of either:

- a. Approval of the Stormwater Management Permit application based upon determination that the proposed plan meets the purposes in [Section 1.2](#) and the standards in [Section 4](#) of these rules and regulations, and shall adequately protect the water resources of the community and is in compliance with the requirements set forth in ~~these Regulations~~~~this by-law~~;
- b. Approval of the Stormwater Management Permit application subject to conditions, modifications or restrictions required by the Department of Public Works which shall ensure that the project meets the purposes in [Section 1.2](#) and the standards in [Section 4](#) of these rules and regulations, and adequately protects water resources, set forth in this ~~these Regulations~~~~by-law~~;
- c. Disapproval of the Stormwater Management Permit application based upon a determination that the proposed plan, as submitted, does not meet the purposes in [Section 1.2](#) and the standards in [Sections 4](#) or adequately protect water resources, as set forth in these rules and regulations.
- d. If the Department of Public Works modifies or disapproves such a plan, it shall state in writing its reasons for its action and shall rescind such disapproval when the plan has been amended to conform to the Rules and Regulations of the Department of Public Works

~~8.7.~~ Failure of the ~~Department of Public Works authorized permitting agency~~ to take final action upon an application within the time specified above **shall be deemed to be an approval** of said application.

**Comment [P15]:** For Counsel: Can this be revised to read as follows? Failure of the Department of Public Works to take final action on an application within the time specified above does not constitute nor imply approval of such application.

### ~~3.6~~3.7 Plan Changes

The Applicant must notify the Department of Public Works in writing of any changes in the project authorized in a Stormwater Management Permit before any change or alteration is made. The Department of Public Works may approve changes, or if the DPW determines that the change or alteration is significant, based on the Stormwater Management requirements of these Rules and Regulations and accepted construction practices, the DPW may require that an amended Application be filed and reviewed. If any change or alteration from the Stormwater Management Permit occurs during construction activities, the DPW may require the installation of interim measures before approving the change or alteration.

### ~~3.7~~3.8 Permit Extensions

A Stormwater Management Permit shall be valid for three years from the date the permit is issued, except that compliance with the Operation and Maintenance Plan shall be a continuing and ongoing requirement. The Department of Public Works may grant extensions for additional time upon written request submitted no later than 30 days prior to the extension of the permit.

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## Section 4

# Performance Standards and Design Requirements

### 4.1 Basic Requirements

The basic design criteria methodologies and construction specifications, subject to the review and approval of the Department of Public Works, shall be consistent with those generally found in the most current edition of the Stormwater Management Handbook, Volume 2: Chapter 2: Structural BMP Specifications for the Massachusetts Stormwater Handbook (February 2008, MassDEP, as updated or amended), unless the Department's regulations modify or alter said methodologies or specifications.

### 4.2 Site Plan Review

The Department of Public Works will be responsible for review of site plans in accordance with the review procedures defined in [section 3.5.6](#). The Department of Public Works review responsibilities include pre-construction review of:

- a. Site design;
- b. Planned operations at the construction site;
- c. Planned BMPs to be used during the construction phase; and
- d. Planned BMPs to be used to manage runoff created after development.

In issuing a Stormwater Management Permit, the Department of Public Works will incorporate the following considerations:

- a. Potential water quality impacts;
- b. Information submitted by the public;
- c. Opportunities for use of low impact design and green infrastructure, where feasible.

**Comment [P16]:** Now required by MS4 permit unless infeasible.

### 4.3 Resources and Guidance on Requirements

#### 1. [Massachusetts Stormwater Handbook and Stormwater Standards](#)

[The Massachusetts Stormwater Handbook and Stormwater Standards, as updated or amended, is hereby incorporated by reference as part of these Regulations, and shall furnish additional policy, criteria and information, including specifications and standards for the proper implementation of the requirements of these Regulations.](#)

[Volume 1 lays out the legal and regulatory framework for the Massachusetts Stormwater Handbook. The Massachusetts Stormwater Standards are contained in Chapter 1 of Volume 1.](#)

[Volume 2 addresses the elements of stormwater management, particularly Best Management Practices \(BMPs\). This volume includes lists of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The manual may be updated and expanded from time to time, based on improvements in engineering, science, monitoring and local maintenance experience, at the discretion of the Massachusetts Department of Environmental Protection. Stormwater treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the](#)



Section 4 Performance Standards and Design Requirements

minimum water quality performance standards.

Volume 3 describes how to document compliance through preparation of a Stormwater Report.

2. Rainfall Data

The recommendation for rainfall data to be used in calculations is currently being updated in the Massachusetts Stormwater Handbook. In the interim, applicants shall calculate stormwater peak runoff rates, using 90% of the upper confidence interval mean of NOAA Atlas 14 data for Agawam. MassDEP refers to this as "NOAA plus" and has indicated that it incorporates risk observed in the current data to reflect range of larger storms.

Recommended procedure:

- Navigate to NOAA 14 website: [https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html](https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html)
- Click Massachusetts map on the desired location
- Navigate to "point of interest," and tabular results will pop up
- Multiply 0.9 by the NOAA upper confidence interval mean to obtain peak runoff rate for a given design storm

3. Erosion and Sediment Control

For guidance on erosion and sediment control practices, see: *Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas*, MassDEP, 2003, and as updated or amended.

4. Pollutant Removal

Pollutant removal capabilities for stormwater management facilities, unless otherwise stated, shall be calculated consistent with EPA Region 1's BMP Performance Extrapolation Tool or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, any federally or state approved BMP design guidance or performance standards (e.g. State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance.

4.34.4 Stormwater Management Performance Standards

~~Projects that require a Stormwater Management Permit must meet the standards of the Massachusetts Stormwater Management Policy and the U.S. Environmental Protection Agency (EPA) General Permits for Stormwater Discharges from Small MS4s in Massachusetts. These standards are:~~

- ~~1. No new Stormwater conveyances (e.g. Outfalls) shall discharge untreated Stormwater directly to or cause erosion in wetlands or Water of the Commonwealth.~~
- ~~2. Stormwater Management Facilities must be designed so that post-development Peak Discharge rates do not exceed predevelopment Peak Discharge rates.~~
- ~~3. Loss of annual Recharge to Groundwater should be minimized through the use of infiltration measures to the maximum extent practicable, including but not limited to environmentally sensitive site design, low impact development techniques, stormwater best management practices, and good operation and maintenance practices. The annual Recharge from the post-development site should approximate the annual Recharge rate from the predevelopment or existing site conditions, based on soil types.~~
- ~~4. Storm water Management Facilities must be designed to comply with the new development and redevelopment requirements of the Massachusetts Stormwater Management Standards and EPA General Permits For Stormwater Discharges From Small MS4s In Massachusetts. It is presumed that this standard is met when:~~

**Comment [P17]:** Include so do not continue to get projects designed with TP40 data. Also, important to know, because NOAA only reflects current rainfall data (so that projects meant to last 50+ years will essentially be under designed for future conditions), discussion about use of projected rainfall data (RMAT approach) remains important.

**Comment [P18]:** As noted previously, no need to reiterate the MA Stormwater Standards. Can summarize in 1 here.

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Section 4 Performance Standards and Design Requirements

- ~~a. Suitable nonstructural practices for source control and pollution prevention are implemented.~~
- ~~b. Stormwater management Best Management Practices (BMPs) are sized to capture the prescribed Runoff volume, and~~
- ~~c. Stormwater management BMPs are maintained as designed.~~
- ~~5. Stormwater discharges from areas with higher potential Pollutant loads require the use of specific Stormwater management BMPs (see Stormwater Management Handbook, February 2008, MassDEP, as updated or amended). The use of Infiltration practices without pretreatment is prohibited.~~
- ~~6. Stormwater discharges to critical areas must utilize certain Stormwater management BMPs approved for critical areas (see Stormwater Management Handbook, February 2008, MassDEP, as updated or amended). Critical areas are outstanding resource waters (ORWs), cold water fisheries, vernal pools and recharge areas for public water supplies, including the Zone II and Interim Wellhead Protection Areas.~~
- ~~7. Redevelopment of previously developed sites must meet the Massachusetts Stormwater management standards to the maximum extent practicable and the redevelopment requirements of the EPA General Permits For Stormwater Discharges From Small MS4s In Massachusetts as determined by the Department of Public Works. However, if it is not practicable to meet all the Massachusetts standards, new (retrofitted or expanded) Stormwater Management Facilities must be designed to improve existing conditions.~~
- ~~8. Erosion and sediment controls must be implemented to prevent impacts during disturbance and construction activities.~~
- ~~9. All Stormwater Management Facilities must have an operation and maintenance plan to ensure that systems function as designed. The operation and maintenance plan must be implemented for the life of the system.~~
- ~~10. All Illicit Discharges to the Stormwater Management Facilities are prohibited. When the proposed discharge may have an impact upon a sensitive receptor, including streams, wetlands, vernal pools, and/or storm sewers, the authorized permitting agency may require an increase in these minimum requirements, based on existing Stormwater Management Facility capacity.~~

1. Massachusetts Stormwater Management Standards  
All projects subject to these Regulations shall comply with all Massachusetts Stormwater Management Standards (or be more stringent than those standards).

2. Nitrogen Optimization  
Stormwater BMPs must be optimized for nitrogen removal. Guidance is provided in Attachment 1 to Appendix H of the 2016 MS4 Massachusetts permit. When proposed BMPs are not covered in EPA Region 1's tools, any other state of federally approved BMP performance estimates can be used to estimate pollutant removal of the proposed or installed BMP.

3. Low Impact Development  
All projects must use Low Impact Development (LID) site planning and design strategies unless not feasible in order to reduce runoff from both new and redevelopment projects.

If full compliance is not provided, an applicant must document why key steps in the process could not be met and what is proposed for mitigation. Strategies should include:

- a. Identify, map, and preserve the site's natural features and environmentally sensitive areas such as wetlands, aquifers, native vegetation, stands of trees and trees with a trunk diameter at breast height of 8 inches or more, slopes,

**Comment [P19]:** No need to repeat MA standards here.  
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**Comment [P20]:** I have made this prescriptive because LID is not as well described in MA as I have seen in RI. As noted above, advancing practice seems important to get good projects.  
**Comment [P21]:** Use definition for "not feasible" from draft Stormwater Handbook once issued.

#### Section 4 Performance Standards and Design Requirements

drainage ways, soils, including especially permeable soils and prime farmland soils, flood plains, and woodlands to the greatest extent possible:

- b. Identify, map, and protect riparian buffers by establishing a naturally vegetated buffer system along all perennial streams and other water features that encompass critical environmental features such as the 100-year floodplain, steep slopes (in excess of 15%), lake shorelands, and wetlands. Also, prohibit any mowing and brush hogging within riparian buffers.
- c. Identify any coldwater fish resources in the project drainage area and mitigate potential thermal impacts from the project, including preserving riparian buffers, specifically preservation and/or restoration of riparian trees and shrubs to provide shade, use of BMPs that make use of infiltration, creation of new natural areas with native vegetation and clustering of trees, establishing no-mow zones, and providing shade for impervious surfaces wherever possible.
- d. Prevent adverse impacts of proposed activities on habitats mapped by the Massachusetts Natural Heritage and Endangered Species Program as endangered, threatened or of special concern, estimated habitats of rare wildlife and certified vernal pools, and priority habitats of rare species:
- e. Minimize grading and clearing:
- f. Delineate potential building envelopes, avoiding environmental resource areas and appropriate buffers by clustering buildings and reducing building footprints:
- g. Develop methods to minimize impervious surfaces and protect and preserve open space. Reduce impervious surfaces wherever possible through alternative street design, such as omission of curbs and use of narrower streets, shared driveways and through the use of shared parking areas where allowed:
- h. Ensure that new fill or soils brought to site do not change the infiltration characteristics of the site:
- i. Ensure that all work is planned and executed so as to avoid compaction of topsoil and subsoils, including such best practices as reducing the number of trips required over area of disturbance, laying down soil protective mats for trafficked areas, and avoiding work after rain or snowmelt that soaks soils. For construction equipment, best practices should include using vehicles with low axle loads, reduced tire pressures, and use of flotation tires, doubles, radial tires, and/or large-diameter tires.
- j. Manage runoff using smaller, decentralized, low-tech stormwater management techniques to treat and recharge stormwater close to the source.
- k. Lengthen flow paths and maximize sheet flow.
- l. Use nonstructural, low-tech methods including open drainage systems, disconnection of roof runoff, and street sweeping where possible.
- m. Use native plant vegetation in buffer strips and in rain gardens (small planted depressions that can trap and filter runoff).
- n. Use drought-resistant vegetation.
- o. Integrate the following techniques into the site design to create a hydrologically functional lot or development site, including but not limited to the following based on soil, groundwater level, and topographic conditions:
  - i. Reduction of impervious surface
  - ii. On-site infiltration, flow attenuation, and pollutant removal of runoff on-site to existing areas with grass, trees, and similar vegetation and

Comment [P22]: New standard

Comment [P23]: New standard

Comment [P24]: New standard

## Section 4 Performance Standards and Design Requirements

through the use of open vegetated swales and natural depressions, and amended soils that will store, filter, and infiltrate runoff:

- iii. Bioretention (rain gardens):
- iv. Open vegetated swales and natural depressions:
- v. Use of permeable pavement:
- vi. Use of roof gardens where practicable:
- vii. Re-use of stormwater to replace water used for irrigation, toilet flushing, or industrial processes.

### 4. New Development Projects – Additional Standards

Stormwater management systems for new development projects shall be designed to meet an average annual pollutant removal equivalent to 90% of the average annual load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 60% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site.

Average annual pollutant removal requirements are achieved through one of the following methods:

- a. Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g., State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or
- b. Retaining the volume of runoff equivalent to, or greater than, one (1.0) inch multiplied by the total post-construction impervious surface area on the new development site; or
- c. Meeting a combination of retention and treatment that achieves the above standards.

### 5. Redevelopment Projects – Additional Standards

Stormwater management systems on redevelopment sites shall be designed to meet an average annual pollutant removal equivalent to 80% of the average annual post-construction load of Total Suspended Solids (TSS) related to the total post-construction impervious area on the site AND 50% of the average annual load of Total Phosphorus (TP) related to the total post-construction impervious surface area on the site.

Average annual pollutant removal requirements are achieved through one of the following methods:

- a. Installing BMPs that meet the pollutant removal percentages based on calculations developed consistent with EPA Region 1's BMP Accounting and Tracking Tool (2016) or other BMP performance evaluation tool provided by EPA Region 1, where available. If EPA Region 1 tools do not address the planned or installed BMP performance, then any federally or State-approved BMP design guidance or performance standards (e.g., State stormwater handbooks and design guidance manuals) may be used to calculate BMP performance; or
- b. Retaining the volume of runoff equivalent to, or greater than, 0.8 inch

#### Section 4 Performance Standards and Design Requirements

multiplied by the total post-construction impervious surface area on the redeveloped site; or

- c. Meeting a combination of retention and treatment that achieves the above standards; or
- d. Utilizing offsite mitigation that meets the above standards within the same USGS HUC12 as the redevelopment site.

#### 6. Performance Standards for Redevelopment Projects Offsite Mitigation

- a. For Redevelopment projects where the Applicant proposes to utilize off-site mitigation to meet the average annual pollutant removal requirements of Part 5d just above, the Applicant will describe in writing why it is not technically feasible to meet the average annual pollutant removal requirements on-site, including which on-site treatment BMPs were considered and why they were deemed not feasible.
- b. Off-site mitigation shall be located within the Town of East Longmeadow and the same tributary to the maximum extent feasible. Under no circumstances will off-site mitigation be located outside the same USGS HUC12.
- c. The off-site mitigation project shall be designed and constructed in a manner consistent with the requirements of these Regulations.
- d. The Department of Public Works shall, at its discretion, identify priority areas in which offsite mitigation may be completed.
- e. Offsite mitigation provided at a site not owned by the Town requires a separate Stormwater Management Permit covering the off-site mitigation project (even with disturbance less than 1 acre), the terms and conditions of which, including ongoing operations and maintenance requirements, shall run with the land where the off-site mitigation is located.
- f. Construction of the off-site mitigation project shall commence within 12 months of Stormwater Management Permit issuance and be completed within 12 months of start of construction.

#### 7. Hazardous Chemicals and Petroleum Products

Projects involving the storage or use of hazardous chemicals or petroleum products shall incorporate handling and storage best management practices that prevent such chemicals from contaminating runoff from the site into infiltration systems, receiving water bodies, or the MS4, and shall include a list of such chemicals in the application.

#### 8. Connection to MS4

If the destination for the outlet of a stormwater management facility is the MS4, the applicant must evaluate the existing capacity and condition of that system. If there are existing deficiencies or extra capacity is not available to accept additional flows from the project site, the applicant will be required to design and construct improvements or reduce the outlet flow rate based on

## Section 4 Performance Standards and Design Requirements

existing capacity.

### 9. Emergency Overflow

All stormwater management facilities shall be designed to provide an emergency overflow system and incorporate measures to provide a nonerosive velocity to flow along its length and at any outfall.

### 10. Down-stream Structures

The designed release rate of any stormwater structure shall be modified if any increase in flooding or stream channel erosion would result at a down-stream dam, highway, structure, or normal point of restricted stream flow.

### 11. Centralized Detention Facilities

Detention basins for stormwater management should be used only as a last resort and only if there are serious site constraints that prevent the use of other BMP stormwater management facilities.

## 4.44.5 Erosion and Sediment Control Performance Standards

Promote erosion and sediment control by using measures that are appropriate to the conditions of the site. Prevention of erosion is preferred over sedimentation control. The erosion and sediment control plan should be designed to meet the following performance standards.

### 1. During planning

a. Avoid sensitive areas, steep slopes, and highly erodible soils to the maximum extent possible when developing site plans;

b. Maximize groundwater recharge;

c. Minimize total area of disturbance and protect natural resources;

d. Sequence activities to minimize simultaneous areas of disturbance;

e. Identify potential problem areas before the site plan is finalized and approved;

Minimize peak rate of runoff in accordance with the MassDEP Stormwater Policy.

~~a. Minimize soil erosion and control sedimentation during construction. Prevention of erosion is preferred over sedimentation control.~~

f. Divert ~~u~~uncontaminated ~~w~~water around disturbed areas;

g. Use sediment barriers along contour lines, with a focus on areas where short-circuiting (i.e., flow around the barrier) may occur;

h. Use berms at the top of a steep slopes to divert runoff away from the slope's edge;

i. Design trapezoidal or parabolic vegetated drainage channels, not triangular;

j. Use vegetated channels with rip rap check dams, instead of impervious pavement or concrete, to reduce the water velocity of the conveyance system;

k. Design a check dam or sediment forebay with level spreader at the exit of outfalls to reduce water velocity of the discharge and collect sediment;

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#### Section 4 Performance Standards and Design Requirements

- l. Use turf reinforcement matting to stabilize vegetated channels, encourage vegetation establishment, and withstand flow velocities without scouring the base of the channel;
- m. Plan open channels to follow land contours so natural drainage is not disrupted;
- n. Use organic matting for temporary slope stabilization and synthetic matting for permanent stabilization;
- o. Provide a stable channel, flume, or slope drain where it is necessary to carry water down slopes;
- ~~a-p.~~ \_\_\_\_\_ Protect and manage on- and off-site material storage areas (overburden and stockpiles of dirt, borrow areas, or other areas used solely by the permitted project are considered a part of the project).

#### 2. During construction

- a. Install and maintain all erosion and sediment control measures in accordance with the manufacturers' specifications and good engineering practices;
- b. Protect slopes on the construction site;
- c. Protect all storm drain inlets and armor all newly constructed outlets;
- d. Use perimeter controls that provide protection along the site's edge before sediment reaches roadway, storm drains, or adjacent properties;
- e. Inspect stormwater controls at regular intervals and especially following any storm;
- f. Clean and sweep up any debris accidentally tracked, dumped or spilled off site;
- ~~b.~~ ~~Prevent off-site transport of sediment.~~
- ~~e-g.~~ \_\_\_\_\_ Comply with applicable federal, state and local laws and regulations including waste disposal, sanitary sewer or septic system regulations, and air quality requirements, including dust control;
- ~~d-h.~~ \_\_\_\_\_ Prevent Adverse Impact from the proposed activities to habitats mapped by the Massachusetts Natural Heritage and Endangered Species Program as estimated habitats of rare wildlife and certified vernal pools, and priority habitats of rare species;
- i. ~~Institute interim and permanent stabilization measures. The measures shall be instituted on a disturbed area as soon as practicable but no more than 714 days after Construction Activity has temporarily or permanently ceased on that portion of the site.~~
- j. Properly manage on-site construction and waste materials, including but not limited to discarded building materials, concrete truck wash out, chemicals, litter and sanitary wastes. These wastes shall not be discharged to the MS4;
- ~~e-k.~~ \_\_\_\_\_ Stabilize construction site entrances and exits to pPrevent off-site vehicle tracking of sediments.

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## Section 5 Inspections, Operation and Maintenance

**Comment [P25]:** Reorganized here a bit so that hangs together better.

### 5.1 Basic Requirements

#### 1. Responsibility for Inspection

The Applicant has the responsibility to ensure that the approved construction plans are implemented. Use of qualified Persons to furnish adequate and timely engineering supervision during construction is required. Surveillance and field revisions by Town officials or consultants appointed by the Department of Public Works cannot be construed as fulfilling this responsibility.

Inspection shall be carried out at appropriate times during the development of the Stormwater Management Facilities as described in Section 5.2.

The Applicant shall notify the Town Engineer/Superintendent of Public Works or his/her designee, at least 48 hours before carrying out each operation to be inspected. The Town Engineer/Superintendent of Public Works or his/her designee may make arrangements with consultants to carry out such inspections and/or provide consulting services with regard to the project, on behalf of the Town.

#### 2. Costs

The costs of inspection shall be borne by the Applicant and paid to the Town of East Longmeadow by certified check or money order within thirty (30) business days of the inspection. Inspection costs shall include but not be limited to: on-site inspections, "portal-to-portal" travel, off-site analysis of plans, water testing, and soil testing. In the case of consultant services, a deposit shall be made to the Town as described in Section 3.1.

Failure to pay for such services as referenced above within thirty (30) days following the mailing of an invoice shall be sufficient grounds for the Department of Public Works to deny a plan or rescind its approval of a Stormwater Management Permit.

A cash deposit shall be required and shall be used by the Town to pay for any additional consultants which it finds necessary to hire in order to carry out an effective review of the proposed improvements.

#### 3. On-Site Plan for Reference

A paper copy of the approved project Site Plans bearing the signature of approval of the East Longmeadow Department of Public Works shall be maintained at the site during the progress of the work.

#### 4. Failure to Comply

Failure to comply with the inspection procedure may necessitate removal of improvements at the expense of the Applicant or rescission of the permit.

### 5.2 Inspections of Improvements

Filing an application for a permit grants the Department of Public Works, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit. Inspections during the work shall be arranged with the Department of Public Works prior to starting construction.

The Department of Public Works will provide the Applicant with a checklist covering these inspections and the Department of Public Works will sign this checklist after



Section 5 Inspections, Operation and Maintenance

satisfactory completion of each step by the Applicant. Inspections shall be requested at least 48 hours in advance of each inspection by notice to the Town's inspector. See Appendix B for the Stormwater Management Inspection Checklist.

The Applicant shall arrange for scheduling the following inspections:

- a. *Initial inspection.* Prior to approval of a plan
- b. *Erosion control inspections.* After erosion control installation, site clearing, rough grading and final grading to ensure erosion control practices are in accordance with the plan.
- c. *Bury inspection.* Prior to backfilling of underground drainage or stormwater conveyance or infiltration structures;
- d. *Final inspection.* When all site work, including construction of stormwater management facilities and landscaping have been completed.

**Comment [P26]:** Include the following? Final inspection of the project site shall be performed and shall include a full, dated video inspection of all stormwater pipes installed.

The initial and erosion control inspections will be conducted by a "qualified person" from the Department of Public Works or a third party hired to conduct such inspections. A "qualified person" is a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of these Rules and Regulations.

The Department of Public Works or its agent shall inspect the work and either approve it or notify the Applicant in writing in what respects there has been a failure to comply with the requirements of the approved plan. Any portion of the work which does not comply shall be promptly corrected by the Applicant or the Applicant shall be subject to the penalty provisions of Section 6.3. The town may conduct random inspections to ensure effective control of erosion and sedimentation during all phases of construction, when it has a reasonable basis to believe that a violation of these Regulations is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of these Regulations.

The bury inspection and final inspection shall be conducted by the Project Design Engineer to verify proper installation and functioning of all installed stormwater features. The Project Design Engineer shall notify the Department of Public Works at least 24 hours prior to each of these inspections.

If the Project Design Engineer finds the system to be properly installed and functioning, he/she/they shall provide certification to the Department of Public Works, which is responsible for issuing a Certificate of Completion. Certification to the Department of Public Works shall consist of an engineering stamp on the final as-built drawings and a statement stamped and certified by the Project Design Engineer that the stormwater management facilities are in compliance with the permit and plans approved as described in the Section 3.5 of these Regulations.

If the system is found to be inadequate due to operational failure, even though built according to the Stormwater Management Plan, the system shall be corrected by the applicant. If the applicant fails to act, the Department of Public Works may use the performance guarantee to complete the work.

If the system does not comply with the Plan, the applicant shall be notified in writing of

Section 5 Inspections, Operation and Maintenance

the violation and the required corrective actions. A Stop Work order shall be issued until any violations are corrected and all work previously completed has received approval by the Department of Public Works.

5.3 Post-Construction and Operation and Maintenance

Prior to issuance of a building permit for a site on which Stormwater management is required, the **authorized permitting agency** shall require the Applicant or owner to execute an operation, maintenance and inspection agreement binding on all subsequent owners of land served by the private Stormwater Management Facility. The agreement shall be designed to ensure that water quality standards are met in all seasons and throughout the life of the system. Such agreement shall provide for access to the facility at reasonable times for regular inspections by the town or its authorized representative and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards. The agreement shall include:

1. Names of land owners. The name(s) of the land owner(s) for all components of the system.

Maintenance agreements. ~~The Maintenance agreements shall be recorded by the Applicant and/or owner in the land records of the registry of deeds. Proof of such recording shall be filed by the Applicant and/or owner with the authorized permitting agency.~~

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~~2.~~ Maintenance agreements ~~shall that~~ specify:

- a. The names and addresses of the Person(s) responsible for operation and maintenance.
- b. The Person(s) responsible for financing maintenance and emergency repairs.
- c. A maintenance schedule for all drainage structures, including Swales and ponds.
- d. A list of easements with the purpose and location of each.
- e. The signature(s) of the owner(s).

~~3.~~ Stormwater management easements as necessary for:

- a. Access for facility inspections and maintenance.
- b. Preservation of Stormwater Runoff conveyance, Infiltration, and Detention areas and facilities, including flood routes for the 100-year storm event.
- c. Direct maintenance access by heavy equipment to structures requiring regular cleanout.

~~4.~~ Stormwater management easement requirements.

- a. Purpose of each easement shall be specified in the maintenance agreement signed by the property owner.
- b. Stormwater management easements are required for all areas used for off-site Stormwater control, unless a waiver is granted by the town.
- c. Easements shall be recorded with the registry of deeds prior to issuance of a certificate of completion at the expense of the Applicant, and certified copies of the recorded easements shall be filed with the Department of Public Works and Planning Board.

~~5.~~ Changes to operation and maintenance plans.

- a. The owner(s) of the Stormwater Management Facility must notify the Department of Public Works ~~authorized enforcement agency~~ in writing of changes in ownership or assignment of financial responsibility.

Section 5 Inspections, Operation and Maintenance

b. The maintenance schedule in the maintenance agreement may be amended to achieve the purposes of ~~these Regulations, this by-law~~ by mutual agreement of the ~~Department of Public Works, authorized permitting agency~~ and the responsible parties. Amendments shall be in writing and signed by all responsible parties. Responsible parties shall include owner(s), Persons with financial responsibility, and Persons with operational responsibility.

~~e.a. The agreement shall be recorded by the Applicant and/or owner in the land records of the registry of deeds. Proof of such recording shall be filed by the Applicant and/or owner with the authorized permitting agency.~~

~~e.c.~~ The agreement shall also provide that, if after notice by the Department of Public Works to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within 30 days, the Department of Public Works or its designee may perform all necessary work to place the facility in proper working condition. The owner(s) of the land on which the facility is situated shall be assessed the cost of the work and any penalties.

5.6. Maintenance responsibility.

a. The owner of the property on which work has been done pursuant to ~~these Regulations, this by-law~~ for private Stormwater Management Facilities, or other Person or agent in control of such property, shall maintain in good condition and promptly repair and restore grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.

b. A maintenance schedule shall be developed for the life of the Stormwater Management Facility and shall state the maintenance to be completed, the time period for completion, and who shall be legally responsible to perform the maintenance. This maintenance schedule shall be printed on the Stormwater Management and Erosion Control Plan.

c. Records of installation shall be maintained on-site in perpetuity. Records of maintenance shall be maintained on-site for a period of at least five years. Installation and maintenance records shall be made available for inspection by the enforcement agency. An annual certification documenting the work that has been done over the last calendar year to properly operate and maintain the stormwater control measures shall be provided to the DPW every January 31st.

d. Failure to maintain Best Management Practices shall be considered a violation of ~~these Regulations, this by-law~~ and enforceable under **Section 6**.

5.4 Site Review, Inspection, and Enforcement Action Records

The Department of Public Works will be responsible for maintaining records of site plan reviews, inspections, and ~~Board of Health will be the~~ enforcement actions for a period of five years.

**Comment [P27]:** Question for Counsel: What should record keeping timeline be here?

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## Section 6 Enforcement and Penalties

### 6.1 Violations

The Department of Public Works agent or employee having actual knowledge or information of a violation of these rules and regulations that he is responsible for enforcing may, as an alternative to seeking a criminal penalty for violation of this by-law, give the offender a ticket in a form in compliance with the requirements of and in the manner established in G.L. c. 40, §21D and [Section 8.130 of the East Longmeadow General By-laws](#).

The Department of Public Works or its agent may enter onto a Person's land to inspect any work performed under a permit issued pursuant to these rules and regulations or to determine if such property is in violation of these rules and regulations if it has a good faith basis to believe an activity requiring a permit is being performed on the property without such a permit.

The Department of Public Works may, for cause shown, suspend or terminate a Person's connection to the MS4 and any permit issued pursuant to [these Regulations](#)~~this by-law~~.

### 6.2 Stop Work Orders

Notice of the intent to suspend or terminate a Person's connection to the MS4 or a permit shall be given in writing to the owner of the property and the permit holder, if different, by delivering via hand delivery or certified mail, to the owner to the address listed for taxation purposes in the Assessor's Office, and the permit holder at the address listed in the application. A copy of the notice of hearing shall be delivered at least ten (10) business days before said hearing date and shall, in addition, be mailed by 1<sup>st</sup> class mail, postage prepaid at least fourteen (14) days before said hearing.

The notice shall contain the:

1. Name and address of the owner of the property;
2. The name and address of the permit holder if different than the owner;
3. The action contemplated;
4. Statement of violations believed to exist; and
5. A statement that the owner and permit holder may present evidence regarding alleged violations.

If the Department of Public Works or its designee determines in writing that the public health, safety or welfare requires immediate action, it may suspend or terminate MS4 service and any permit immediately. However, in such a case, notice as set forth above, shall be delivered and mailed to the owner and permit holder, if different, informing them that they have fifteen (15) days from the date of the suspension or termination to appeal said action of the Department of Public Works.

## Section 6 Enforcement and Penalties

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### 6.3 Penalties

The Penalty for each violation of this Stormwater management portion of the rules and regulations adopted hereunder shall be \$200.00 and each day or part thereof shall constitute a separate violation.

The Department of Public Works, in addition to issuing said tickets, may enforce the provisions of ~~these Regulations, this by-law~~ by injunctive relief if it determines that the health, safety or welfare of any resident or member of the public or that the well-being of the community is or will be endangered by the violation(s).

Any permit issued pursuant to these rules and regulations shall contain language requiring the Applicant to pay any and all costs, including attorney fees and expert witness fees, incurred by the town in seeking court action regarding the enforcement of this by-law and the rules and regulations adopted hereunder.

### 6.4 Restoration of Lands

A violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the East Longmeadow Department of Public Works shall take necessary corrective action, the cost of which shall become a lien upon the property until paid.

### 6.5 Holds on Occupancy Permits

Occupancy permits will not be granted unless corrections to all Stormwater management practices have been made and accepted by the Department of Public Works.

### 6.6 Severability

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

# Low Impact Development Checklist

To promote a Low Impact Development (LID) approach, the Town of East Longmeadow encourages all those applying for a stormwater management permit to join Department of Public Works (DPW) staff for a pre-application concept meeting.

This meeting is intended to be beneficial for applicants prior to investing in extensive professional design efforts. The meeting will serve to provide applicants with advice and guidance relative to the permit approval process, but also allow the applicant and DPW staff to have a preliminary conversation about the site, stormwater management and erosion and sediment control considerations, and concept plan. It may also help to streamline the permitting process overall.

The DPW may invite to this meeting other town boards and officers at its discretion.

## What is Low Impact Development?

“Low impact development” (LID) is a development approach that seeks to maintain (or in the case of redevelopment, restore/recreate) a site’s predevelopment hydrology through protection of on-site natural features and environmentally sensitive site design through the following:

- Limiting impervious areas
- Preserving existing flow patterns
- Preserving native vegetation and soils, other natural resources and open space
- Using decentralized small-scale facilities to capture and manage rainfall (or snowmelt) close to where it falls (these small-scale facilities serve to slow, absorb, and treat flow and include bioretention areas, grass swales, porous pavements, cisterns, and green roofs and walls)

The checklist below identifies several items that will be helpful to bring to this meeting. All of these items are meant to be simple, low-cost drawings and analyses prepared by a professional landscape architect, architect, planner, site designer, or engineer.

1. Existing resources site analysis map that identifies, locates, and describes noteworthy features to be designed around:

\_\_\_ Rivers, streams, and wetlands, and existing drainage patterns

\_\_\_ Flood plains

\_\_\_ Areas of flat, moderate, and steep slopes, and natural existing drainage patterns

\_\_\_ Native vegetation, significant and/or rare vegetation, mature trees, woodlands

\_\_\_ Farmland soils

\_\_\_ Cultural or historic resources, including stone walls

\_\_\_ Threatened or endangered species, and vernal pools

\_\_\_ Unusual geological formations, including exposed ledge

\_\_\_ Scenic views or viewsheds

2. Hydrologic soils group (HSG) map and soils description of site and abutting properties using NRCS mapping tool. Following are instructions to get Hydrologic Soils Group Map and Descriptions at <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.

- Establish Area of Interest (AOI), inputting site address in Quick Navigation drop-down menu and then use rectangle or polygon tool to draw AOI. Double click or CTRL+click to close the AOI polygon
- Click on Soil Data Explorer tab

- Click on Soil Properties and Qualities tab
- Select Soil Qualities and Features from menu
- Select Hydrologic Soil Groups from drop-down menu
- Make sure map, table, description boxes are checked
- Click on View Rating, which will produce map with the HSGs color coded, a table, and description of soils that you can print

3. Sketch plan, based on the existing resources/site analysis map, that illustrates conceptual layout of the proposed development or redevelopment, including:

- |  |   |
|--|---|
| ___ Note of existing zoning and proposed use                                     | ___ Calculation on estimated total square feet of new impervious area. If redevelopment project, show numbers of existing and new proposed. |
| ___ Proposed building, driveway, and street footprints                           | ___ Drainage areas, showing location of existing and proposed stormwater management facilities with identification of type of facility      |
| ___ Proposed site access (points of ingress and egress)                          |   |
| ___ Location of utilities  |   |
| ___ Anticipated limits of disturbance and areas to be protected from disturbance |   |

**Some questions for consideration at pre-application concept meeting:**

Is development being designed to avoid ecologically important areas and critical watercourses, wetlands, and steep slopes?

Are natural existing drainage patterns proposed to be preserved and/or impacts minimized?

Are proposed built elements and site improvements located where development can occur with the least environmental impact?

Have built elements been clustered to maximize open space/pervious areas?

Have disturbance areas been delineated to avoid unnecessary clearing or grading?

Are impervious surfaces kept to the minimum extent practicable?

Are impervious surfaces disconnected from draining to the municipal storm system and directed to appropriate pervious areas or LID stormwater management facilities?

What are the proposed LID stormwater management facilities, and do they make sense given soils indicated from the desk top analysis?

How is stormwater management design also addressing groundwater drinking water supply protection? (For example, if a land use involves deliveries of fuel or other such potential contaminant, how is the stormwater management facility providing for containment of any potential spills?)

**Town of East Longmeadow – Site Inspection Form**

# Erosion & Sediment Control

*Adapted by PVPC from  
2013 SOP#6 developed by Fuss & O’Neill for Central MA Stormwater Coalition*

**Guidelines**

1. The inspection shall begin at a low point and work uphill, observing all discharge points, erosion and sediment control features, and any off-site support activities.
2. Written and photographic records shall be obtained and included in this report for each site visit.
3. The inspector shall always wear personal protective equipment appropriate for the site.
4. The inspector shall abide by the contractor’s site-specific safety requirements.
5. The inspector has legal authority to enter the site. However, if denied permission to enter the site, the inspector shall not force entry.

**General information**

|  |  |   |  |
|--|--|---|--|
| Project name:  |  |   |  |
| Project location:  |  |   |  |
| Site operator:   |  |   |  |
| Inspector’s name:  |  |   |  |
| Inspector's title and qualifications:  |  |   |  |
| Date of inspection:  |  | Date of last inspection:                            |  |
| Start time:  |  | End time:   |  |
| Type of Erosion and Sediment Control inspection:<br>Stormwater regulations require inspections to occur before start of construction and either at least once every 7 calendar days or once every 14 calendar days <i>and</i> within 24 hours of a storm event of 0.25 inches or greater |  |   |  |
| Before start of construction <input type="checkbox"/>  | 7 calendar day inspection <input type="checkbox"/> | 14 calendar day inspection <input type="checkbox"/> | Within 24 hours of a storm event <input type="checkbox"/><br>≥ 0.25 inches |
| Describe the weather conditions at time of inspection:   |  |   |  |
| Describe the current phase of construction:  |  |   |  |



**Document any of the following issues found on the construction site, and the corrective action(s) required for each.**

| Issue   | Status   | Correction Action Needed |
|---|--|--------------------------|
| 1. Have all Erosion and Sediment Control (ESC) features been constructed before initiating other construction activities? | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |
| 2. Is the contractor inspecting and maintaining ESC devices regularly?  | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |
| 3. Is existing vegetation maintained on the site as long as possible?   | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |
| 4. Is construction staged so as to minimize exposed soil and disturbed areas?   | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |
| 5. Are disturbed areas restored as soon as possible after work is completed?  | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |
| 6. Is clean water being diverted away from the construction site?   | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |
| 7. Are sediment traps and sediment barriers cleaned regularly?  | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |
| 8. Are vegetated and wooded buffers protected and left undisturbed?   | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |
| 9. Are soils stabilized by mulching and/or seeding when they are exposed for a long time?                                 | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |
| 10. Has vegetation been allowed to establish itself before flows are introduced by channels?                              | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |
| 11. Is regular, light watering used for dust control?   | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |
| 12. Is excessive soil compaction with heavy machinery avoided to the extent possible?                                     | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |

| Issue   | Status   | Correction Action Needed |
|---|--|--------------------------|
| 13. Are erosion control blankets used when seeding slopes?  | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |
| 14. Are trees and vegetation that are to be retained during construction adequately protected?                      | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |
| 15. Are areas designated off-limits to construction equipment flagged or easily distinguishable?                    | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |
| 16. If topsoil has been excavated and stockpiled for later use on the project, are stockpiles adequately protected? | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |
| 17. Are temporary slope drains or chutes used to transport water down steep slopes?                                 | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |
| 18. Do all entrances to the storm sewer system have adequate protection?  | Yes <input type="checkbox"/> No <input type="checkbox"/> |                          |

Attach photos as needed for documentation.

*The applicant/site operator shall promptly correct any portion of the work that does not comply, or the applicant will be subject to the bonding provisions or the penalty provisions within the Stormwater Management and Erosion and Sediment Control Bylaw and Regulations.*

**DRAFT**

*Implementation of this draft policy is top recommendation of the climate resilience and sustainability chapters of the Master Plan*

**Town of East Longmeadow  
Green Infrastructure and Climate Resiliency Policy**

**Section 1. Goals:**

The goals of this Town of East Longmeadow policy are to:

1. promote the use of green street facilities and green infrastructure in public and private development as a cost-effective and sustainable practice for stormwater management in current and future projects wherever possible. This includes: road construction and reconstruction projects; sewer projects; and new development and redevelopment projects.
2. promote climate resiliency in public buildings and infrastructure and private development.

**Section 2. Definitions:**

Green Infrastructure: Keeps rain close to where it falls, using structures to improve on-site infiltration, such as rain gardens, green roofs and permeable pavements, to promote cleaner, slower, and smaller storm flows to nearby rivers and streams.

Green Streets: Green Streets are a subset of Green Infrastructure in which the street handles significant amounts of stormwater on site through use of vegetated and/or soil-infiltration facilities. Green Streets can include landscaped street-side planters or swales or tree box filters or porous pavement that capture stormwater runoff and allow it to soak into the ground as soil and vegetation filter pollutants.

**Section 3. Policies:**

WHEREAS,

The Town of East Longmeadow recognizes:

1. Stormwater runoff from streets, roads, parking lots, and other impervious urban surfaces is a significant source of water pollution to our rivers, streams and water bodies;
2. The local impacts of climate change in East Longmeadow include more frequent 100-year floods and more severe storms; an increase in insect populations and insect-borne diseases; rising water tables and increases in invasive species.
3. Green Streets can provide cost-effective infrastructure solutions to reduce and manage stormwater runoff and flooding from more intense storm and flooding events and can reduce localized flooding from surcharging, providing some adaptation to climate change.
4. Green Streets can improve water quality by filtering stormwater, removing contaminants, including total suspended solids (TSS), organic pollutants /oils, and heavy metals, and cooling the stormwater before it encounters groundwater or surface water bodies, which benefits watershed health.
5. Green Streets foster unique and attractive streetscapes that protect and enhance neighborhood livability, integrate the built and natural environments, enhance the pedestrian environment, and introduce park-like elements into neighborhoods.

6. Green Streets encourage the planting of landscapes and trees which contribute environmental benefits such as reduced summer air temperatures, reductions in global warming through carbon sequestration and air pollution screening.
7. Green infrastructure can reduce the long-term costs of gray infrastructure maintenance, and complement gray infrastructure with hybrid systems of gray, piped infrastructure combined with green, vegetated infrastructure.
8. Green infrastructure will be an investment in East Longmeadow's village centers. The costs for installing green infrastructure may be initially higher, but long term costs of climate changes, storm damages and flooding will be mitigated. Green infrastructure, when built in tandem with grey infrastructure, extends the lifespan of both green and grey infrastructure. Green infrastructure reduces water pollution more cost effectively than grey infrastructure alone.
9. Recharge of groundwater sources is a key mitigation activity under the Massachusetts Water Management Act regulations 310 CMR 36.00.

NOW, THEREFORE BE IT ORDERED,

The Town of East Longmeadow policy is to promote the use of green street facilities and green infrastructure in public and private development through regulation, capital investment, and management mechanisms as a cost-effective and sustainable practice for stormwater management in current and future projects when technically and economically feasible. This includes road development and reconstruction, bicycle and pedestrian projects, stormwater projects, and other development and redevelopment.

It is the Town of East Longmeadow policy to:

1. Incorporate and maintain green street facilities and green infrastructure into all publicly funded development, redevelopment, and enhancement projects, to the extent technically and economically feasible.

To achieve this, *where feasible*, East Longmeadow will:

- a) Evaluate new municipal projects to determine if they will make the town more climate resilient and green, and will provide long-term benefits to the town.
- b) Install new and replacement culverts that are open-bottom culverts designed for fish and wildlife passage, and sized to handle larger storm events expected with climate change.
- c) As streets and parking lots are replaced, re-paved or installed, utilize green streets and parking lot designs with tree box filters, permeable pavement, and curbless planted medians and shoulders.
- d) Purchase electric or hybrid municipal vehicles.
- e) Install EV charging stations and priority EV parking spaces
- f) Support "Solarize" neighborhood programs to incentivize group solar panel purchases
- g) Conduct and periodically update energy audits and upgrades in energy efficiency for all municipal buildings, and utilize Mass Energy Insight data to track and reduce energy use.
- h) Green existing and new municipal buildings, schools and facilities, using, but not limited to, such techniques as rain gardens, green roofs, rainwater harvesting and porous pavements.
- i) Install LED lighting for traffic lights, street lights and municipal buildings.
- j) Install green stormwater infrastructure in public green spaces.
- k) Work toward East Longmeadow generating its own green power with solar or wind installations.

- l) Work with power companies to bury powerlines to reduce vulnerability to storm-related power outages.
- m) Work to make improvements to municipal buildings, schools and municipal infrastructure including:
- Resiliency improvements for flooding;
  - Green roofs, rainwater harvesting, and re-use for watering;
  - Plant trees, shrubs and vegetation around municipal facilities;
  - Install bioswales, rain gardens, porous pavements and bioretention to infiltrate stormwater on site and reduce flooding;
  - Reduce impervious surfaces and replace with greenspace;
  - Install complete streets including bike lanes, sidewalks, and pedestrian infrastructure;
  - Energy efficiency and weatherization improvements.
2. Ensure that regulations require and incentivize all development to incorporate green streets and green infrastructure features. To achieve this, East Longmeadow will enforce current stormwater regulations, and work toward adoption of zoning best practices for:
- a) On-site stormwater retention, low impact development and minimized impervious surfaces;
  - b) Tree protection and planting;
  - c) Complete streets and green parking;
  - d) Green roofs;
  - e) Solar access and streamlined solar permitting.
3. Ensure coordination and communication between town boards and departments, in particular Town Council, Public Works Department, Building Department and Planning Board to ensure implementation of this policy, as well as fully addressing competing priorities.

**Section 4. Amendments:**

This policy may be amended at any time with the approval the East Longmeadow Town Council.

**Section 5. Effective Date/Authorization:**

This policy will become effective for when it is approved by vote of East Longmeadow Town Council.

Approval by East Longmeadow Town Council:

\_\_\_\_\_ Chair, Town Council  
Date

The COW Scoring Spreadsheet was designed to help communities evaluate their local development require site developers to minimize impervious cover, conserve natural areas, and use runoff reduction instructions on using the COW Scoring Spreadsheet, see *The Code and Ordinance Worksheet: A Tool for Community*. This document is available for free download on <https://owl.cwp.org> and was published

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t regulations to identify revisions that allow or  
ction practices to manage stormwater. For detailed  
*ool for Evaluating the Development Rules in Your*  
ed by the Center for Watershed Protection in 2017.





| <b>Link to Code or Ordinance Online</b> |
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| <b>Notes</b> |
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| Question   | Yes | No | N/A | Codes are Short | Notes<br>+ Strength<br>- Weakness<br>> Action   |
|--|-----|----|-----|-----------------|---|
| <b>Stormwater Pollution</b>  |     |    |     |                 |   |
| 85   |     |    | X   |                 | Not reviewed. Review of Stormwater Bylaw and Regulations is being completed by other consultants. |
| 86   |     |    | X   |                 | Not reviewed. Review of Stormwater Bylaw and Regulations is being completed by other consultants. |
| 87   |     |    | X   |                 | Not reviewed. Review of Stormwater Bylaw and Regulations is being completed by other consultants. |
| 88   |     |    | X   |                 | Not reviewed. Review of Stormwater Bylaw and Regulations is being completed by other consultants. |
| 89   |     |    | X   |                 | Not reviewed. Review of Stormwater Bylaw and Regulations is being completed by other consultants. |
| 90   |     |    | X   |                 | Not reviewed. Review of Stormwater Bylaw and Regulations is being completed by other consultants. |
| <b>Stormwater Erosion and Sediment Control</b>   |     |    |     |                 |   |
| 91   |     |    |     |                 | Not reviewed. Review of Stormwater Bylaw and Regulations is being completed by other consultants. |
| 92   |     |    |     |                 | Not reviewed. Review of Stormwater Bylaw and Regulations is being completed by other consultants. |
| 93   |     |    |     |                 | Not reviewed. Review of Stormwater Bylaw and Regulations is being completed by other consultants. |
| <b>Off-site Stormwater</b>   |     |    |     |                 |   |
| 94   |     |    |     |                 | Not reviewed. Review of Stormwater Bylaw and Regulations is being completed by other consultants. |
| <b>Total Points Achieved</b> 31<br><b>Total Possible Points</b> 85.5<br><b>Final Score (%)</b> 32% |     |    |     |                 |   |

| Provisions | General uses | Special Permit | Accessory Buildings | 3.32 Commercial | 3.33 Business | 3.34 Industrial | 3.35 Int Garden | 4. Floodplain Overlay | 5.1 Elderly Res | 5.2 Planned Business Dev (PBD) | 5.3 Planned Light Res Dist (PLRD) | 5.3A Planned Adult Res Dist (PARD) | 5.3B Mixed-Use Village (MUV) | 5.4 Off-street Parking | 7.2 Special Permits | 7.4 Site Plan Review | 7.5 Ground-Mounted PV Install |
|------------|--------------|----------------|---------------------|-----------------|---------------|-----------------|-----------------|-----------------------|-----------------|--------------------------------|-----------------------------------|------------------------------------|------------------------------|------------------------|---------------------|----------------------|-------------------------------|
|------------|--------------|----------------|---------------------|-----------------|---------------|-----------------|-----------------|-----------------------|-----------------|--------------------------------|-----------------------------------|------------------------------------|------------------------------|------------------------|---------------------|----------------------|-------------------------------|



## EAST LONGMEADOW: PROPOSED NEW ZONING SECTIONS TO IMPLEMENT LOW IMPACT DEVELOPMENT

The following zoning language is proposed to be added to East Longmeadow's zoning bylaw. Language for these new sections is included in a separate document from the red-lined version of East Longmeadow's zoning in order to avoid formatting issues contained in the Word version of the existing bylaw that was available for mark-up.

*Editor's Note: This document uses a Word list-style that has been customized to match East Longmeadow's zoning. This document can be used as a template for any future zoning changes made by the Town. That would ensure greater stylistic consistency between zoning amendments than has been shown in the past. Each paragraph level is tied to a style named "ELZoning..." Indenting or outdenting paragraphs will apply the correct paragraph style, numbering, etc, or paragraph styles can be selected manually.*

### 1. Tree Protection and Preservation

*Editor's Note: The following section is proposed to be added to East Longmeadow's Zoning By-Law. This section sets out standards for protecting and preserving large trees and for replacement of them when their removal is warranted.*

## **SECTION V - SPECIAL USE REGULATIONS**

### **5.10 TREE PROTECTION AND PRESERVATION**

#### **5.10.1 Intent**

- 5.10.1.1. The Town of East Longmeadow has found that trees have multiple benefits including, contributing to neighborhood character, increasing privacy and screening, increasing property values, creating wildlife habitat, providing shade, removing air pollution, sequestering carbon, reducing flooding through uptake and transpiration of stormwater, and reducing energy consumption of adjacent buildings.
- 5.10.1.2. The intent of this section is to preserve the benefits of established healthy trees by encouraging their preservation and protection during site development activities to set standards for replacement of established healthy trees when their removal is unavoidable.

#### **5.10.2 Applicability.**

- 5.10.2.1. The requirements of this section 5.10 shall apply to:
  - a. Any project that is subject to site plan or special permit review
  - b. Any project where the addition of 10 or more parking spaces is proposed

Proposed Zoning Sections to Implement LID

- c. Any project that will result in impervious surfaces being expanded by 50% or more over existing conditions.

5.10.2.2. This section does not apply to:

- a. The subdivision of land where tree protection and preservation are subject to the Town of East Longmeadow's Rules and Regulations Governing the Subdivision of Land;
- b. The use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture as described in Section 3 of M.G.L Chapter 40A;
- c. Any logging that is consistent with a timber management plan approved under the Forest Cutting Practices Act by Massachusetts Department of Conservation and Recreation;
- d. Repair of septic systems when required by the Board of Health for the protection of public health;
- e. Projects wholly within the jurisdiction of the Conservation Commission and requiring an Order of Conditions;
- f. Town-owned public trees, including trees that are considered to be Public Shade Trees pursuant to M.G.L. Chapter 87;
- g. Emergency projects necessary for public safety, health and welfare as determined by the Inspector of Buildings;
- h. Trees that are hazardous as determined and confirmed in writing by a Certified Arborist; and
- i. Trees subject to an immediate and/or probable risk of disease or insect infestation, as determined and confirmed in writing by a Certified Arborist.
- j. Construction or reconstruction within the critical root zone or drip line of a significant tree within the footprint of areas that were occupied by structures or impervious surfaces as of the date of adoption of this section.

**5.10.3 Preservation and Protection of Significant Trees.**

5.10.3.1. Significant Tree. A significant tree is any tree that is:

- a. twenty (20) inches in diameter or larger, measured at four-and-a-half (4.5) feet above grade; or any tree located within a group of five or more trees whose crowns touch each other and whose combined diameter is fifty (50) inches measured at four-and-a-half (4.5) feet above grade

**Comment [DF1]:** Adjust this number as needed. Examples from other communities: Northampton 20", Framingham 10" (only for projects subject to Land Disturbance Bylaw), Arlington 10" for all trees in setback areas, Wellesley-10 or 12" depending on zone.

- 5.10.3.2. Any significant tree that is subject to this section shall be protected and preserved during construction:
- 5.10.3.3. The entire area that is within the drip line and critical root zone of a significant tree and that is not covered by an impervious surface shall be retained in an undisturbed state.
- 5.10.3.4. Approval is required for deviation from the requirements in paragraph 5.10.3.1 through 5.10.3.3.
  - a. The Planning Board may allow disturbance of the drip line or critical root zone of a significant tree by site plan approval when it finds that community benefits created as part of the project outweigh the benefits of fully protecting the significant tree. If the significant tree dies during construction or within one year after the conclusion of construction, it shall be replaced as described in paragraph 5.10.5.6
  - b. The Planning Board may allow the removal of a significant tree by site plan approval when it finds that community benefits created as part of the project outweigh the benefits of preserving the significant tree. The tree to be removed must be replaced as described in paragraph 5.10.5.6

**Comment [DF2]:** This could be further limited. For example, you could specify that this only applies if:

- (1) the significant tree is located in any area designated as common open space or designated for preservation in a natural state as part of a Planned Adult Residential Development, Planned Unit Residential Development, Planned Business Development or Mixed-Use Village development,
- (2) The significant tree is located within an area proposed for parking on a site where ten (10) or more parking space will be added,
- (3) The significant tree is located within a front, side or rear lot setback,
- (4) The significant tree is located within any buffer required by this Zoning Bylaw,
- (5) The significant tree was required to be planted or preserved under a previously approved special permit or site plan.

**5.10.4 Tree Protection and Preservation Plan.**

- 5.10.4.1. The applicant for any project that is subject to this section, shall submit a Tree Protection and Preservation Plan to the appropriate approval body prior to commencement of any work requiring a building permit.
- 5.10.4.2. The Plan shall be a to-scale survey or site plan, along with any accompanying documentation. It shall be prepared, stamped, dated and signed by an individual(s) appropriately licensed and authorized by the State of Massachusetts to attest to and certify such information, including, as appropriate, a surveyor, certified arborist, landscape architect, or engineer.
- 5.10.4.3. The Plan shall include such information as may be needed by the approval body including, but not limited to:
  - a. Boundaries of the subject property, including all property lines, easements, and the right-of-way of public and private ways;
  - b. The location of all existing buildings, driveways, retaining walls and other improvements, with an indication of those features to be retained or removed/demolished;

- c. The location of all planned buildings, driveways, retaining walls, changes in grade of more than two (2) inches, and other improvements;
- d. The location of each “Significant Tree.” For each significant tree, the Plan shall indicate tree species, diameter measured at four-and-a-half (4.5) feet above grade, the extent of the critical root zone, and the extent of the drip line. Any significant tree that was removed in the 24 months preceding submission of a Plan is also subject to this Bylaw and shall be shown on the Plan. Any significant tree on an adjacent property whose critical root zone or drip line extends into the project site shall also be shown on the Plan and protected.
- e. Specifications for the methods to be used to protect significant trees during construction. The specifications shall conform to ANSI A300 standards.
- f. Specifications for maintenance of tree health during construction, including but not limited to pruning, soil aeration, root pruning, watering, mulching, etc. Such measures shall conform to ANSI A300 Standards.
- g. When activity within the critical root zone or drip line of a significant tree is proposed, the Plan must include a certification from a Certified Arborist attesting that the activity will not compromise the long-term health and longevity of the significant tree, or reduce the benefits of the tree as described in the Intent of this section.
- h. Justification for any proposed clearance or removal of a Significant Tree and a plan for their replacement. The reasons for proposed tree clearance should be provided in writing on the Plan. All significant trees that are proposed to be cleared shall be replaced according to the [paragraph 5.10.5.6.](#) below. The proposed locations and specifications for replacement trees shall be shown on plans, including species, size at planting, and planting methods.

**5.10.5 Standards for Preservation and Replacement of Significant Trees**

- 5.10.5.1. Prior to any site clearing, excavation, grading, movement of construction vehicles or materials onto a site, or other construction activities, all significant trees to be retained shall be surrounded by temporary protective measures as shown on approved plans. All

significant trees on adjacent properties whose drip lines extend into the project site shall also be protected as shown on plans.

- 5.10.5.2. Construction vehicles and materials shall not be stored within the critical root zone or drip line of a significant tree.
- 5.10.5.3. All protective measures for significant trees shall be maintained until all construction work is completed, the site is stabilized and restored to a growing state and the Town issues a certificate of occupancy.
- 5.10.5.4. The Building Inspector may approve additional measures proposed in writing by a Certified Arborist to maintain the health of significant trees during construction (i.e., pruning, soil aeration, root pruning, watering, etc.). Such measures shall conform to ANSI A300 Standards.
- 5.10.5.5. Replacement. Any significant tree that is proposed to be cleared or that is lost during construction shall be replaced. Replacement trees shall have 1/2” of caliper for every 1” of caliper of significant trees lost. If trees lost are part of a stand with more than five trees, then replacement trees shall have 1/2” of caliper for each 2” of caliper of trees lost. At the time of planting, each replacement tree shall have a minimum caliper of **two inches** measured six inches above the soil root ball. Each replacement tree must meet American Association of Nurserymen Standards for the type and size of species that is provided. In lieu of planting replacement trees on site, an applicant may plant replacement trees elsewhere in the Town of East Longmeadow upon approval of the approval body and the **Tree Warden**. Such trees shall be planted in locations deemed appropriate by the **Tree Warden**. In lieu of planting replacement trees on site, an applicant may contribute to the Town’s **tree replacement fund**, upon approval of the approval body and the **Tree Warden**. The amount of the required payment to the Town’s tree replacement fund shall be adequate, in the Planning Board’s estimate, to allow the Town to plant the required number of new trees on Town property.

**Comment [DF3]:** This fund would need to be created

**5.10.6 Rules and Regulations**

- 5.10.6.1. The Planning Board may adopt or amend Rules and Regulations that pertain to the administration of this section. Prior to adoption or amendment of Rules and Regulations the Planning Board shall hold a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing. A copy of adopted Rules and Regulations shall be filed in the office of the Town Clerk.

**ADD TO DEFINITIONS**

**CRITICAL ROOT ZONE** (also known as "ESSENTIAL ROOT ZONE."): The portion of the diameter of a tree's root system that is the minimum necessary to maintain the stability and vitality of the tree. For the purposes of this section, the critical root zone shall be calculated by using the following formula: the diameter at breast height in inches multiplied by 24. For example, for a tree with a trunk diameter of 10 inches, the critical root zone would have a diameter of 20 feet.

**DRIP LINE:** A circular area around a tree encompassing the tips of its outermost branches from which rainwater tends to drip.

**SIGNIFICANT TREE:** Any tree that is: twenty (20) inches in diameter or larger, measured at four-and-a-half (4.5) feet above grade. Or any tree located within a group of five or more trees whose crowns touch each other and whose combined diameter is fifty (50) inches measured at four-and-a-half (4.5) feet above grade

2. Section Encouraging Low Impact Development and Overriding other Requirements of the Zoning Bylaw

*Editor's Note: The following section is proposed to be added to East Longmeadow's Zoning By-Law. This section sets out general standards for Low Impact Development and ensures that sections elsewhere will not preclude LID design and practices.*

**5.11 LOW IMPACT DEVELOPMENT PROVISIONS THAT OVERRIDE OTHER REQUIREMENTS OF THIS BYLAW**

**5.11.1 Landscaping and Buffers**

5.11.1.1. Notwithstanding any other provisions of this bylaw, vegetated Low Impact Development facilities are encouraged and allowed in any required landscaping or buffer area. Within landscaped areas and buffer strips at least 25% of plants shall be native or naturalized species that are suitable for the site conditions and able to survive with minimal watering, fertilization, or application of pesticides.

**5.11.2 Lot Coverage**

- 5.11.2.1. Notwithstanding any other provisions of this bylaw, Low Impact Development facilities, including pervious pavement, shall not count toward maximum lot coverage percentages.

**5.11.3 Clearing and Grading**

- 5.11.3.1. Notwithstanding any other provisions of this bylaw, clearing and grading and removal of natural vegetation shall be minimized to the maximum extent practicable.

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## **SECTION I - PURPOSE**

### **1.0 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.

## **SECTION II - ZONING DISTRICTS 2.0**

### **TYPES OF DISTRICTS**

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

#### **2.1 Residence Districts:**

AA - Residence AA  
A - Residence A  
B - Residence B  
C - Residence C  
ER - Elderly Residential

#### **2.2 Commercial Districts:**

COM - Commercial District

#### **2.3 Business Districts:**

BUS - Business District

#### **2.4 Industrial Districts:**

I - Industrial District  
IGP - Industrial Garden Park District

#### **2.5 Recreational Districts:**

GR - Golf Recreational District

#### **2.6 Conservation Districts:**

FP - Floodplain District

#### **2.7 Planned Unit Residential Districts:**

PUR - Planned Unit Residential District

#### **2.8 Planned Adult Residential Districts:**

PAR – Planned Adult Residential District

## **2.1 DISTRICT LOCATIONS AND BOUNDARIES**

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 Meeting. Said map is hereinafter referred to as the Zoning Districts Map, 2007. The Floodplain District is defined on maps described in Section IV. All maps are deemed to be part of this Bylaw, the originals of which shall be on file with the Town Clerk.

- 2.11 Where boundaries are indicated in the right-of-way streets or watercourses, such boundaries shall be the centerline of the right-of-way.
- 2.12 Where boundaries approximately follow property lines and are not more than 25 feet wherefrom, 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.
- 2.13 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.
- 2.14 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.
- 2.15 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.

## SECTION III - USE REGULATIONS

### 3.0 SCHEDULE OF USE REGULATIONS

#### 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 this section.

#### 3.1 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. 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 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 Section 7.2 "Special Permits".

#### 3.2 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.

#### 3.3 Exemptions

Uses for Federal Government or the Commonwealth, Not-for-Profit Educational Organizations, and Religious Organizations.

In accordance with M.G.L. 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 Section 7.2.

### **3.01 Prohibited Uses**

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

#### **3.11 Industrial Uses**

- a. Acetylene gas, cyanide compound or oxygen manufacture.
- b. Asphalt manufacture or refining.
- c. Chlorine or bleaching powder manufacture.
- d. Creosote manufacture.
- e. Distillation of coal or wood.
- f. Drop forge shop.
- g. Explosives, fireworks or ammunition manufacture.
- h. Fertilizer manufacture.
- i. Fumigation plants.
- j. Glue or size manufacture from fish or animal offal.
- k. Gypsum, cement, plaster or plaster of Paris manufacture.
- l. Incineration or reduction of or dumping of offal, garbage, or refuse on a commercial basis (except where controlled by the Town).
- m. Junk yard, junk storage, scrapping of autos and parts and the salvage thereof.
- n. Linoleum manufacture.
- o. Paint and lacquer manufacture.
- p. Match manufacture.
- q. Petroleum refining and the bulk storage of petroleum products.
- r. Potato chip plant.
- s. Pyroxylin plastic manufacture.
- t. Rubber, natural or synthetic, or gutta-percha manufactured from crude or scrap material.
- u. Sewage disposal plant (except where controlled by the Town).
- v. Soap, tallow, grease, or lard manufacture.
- w. Slaughterhouse.
- x. Sulfurous, sulfuric, nitric or hydrochloric acid manufacture.
- y. Tannery.
- z. Tar or asphalt roofing manufacture.
- aa. Tar products manufacture.
- bb. Tire re-capping or re-treading.
- cc. All re-capping or re-treading.

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.





|              |   | <b>Table 3-1 (Continued)</b>          |    |    |    |    |    |     |     |    |     |    |     |     |
|--------------|---|---------------------------------------|----|----|----|----|----|-----|-----|----|-----|----|-----|-----|
| Bylaw Number | Land Use Classification   | Standards and Conditions              | AA | A  | B  | C  | ER | COM | BUS | I  | IGP | GR | PUR | PAR |
|              | <b>General Uses (Continued)</b>   |                                       |    |    |    |    |    |     |     |    |     |    |     |     |
| 3.022        | (Reserved)  |                                       |    |    |    |    |    |     |     |    |     |    |     |     |
| 3.023        | Commercial riding academy, boarding stable  | Must be over five acres, farm related | Y  | Y  | Y  | Y  | Y  | Y   | Y   | Y  | Y   | Y  | Y   | Y   |
| 3.0235       | Commercial Kennel   |                                       | N  | N  | N  | N  | N  | N   | N   | N  | N   | N  | N   | N   |
| 3.0236       | Pet day Care and Grooming   | See Section 7.2                       | N  | N  | N  | N  | N  | N   | SP  | SP | N   | N  | N   | N   |
| 3.024        | Forestry, wood harvesting tree farm, nursery  |                                       | Y  | Y  | Y  | Y  | Y  | Y   | Y   | Y  | Y   | Y  | Y   | N   |
| 3.025        | Golf Recreation Uses are permitted as golf recreation uses:<br><br>a. Area and facility for practice golf, basketball or tennis<br>b. A swimming pool<br>c. A golf club house with accessory buildings for caddies, golf professional shop, and storage for the gold course maintenance equipment.<br>d. The conduct of a restaurant in the golf club house, together with the right to act as a common victualer.<br>e. A golf course. |                                       | N  | N  | N  | N  | N  | N   | N   | N  | N   | Y  | N   | N   |
| 3.026        | Area and facility for sporting activity   | Does not apply to family use.         | N  | N  | N  | N  | N  | N   | N   | N  | N   | N  | N   | N   |
| 3.0265       | Recreational facility, commercial and private   | See Section 7.2                       | N  | N  | N  | N  | N  | N   | N   | SP | N   | SP | N   | N   |
| 3.027        | Commercial landing strip or heliport  |                                       | N  | N  | N  | N  | N  | N   | N   | N  | N   | N  | N   | N   |
| 3.028        | Non-conforming structures or uses   | See Section 3.5 and 7.2               | SP | SP | SP | SP | SP | SP  | SP  | SP | SP  | SP | SP  | SP  |
| <b>3.03</b>  | <b>RESIDENTIAL USES</b>   |                                       |    |    |    |    |    |     |     |    |     |    |     |     |
| 3.030        | Single-family detached dwelling   |                                       | Y  | Y  | Y  | Y  | Y  | Y   | Y   | N  | N   | Y  | Y   | Y   |

|              |  | <b>Table 3-1 (Continued)</b>  |    |    |    |    |    |     |     |   |     |    |     |     |
|--------------|--|---|----|----|----|----|----|-----|-----|---|-----|----|-----|-----|
| Bylaw Number | Land Use Classification  | Standards and Conditions  | AA | A  | B  | C  | ER | COM | BUS | I | IGP | GR | PUR | PAR |
|              | <b>Residential Uses (Continued)</b>                                      |   |    |    |    |    |    |     |     |   |     |    |     |     |
| 3.031        | Multi-family dwelling  | Permitted in the Elderly Residential District   | N  | N  | N  | N  | Y  | N   | N   | N | N   | N  | N   | N   |
| 3.032        | Multiple dwelling town property  | Managed by the Housing Authority in conformity with Chapter 121 of the Massachusetts General Laws, including dwellings for the aged   | Y  | Y  | Y  | Y  | N  | Y   | N   | N | N   | Y  | Y   | Y   |
| 3.033        | 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 twelve (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   |
| 3.034        | Mobile Home Park   |   | N  | N  | N  | N  | N  | N   | N   | N | N   | N  | N   | N   |
| <b>3.04</b>  | <b>COMMUNITY AND PUBLIC SERVICE USES</b>                                 |   |    |    |    |    |    |     |     |   |     |    |     |     |
| 3.040        | Town buildings, playgrounds and parks and associated accessory buildings | As may be ordered by the Board 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   |
| 3.041        | Ground Mounted Photovoltaic Arrays                                       | See Section 7.5   | N  | N  | N  | N  | N  | N   | N   | Y | Y   | N  | N   | N   |
| 3.042        | Public or non-profit School and College                                  | See Section 7.34  | Y  | Y  | Y  | Y  | Y  | Y   | Y   | Y | Y   | Y  | Y   | N   |
| 3.043        | Childcare Facility   |   | Y  | Y  | Y  | Y  | Y  | Y   | Y   | Y | Y   | Y  | Y   | Y   |
| 3.044        | Family Home Day Care and Large Family Home Day Care                      | See Section 7.2   | SP | SP | SP | SP | SP | SP  | N   | N | N   | N  | SP  | N   |
| 3.045        | Church or other place of worship   | See Section 7.34  | Y  | Y  | Y  | Y  | Y  | Y   | Y   | Y | Y   | Y  | Y   | N   |

| <b>Table 3-1 (Continued)</b> |  |  |    |    |    |    |    |     |     |    |     |    |     |     |
|------------------------------|--|--|----|----|----|----|----|-----|-----|----|-----|----|-----|-----|
| Bylaw Number                 | Land Use Classification  | Standards and Conditions                                       | AA | A  | B  | C  | ER | COM | BUS | I  | IGP | GR | PUR | PAR |
|                              | <b>Community and Public Service Uses (continued)</b>                                   |  |    |    |    |    |    |     |     |    |     |    |     |     |
| 3.046                        | Public library, museum   | See Section 7.2  | SP | SP | SP | SP | SP | Y   | N   | N  | N   | Y  | SP  | N   |
| 3.047                        | Public or commercial garage  | See Section 7.2  | N  | N  | N  | N  | N  | N   | SP  | SP | SP  | N  | N   | N   |
| 3.048                        | Telephone exchange buildings, public utility sub-station                               | See Section 7.2  | SP | SP | SP | SP | SP | SP  | SP  | SP | SP  | SP | SP  | N   |
| 3.0481                       | Wireless/Telecommunications Service Facilities and Towers                              | See Section 7.2  | N  | N  | N  | N  | N  | SP  | SP  | SP | SP  | N  | N   | N   |
| 3.049                        | Cemetery   | Must be adjacent to or extension of an existing cemetery.      | Y  | Y  | Y  | Y  | N  | Y   | N   | N  | N   | Y  | Y   | N   |
| 3.050                        | Crematory  | Must be situated within existing cemetery.                     | Y  | Y  | Y  | Y  | N  | Y   | N   | N  | N   | Y  | Y   | N   |
| 3.051                        | Membership club, lodge, social, recreational and community center organization         |  | N  | N  | N  | N  | N  | N   | Y   | N  | N   | N  | SP  | N   |
| 3.052                        | Convalescent, Assisted Living, congregate elderly, handicapped housing or nursing home | See Section 7.2  | SP | SP | SP | SP | SP | N   | N   | N  | N   | N  | SP  | N   |
| 3.053                        | (Reserved)   |  |    |    |    |    |    |     |     |    |     |    |     |     |
| 3.054                        | Hospital or sanitarium, medical clinic   | See Section 7.2  | SP | SP | SP | SP | SP | N   | N   | N  | SP  | N  | SP  | N   |
| <b>3.06</b>                  | <b>COMMERCIAL USES</b>   |  |    |    |    |    |    |     |     |    |     |    |     |     |
| 3.060                        | Professional office  | Including, but not limited to doctors, architects and lawyers. | N  | N  | N  | N  | N  | Y   | Y   | Y  | Y   | N  | N   | N   |
| 3.061                        | Bank, financial, brokerage and loan office   |  | N  | N  | N  | N  | N  | Y   | Y   | Y  | Y   | N  | N   | N   |
| 3.062                        | Insurance and real estate office   |  | N  | N  | N  | N  | N  | Y   | Y   | Y  | Y   | N  | N   | N   |
| 3.063                        | Dental, medical & scientific labs  |  | N  | N  | N  | N  | N  | Y   | Y   | Y  | Y   | N  | N   | N   |
| 3.064                        | General consultant office  |  | N  | N  | N  | N  | N  | Y   | Y   | Y  | Y   | N  | N   | N   |
| 3.065                        | Telephone and utility office   |  | N  | N  | N  | N  | N  | Y   | Y   | Y  | Y   | N  | N   | N   |

| Table 3-1 (Continued) |   |  |    |   |   |   |    |     |     |    |     |    |     |     |
|-----------------------|---|--|----|---|---|---|----|-----|-----|----|-----|----|-----|-----|
| Bylaw Number          | Land Use Classification   | Standards and Conditions   | AA | A | B | C | ER | COM | BUS | I  | IGP | GR | PUR | PAR |
|                       | <b>(Commercial Uses Continued)</b>                                    |  |    |   |   |   |    |     |     |    |     |    |     |     |
| 3.066                 | Studio for professional photographer and artist                       |  | N  | N | N | N | N  | Y   | Y   | Y  | Y   | N  | N   | N   |
| 3.067                 | Travel agency   |  | N  | N | N | N | N  | Y   | Y   | Y  | Y   | N  | N   | N   |
| 3.068                 | Commercial School   |  | N  | N | N | N | N  | Y   | Y   | Y  | Y   | N  | N   | N   |
| 3.069                 | 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   |
| <b>3.07</b>           | <b>BUSINESS USES</b>  |  |    |   |   |   |    |     |     |    |     |    |     |     |
| 3.070                 | Retail Store  | See Section 7.39 for IGP allowance   | N  | N | N | N | N  | N   | Y   | Y  | SP  | N  | N   | N   |
| 3.071                 | Convenience Store   |  | N  | N | N | N | N  | N   | Y   | Y  | N   | N  | N   | N   |
| 3.072                 | Wholesale business  |  | N  | N | N | N | N  | N   | Y   | Y  | N   | N  | N   | N   |
| 3.073                 | Planned Business Development  | Includes Shopping Centers. See Section 5.2   | N  | N | N | N | N  | N   | SP  | SP | N   | N  | N   | N   |
| 3.074                 | Supermarket   |  | N  | N | N | N | N  | N   | Y   | Y  | N   | N  | N   | N   |
| 3.075                 | Personal Service Shop   |  | N  | N | N | N | N  | N   | Y   | Y  | N   | N  | N   | N   |
| 3.075.1               | Massage Therapist Facility or Licensed Massage Therapy Salon          | See Sections 7.2, 7.3 and 7.37   | N  | N | N | N | N  | SP  | SP  | SP | N   | N  | N   | N   |
| 3.076                 | Gasoline Filling Station  | Body and fender work prohibited. See Section 5.7   | N  | N | N | N | N  | N   | Y   | Y  | N   | N  | N   | N   |
| 3.076.1               | Gasoline Filling Station with Convenience Store                       | Body and fender work prohibited. See Section 5.7 and Section 7.2.  | N  | N | N | N | N  | N   | SP  | SP | N   | N  | N   | N   |
| 3.076.2               | Car Washing Facility  | See Section 5.7 and Section 7.2.   | N  | N | N | N | N  | N   | SP  | SP | N   | N  | N   | N   |
| 3.076.3               | Automobile repair shop, storage battery service, greasing station     | Body and fender work prohibited. See Section 5.7   | N  | N | N | N | N  | N   | Y   | Y  | N   | N  | N   | N   |
| 3.076.4               | Used Car Lot  | See Section 5.7 and 7.2.   | N  | N | N | N | N  | N   | SP  | N  | N   | N  | N   | N   |
| 3.077                 | Restaurant  | See Section 7.2  | N  | N | N | N | N  | N   | SP  | SP | N   | N  | N   | N   |
| 3.078                 | Funeral establishment   |  | N  | N | N | N | N  | N   | Y   | Y  | N   | N  | N   | N   |
| 3.079                 | Veterinary hospital   | All animals must be kept inside permanent buildings  | N  | N | N | N | N  | Y   | Y   | Y  | N   | N  | N   | N   |
| 3.079.1               | Gaming Establishments   |  | N  | N | N | N | N  | N   | N   | N  | N   | N  | N   | N   |
| 3.079.2               | Medical Marijuana Treatment Centers Registered Marijuana Dispensaries | See Sections 7.2, 7.3, 7.38, 6.0, 6.01, 6.02, 6.03 and 6.04  | N  | N | N | N | N  | N   | N   | N  | SP  | N  | N   | N   |

| <b>Table 3-1 (Continued)</b> |   |   |    |   |   |   |    |     |     |   |     |    |     |     |
|------------------------------|---|---|----|---|---|---|----|-----|-----|---|-----|----|-----|-----|
| Bylaw Number                 | Land Use Classification                                       | Standards and Conditions  | AA | A | B | C | ER | COM | BUS | I | IGP | GR | PUR | PAR |
| 3.08                         | <b>INDUSTRIAL USES</b>  |   |    |   |   |   |    |     |     |   |     |    |     |     |
| 3.080                        | Industrial uses, not commonly considered hazardous or noxious | All industrial uses are permitted except those uses listed in Section 3.01. 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   |
| 3.081                        | Wholesale trade and warehouse operations                      |   | N  | N | N | N | N  | N   | N   | Y | Y   | N  | N   | N   |
| 3.082                        | Construction supply establishment (including a lumber yard)   |   | N  | N | N | N | N  | N   | Y   | Y | Y   | N  | N   | N   |
| 3.083                        | Open quarrying and removal of sandstone                       |   | N  | N | N | N | N  | N   | N   | N | N   | N  | N   | N   |
|                              |   |   |    |   |   |   |    |     |     |   |     |    |     |     |
| <b>3.09</b>                  | <b>ACCESSORY USES</b>   |   |    |   |   |   |    |     |     |   |     |    |     |     |
|                              |   |   |    |   |   |   |    |     |     |   |     |    |     |     |
| 3.090                        | Home office or studio   | 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:<br>a. 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.<br>b. 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. | Y  | Y | Y | Y | N  | Y   | Y   | N | N   | Y  | Y   | N   |

|              |                                   | <b>Table 3-1 (Continued)</b>   |    |    |    |    |    |     |     |   |     |    |     |     |
|--------------|-----------------------------------|--|----|----|----|----|----|-----|-----|---|-----|----|-----|-----|
| Bylaw Number | Land Use Classification           | Standards and Conditions   | AA | A  | B  | C  | ER | COM | BUS | I | IGP | GR | PUR | PAR |
|              | <b>Accessory Uses (continued)</b> |  |    |    |    |    |    |     |     |   |     |    |     |     |
|              |                                   | <p>c. The home occupation is clearly incidental to and secondary to the use of the dwelling as a residence.</p> <p>d. the area devoted to the conduct of the home occupation does not exceed twenty percent (20%) of the habitable floor area of the dwelling unit.</p> <p>e. No external change is made which alters the residential appearance of the dwelling or the residential character of the lot.</p> <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> | Y  | Y  | Y  | Y  | N  | Y   | Y   | N | N   | Y  | Y   | N   |
| 3.091        | Private Garage                    | A private garage or storage space for not more than five (5) vehicles shall be permitted on a lot. Not for lease. The Standards & Conditions in this Section shall not apply to any business, commercial or industrial use in the COM, BUS or IGP districts.   | Y  | Y  | Y  | Y  | Y  | Y   | Y   | N | Y   | Y  | Y   | N   |
| 3.0901       | Home Based Trade                  | The incidental and secondary use of a portion of the home or accessory building therefore, 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 Section 7.36 of the East Longmeadow Zoning By-law.  | SP | SP | SP | SP | N  | N   | N   | N | N   | N  | N   | N   |
|              |                                   |  |    |    |    |    |    |     |     |   |     |    |     |     |

| Bylaw Number | Land Use Classification   | Standards & Conditions   | AA | A | B | C | ER | COM | BUS | I | IGP | GR | PUR | PAR |
|--------------|---|--|----|---|---|---|----|-----|-----|---|-----|----|-----|-----|
| 3.092        | Garaging or parking commercial vehicles<br><br>Notwithstanding Section 7.36, Additional Criteria for Home Based Trade | Vehicles used primarily for agricultural purposes on the premises are exempt. The following Standards and Conditions shall apply on in the Residential district (AA, A, B, C and ER):<br>a. Commercial vehicle shall not be more than one ton in rated capacity.<br>b. Not more than one commercial vehicle of any size can be kept per lot.<br>c. If not garaged, commercial vehicles must be screened from view.<br>d. The lease or rental of garage storage to a non-resident owner of a commercial vehicle is not permitted. | Y  | Y | Y | Y | Y  | Y   | Y   | Y | Y   | Y  | N   | N   |
| 3.093        | 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   |
| 3.094        | Family pool   | See Section 5.9  | Y  | Y | Y | Y | Y  | Y   | N   | N | N   | Y  | Y   | N   |
| 3.095        | Neighborhood pool, not conducted for gain   | See Section 5.9  | Y  | Y | Y | Y | Y  | N   | N   | N | N   | N  | Y   | N   |
| 3.096        | House Trailer, Mobile Home  | Not more than one (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   |
|              | <b>(RESERVED)</b>   |  |    |   |   |   |    |     |     |   |     |    |     |     |
| 3.15         | Helistop, limited use   |  | N  | N | N | N | N  | N   | N   | N | SP  | N  | N   | N   |



| 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 Dimension Regulations   |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| TABLE 3 – 2<br>TABLE OF DIMENSIONAL REGULATIONS   |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| District  | Use  | Min. Lot Area (Sq. ft. or as noted) | Min. Frontage (feet) | Min. Setback (feet) | Min. Side Yard (feet) | Min. Rear Yard (feet) | Min. ** Setback Accessory (feet) | Max. * Height (feet) | Max. Lot Coverage % | Comment   |
| AA  | Any permitted use  | 40,000                              | 175                  | 50                  | 35                    | 50                    | 60                               | 35                   | 25                  | Private stable – for stabling one 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                  |   |
|   | Hospital, Sanitarium, Medical Clinic, Convalescent, Nursing Home, Congregate Care, Handicapped or Assisted Living Facility | 40,000                              | 175                  | 50                  | 50                    | 50                    | 60                               | 35***                | 25                  | No building shall be built within 50 feet of any property line.<br><br>See Section 7.33   |
|   | 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.<br><br>See Section 7.34<br><br>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. |
| * 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 shall be stayed in such a manner to assure stability. |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| ** Any accessory structure constructed at least ten (10) feet behind the principal building can be erected no closer than five (5) feet of the rear and/or side yard property line. Any other accessory structures must meet the required side and rear yard setbacks as the principal building.  |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| *** Height may be increased to forty-five (45) feet upon Special Permit application and Planning Board review and approval.   |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |

**Comment [DF2]:** Maximum Lot Coverage is not defined. See proposed definition in the definitions section.

**Comment [JS1]:** COW 39. Setbacks & Frontages, variances  
➤ Allow for variances to setback & frontage requirements for all districts

**Comment [JS3]:** COW 71. Clearing & Grading, limits on total portion of site that can be cleared. Max lot coverage partially meets recommendation to set limit on clearing.  
+/- Partially meets LID standard for all districts

| 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 Dimension Regulations   |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| TABLE 3 – 2<br>TABLE OF DIMENSIONAL REGULATIONS   |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| District  | Use  | Min. Lot Area (Sq. ft. or as noted) | Min. Frontage (feet) | Min. Setback (feet) | Min. Side Yard (feet) | Min. Rear Yard (feet) | Min. ** Setback Accessory (feet) | Max. * Height (feet) | Max. Lot Coverage % | Comment   |
| A   | Any permitted use  | 25,000                              | 140                  | 50                  | 20                    | 50                    | 60                               | 35                   | 25                  | Private stable – for stabling one 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                  |   |
|   | Hospital, Sanitarium, Medical Clinic, Convalescent, Nursing Home, Congregate Care, Handicapped or Assisted Living Facility | 25,000                              | 140                  | 50                  | 50                    | 50                    | 60                               | 35***                | 25                  | No building shall be built within 50 feet of any property line.<br><br>See Section 7.33   |
|   | 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.<br><br>See Section 7.34<br><br>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. |
| * 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 shall be stayed in such a manner to assure stability. |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| ** Any accessory structure constructed at least ten (10) feet behind the principal building can be erected no closer than five (5) feet of the rear and/or side yard property line. Any other accessory structures must meet the required side and rear yard setbacks as the principal building.  |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| *** Height may be increased to forty-five (45) feet upon Special Permit application and Planning Board review and approval.   |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |

**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 Dimension Regulations

**TABLE 3 – 2**

**TABLE OF DIMENSIONAL REGULATIONS**

| District  | Use  | Min. Lot Area (Sq. ft. or as noted) | Min. Frontage (feet) | Min. Setback (feet) | Min. Side Yard (feet) | Min. Rear Yard (feet) | Min. ** Setback Accessory (feet) | Max. * Height (feet) | Max. Lot Coverage % | Comment   |
|---|--|-------------------------------------|----------------------|---------------------|-----------------------|-----------------------|----------------------------------|----------------------|---------------------|---|
| <b>B</b>  | Any permitted use  | 15,000                              | 100                  | 40                  | 15                    | 35                    | 50                               | 35                   | 25                  | Private stable – for stabling one 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                  |   |
|   | Hospital, Sanitarium, Medical Clinic, Convalescent, Nursing Home, Congregate Care, Handicapped or Assisted Living Facility | 15,000                              | 100                  | 50                  | 50                    | 50                    | 60                               | 35***                | 25                  | No building shall be built within 50 feet of any property line.<br><br>See Section 7.33   |
|   | 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.<br><br>See Section 7.34<br><br>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. |
| <p>* 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 shall be stayed in such a manner to assure stability.</p> <p>** Any accessory structure constructed at least ten (10) feet behind the principal building can be erected no closer than five (5) feet of the rear and/or side yard property line. Any other accessory structures must meet the required side and rear yard setbacks as the principal building.</p> <p>*** Height may be increased to forty-five (45) feet upon Special Permit application and Planning Board review and approval.</p> |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
|   |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
|   |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |

| 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 Dimension Regulations   |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| TABLE 3 – 2<br>TABLE OF DIMENSIONAL REGULATIONS   |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| District  | Use  | Min. Lot Area (Sq. ft. or as noted) | Min. Frontage (feet) | Min. Setback (feet) | Min. Side Yard (feet) | Min. Rear Yard (feet) | Min. ** Setback Accessory (feet) | Max. * Height (feet) | Max. Lot Coverage % | Comment   |
| C   | Any permitted use  | 10,000                              | 75                   | 25                  | 12                    | 25                    | 35                               | 35                   | 25                  | Private stable – for stabling one 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                  |   |
|   | Hospital, Sanitarium, Medical Clinic, Convalescent, Nursing Home, Congregate Care, Handicapped or Assisted Living Facility | 10,000                              | 50                   | 50                  | 50                    | 50                    | 60                               | 35***                | 25                  | No building shall be built within 50 feet of any property line.<br><br>See Section 7.33   |
|   | 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.<br><br>See Section 7.34<br><br>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. |
| * 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 shall be stayed in such a manner to assure stability. |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| ** Any accessory structure constructed at least ten (10) feet behind the principal building can be erected no closer than five (5) feet of the rear and/or side yard property line. Any other accessory structures must meet the required side and rear yard setbacks as the principal building.  |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| *** Height may be increased to forty-five (45) feet upon Special Permit application and Planning Board review and approval.   |  |                                     |                      |                     |                       |                       |                                  |                      |                     |   |

| 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 Dimension Regulations   |                   |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| TABLE 3 – 2<br>TABLE OF DIMENSIONAL REGULATIONS   |                   |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| District  | Use               | Min. Lot Area (Sq. ft. or as noted) | Min. Frontage (feet) | Min. Setback (feet) | Min. Side Yard (feet) | Min. Rear Yard (feet) | Min. ** Setback Accessory (feet) | Max. * Height (feet) | Max. Lot Coverage % | Comment   |
| ER  | Any permitted use | 5 acres                             | 200                  | 50                  | 50                    | 50                    | 50                               | 35***                | 25                  | <p>Unit density is limited to 25 units/acre. There shall be a maximum of 200 units on any one 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: 25 feet landscaped buffer is required along the front yard, side yard and rear yard requirements if abutting any other residential districts.</p> |
|   |                   |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| * 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 shall be stayed in such a manner to assure stability. |                   |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| ** Any accessory structure constructed at least ten (10) feet behind the principal building can be erected no closer than five (5) feet of the rear and/or side yard property line. Any other accessory structures must meet the required side and rear yard setbacks as the principal building.  |                   |                                     |                      |                     |                       |                       |                                  |                      |                     |   |
| *** Height may be increased to forty-five (45) feet upon Special Permit application and Planning Board review and approval.   |                   |                                     |                      |                     |                       |                       |                                  |                      |                     |   |

**Comment [DF4]:** Buffer Requirement.  
 >Specify elsewhere that buffers can be used for Low Impact Development techniques. Establish one section that trumps all other landscaping and buffer sections.

| 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 Dimension Regulations   |                         |                                     |                      |                     |                       |                       |                                  |                      |                     |  |
| TABLE 3 – 2<br>TABLE OF DIMENSIONAL REGULATIONS   |                         |                                     |                      |                     |                       |                       |                                  |                      |                     |  |
| District  | Use                     | Min. Lot Area (Sq. ft. or as noted) | Min. Frontage (feet) | Min. Setback (feet) | Min. Side Yard (feet) | Min. Rear Yard (feet) | Min. ** Setback Accessory (feet) | Max. * Height (feet) | Max. Lot Coverage % | Comment  |
| PUR<br>Planned Unit<br>Residential  | P.U.R.D.**              | 40 acres                            | (1)                  | (2)                 | (3)                   | (4)                   | (5)                              | 35                   | (6)                 |  |
|   | 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 |
| *These provisions shall not apply to chimneys, flag or radio poles, elevator penthouses and required bulkheads.   |                         |                                     |                      |                     |                       |                       |                                  |                      |                     |  |
| ** Planned Unit Residential Development (P.U.R.D.): Minimum setback and side/yard dimensions of Residence AA shall pertain to the periphery of the P.U.R.D.   |                         |                                     |                      |                     |                       |                       |                                  |                      |                     |  |
| *** For Section 7.33 uses only. Height may be increased to forty-five (45) feet upon Special Permit application and Planning Board review and approval.   |                         |                                     |                      |                     |                       |                       |                                  |                      |                     |  |
| (1) Frontage is not applicable  |                         |                                     |                      |                     |                       |                       |                                  |                      |                     |  |
| (2) Minimum of 40 feet setback as measured from the center line of street to structure, as applicable.  |                         |                                     |                      |                     |                       |                       |                                  |                      |                     |  |
| (3) Minimum of 25 feet side yard between structures.  |                         |                                     |                      |                     |                       |                       |                                  |                      |                     |  |
| (4) Minimum of 25 feet rear yard between structures.  |                         |                                     |                      |                     |                       |                       |                                  |                      |                     |  |
| (5) Minimum of 40 feet setback as measured from center line of street to structure, as applicable.  |                         |                                     |                      |                     |                       |                       |                                  |                      |                     |  |
| (6) Maximum lot coverage is not applicable. The P.U.R.D. density shall not exceed three (3) units per aggregate acre, excluding wetlands of the P.U.R.D. and there shall be no more than three (3) bedrooms per unit. |                         |                                     |                      |                     |                       |                       |                                  |                      |                     |  |
|   |                         |                                     |                      |                     |                       |                       |                                  |                      |                     |  |
|   |                         |                                     |                      |                     |                       |                       |                                  |                      |                     |  |

**Comment [DF5]:** COW 36. Are flexible site design criteria available for developers that utilize open space or cluster design options (e.g., setbacks/lot lines, road widths, lot sizes and shapes)? +/- Partially meets LID standard  
 ➤ Revise to make more flexible [Note: because PURD is built out, town staff determined that changing its requirements is not necessary]

**Comment [DF6]:** Interesting example of formula based density in this zoning. The town should use a density based method when adopting new open space design provisions. This shows it can and has been done in E. Longmeadow.

| 3.2 DIMENSION 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 Dimension Regulations  |           |                                     |                      |                     |                       |                       |                                  |                      |                     |         |         |
| TABLE 3 – 2<br>TABLE OF DIMENSIONAL REGULATIONS  |           |                                     |                      |                     |                       |                       |                                  |                      |                     |         |         |
| District   | Use       | Min. Lot Area (Sq. ft. or as noted) | Min. Frontage (feet) | Min. Setback (feet) | Min. Side Yard (feet) | Min. Rear Yard (feet) | Min. ** Setback Accessory (feet) | Max. * Height (feet) | Max. Lot Coverage % | Density | Comment |
| PAR Planned Adult Residential District   | PHAR.D.** | 25 acres                            | (1)                  | (2)                 | (3)                   | (4)                   | (5)                              | 35                   | (6)                 | (7)     |         |
| *These provisions shall not apply to chimneys, flag or radio poles, elevator penthouses and required bulkheads.  |           |                                     |                      |                     |                       |                       |                                  |                      |                     |         |         |
| **Planned Adult Residential District (PHAR.D.): Minimum setback and side/yard dimensions pertaining to the periphery of the P.A.R.D. shall be 50 feet.   |           |                                     |                      |                     |                       |                       |                                  |                      |                     |         |         |
| (1) Frontage not applicable.<br>(2) Minimum of 40 feet setback as measured from center line of street to structure, as applicable.<br>(3) Minimum of 24 feet side yard between structures.<br>(4) Minimum of 25 feet rear yard between structures.<br>(5) Minimum of 40 feet setback as measured from center line of street to structure, as applicable.<br>(6) Maximum lot coverage 50% (structures, road pavements and impervious surfaces), excluding one hundred percent (100%) of the wetlands in the calculations.<br>(7) The P.A.R.D. density shall not exceed the units per aggregate usable acre of the P.A.R.D. based on the average square foot requirements set forth below and there shall be no more than three (3) bedrooms per unit. |           |                                     |                      |                     |                       |                       |                                  |                      |                     |         |         |
| AVERAGE SQUARE FEET OF UNITS   |           | UNITS PER USABLE ACRE               |                      |                     |                       |                       |                                  |                      |                     |         |         |
| < 1600   |           | 5                                   |                      |                     |                       |                       |                                  |                      |                     |         |         |
| 1601-2300  |           | 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 P.A.R.D. development or the phase of the P.A.R.D. development identified on the site plan submitted to the Planning Board and shall be based upon the usable acres developed to said site plan.   |           |                                     |                      |                     |                       |                       |                                  |                      |                     |         |         |

**Comment [DF7]:** COW 36. Are flexible site design criteria available for developers that utilize open space or cluster design options (e.g., setbacks/lot lines, road widths, lot sizes and shapes)?  
 +/- Partially meets LID standard  
 > Revise to make more flexible [Note: town staff determined this change is not necessary because the PARD is largely built out]

**Comment [JS8]:** COW 71. Clearing & Grading, limits on total portion of site that can be cleared  
 +/- Partially meets LID standard  
 Note: even if this standard doesn't directly prohibit clearing and grading, at least it limits total impervious surface.

| <b>3.2 DIMENSIONAL AND DENSITY REGULATIONS</b>  |                   |  |                             |                            |                              |                              |                                      |                             |                                       |  |
|---|-------------------|--|-----------------------------|----------------------------|------------------------------|------------------------------|--------------------------------------|-----------------------------|---------------------------------------|--|
| 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 Dimension Regulations   |                   |  |                             |                            |                              |                              |                                      |                             |                                       |  |
| <b>TABLE 3 – 2<br/>TABLE OF DIMENSIONAL REGULATIONS</b>   |                   |  |                             |                            |                              |                              |                                      |                             |                                       |  |
| <b>District</b>   | <b>Use</b>        | <b>Min. Lot Area (Sq. ft. or as noted)</b> | <b>Min. Frontage (feet)</b> | <b>Min. Setback (feet)</b> | <b>Min. Side Yard (feet)</b> | <b>Min. Rear Yard (feet)</b> | <b>Min. Setback Accessory (feet)</b> | <b>Max. * Height (feet)</b> | <b>Max. Lot Coverage %</b>            | <b>Comment</b>   |
| <b>COM Commercial District</b>  | Any permitted use | 15,000                                     | 100                         | 25                         | **                           | 25                           | 25                                   | 30                          | Single story = 40%<br>Two story = 30% | See “Additional Use Dimensional and Density Regulations” section |
|   |                   |  |                             |                            |                              |                              |                                      |                             |                                       |  |
|   |                   |  |                             |                            |                              |                              |                                      |                             |                                       |  |
|   |                   |  |                             |                            |                              |                              |                                      |                             |                                       |  |
| * 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. |                   |  |                             |                            |                              |                              |                                      |                             |                                       |  |
| ** Twelve (12) foot side yard, except where abutting any residential property or district, in which case the side yard shall be twenty-five (25) feet.  |                   |  |                             |                            |                              |                              |                                      |                             |                                       |  |



| 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 Dimension Regulations   |  |                                     |                      |                     |                       |                       |                               |                      |                     |                                  |   |
| TABLE 3 – 2<br>TABLE OF DIMENSIONAL REGULATIONS   |  |                                     |                      |                     |                       |                       |                               |                      |                     |                                  |   |
| District  | Use                                      | Min. Lot Area (Sq. ft. or as noted) | Min. Frontage (feet) | Min. Setback (feet) | Min. Side Yard (feet) | Min. Rear Yard (feet) | Min. Setback Accessory (feet) | Max. * Height (feet) | Max. Lot Coverage % | Max. Size *** (sq. ft.)          | Comment   |
| <b>BUS Business</b>   | Any permitted Use                        | none                                | 100                  | 25                  | none                  | none                  | 25                            | 40                   | 25                  | ***                              | See “Additional Use Dimensional and Density Regulations” section. |
|   | 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 Section 5.2   |
|   | Storage or sale of unused motor vehicles | 20,000                              | 150                  | 25                  | none                  | none                  | 25                            | 40                   | 75                  | 65,000 (subject to section 7.35) | See “Additional Use Dimensional and Density Regulations” section. |
|   |  |                                     |                      |                     |                       |                       |                               |                      |                     |                                  |   |
| * 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 Residence C district shall apply. |  |                                     |                      |                     |                       |                       |                               |                      |                     |                                  |   |
| *** For size limits, see Sections 3.333 and 5.235. For any permitted use, except retail use, no maximum square footage. Retail use: 65,000 square foot for maximum building size.   |  |                                     |                      |                     |                       |                       |                               |                      |                     |                                  |   |

| 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. |  |                                      |                          |                         |                           |                           |                                   |                         |                       |                        |   |
| Table 3-2  |  |                                      |                          |                         |                           |                           |                                   |                         |                       |                        |   |
| <b>TABLE OF DIMENSIONAL REGULATIONS (continued)</b>  |  |                                      |                          |                         |                           |                           |                                   |                         |                       |                        |   |
| DISTRICT   | Use  | Min. Lot Area (Sq. feet) Or as noted | Min. Frontage (Sq. feet) | Min. Setback (Sq. feet) | Min. Side Yard (Sq. feet) | Min. Rear Yard (Sq. feet) | Min. Setback Accessory (Sq. feet) | Max * Height (Sq. feet) | Max. Lot Coverage (%) | Max. Size** (Sq. feet) | Comment   |
| I  | Any permitted use                                      | None                                 | None                     | 25                      | 12                        | 25                        | 25                                | 50                      | 60                    | ***                    | See "Additional Use Dimensional and Density Regulations" section. |
| Industrial   |  |                                      |                          |                         |                           |                           |                                   |                         |                       |                        |   |
|  | Planned Business Development                           | 2.5 acres                            | 120                      | 50                      | 5                         | 5                         | 50                                | 40                      | 35                    | 65,000                 | See Section 5.2   |
|  | Abutting a Residence District                          | None                                 | None                     | 25                      | 50                        | 50                        | 25                                | 50                      | 60                    | ***                    | See Section 3.34  |
|  | Abutting a commercial, business or industrial district | None                                 | None                     | 25                      | 12                        | 25                        | 25                                | 50                      | 60                    | ***                    |   |

\* 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.

\*\* For size limits see Section 3.3343

\*\*\* Any permitted use, except retail use, no maximum square footage. Retail use: 65,000 square feet maximum building size.

Maximum square footage limitation determined by designated use.

**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

**T A B L E 3 - 2  
TABLE OF DIMENSIONAL REGULATIONS (Continued)**

| DISTRICT   | Use                     | Min. Lot Area<br>(Sq. ft.) or as noted | Min. Frontage<br>(feet) | Min. Setback<br>(feet) | Min. Side Yard<br>(feet) | Min. Rear Yard<br>(feet) | Min. Setback<br>Accessory<br>(feet) | Max.*<br>Height<br>(feet) | Max. Lot<br>Coverage<br>(%) | Comment   |
|--|-------------------------|--|-------------------------|------------------------|--------------------------|--------------------------|-------------------------------------|---------------------------|-----------------------------|---|
| <b>GR - Golf</b>   |                         |  |                         |                        |                          |                          |                                     |                           |                             |   |
| <b>Recreational</b>  |                         |  |                         |                        |                          |                          |                                     |                           |                             |   |
|  | 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. |
| * These provisions shall not apply to chimneys, flag or radio poles, elevator penthouses and required bulkheads. |                         |  |                         |                        |                          |                          |                                     |                           |                             |   |

**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 Regula

**T A B L E 3 - 2**  
**TABLE OF DIMENSIONAL REGULATIONS (Continued)**

| DISTRICT                                    | Use   | Min. Lot Area (Sq. ft.) or as noted | Min. Frontage (feet) | Min. Setback (feet) | Min. Side Yard (feet) | Min. Rear Yard (feet) | Min. Setback Accessory (feet) | Max.* Height (feet) | Max. Lot Coverage (%) | Comment   |
|---|---|-------------------------------------|----------------------|---------------------|-----------------------|-----------------------|-------------------------------|---------------------|-----------------------|---|
| <b>IGP</b><br><b>Industrial Garden Park</b> | Any permitted use   | 75,000                              | 250                  | 75                  | 40                    | 50                    | 75                            | 50                  | **                    | 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<br>Registered Marijuana Treatment Centers | 75,000                              | 250                  | 75                  | 40                    | 50                    | 75                            | 50                  | **                    | See additional requirements in Section 7.2, 7.3, 7.38, 6.0, 6.01, 6.02, 6.03, and 6.04  |
|   |   |                                     |                      |                     |                       |                       |                               |                     |                       |   |
|   |   |                                     |                      |                     |                       |                       |                               |                     |                       |   |

\* 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.

\*\*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.

**Comment [JS9]:** COW 71. Clearing & Grading, limits on total portion of site that can be cleared +/- Partially meets LID standard  
Note: even if this standard doesn't directly prohibit clearing and grading, at least it limits total impervious surface.

### 3.3 ADDITIONAL USE, DIMENSIONAL AND DENSITY REGULATIONS

#### 3.30 General Provisions

**Comment [DF10]:** COW 40-43. Sidewalks  
Provide sidewalk regulations consistent with LID standards

##### 3.301 Cornices

Cornices may extend not more than 2 1/2 feet over or into any required front yard, side yard or rear yard.

##### 3.302 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 4 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 yardsetback shall apply from all lot lines forming boundaries of a lot. See fence diagram A and B.
- c) All other fences must be at least 6 inches from any lot line.
- d) Walls in Residential Districts, except retaining walls, shall be erected not less than 3 feet from any lot line.
- e) Fence requirements, 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. (Section 3.314 Setback). Additional criteria, pool fencing, see Section 5.95 Safety Devices.
- f) Fences in Industrial Garden Park, see Section 5.07. Fence screening outside storage, Industrial Garden Park, see Section 5.04.

##### 3.303 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.

##### 3.304 Vision Clearance

Between the lines of streets intersecting at an angle of less than 135 degrees 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 2 feet and 8 feet above the plane through their curb grades.

##### 3.305 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.

### 3.306 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 Board of Public Works.

**Comment [JS11]:** COW 44-47. Driveways  
– No mention of driveway width (44), materials (45),  
“two-track” (46), or shared driveways (47)  
➤ Provide driveway regulations consistent with  
LID standards

COW 47. Driveways, shared driveways  
➤ Make it explicit that shared driveways are  
allowed for adjacent residential properties

### 3.307 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.

### 3.308 Unregistered Vehicles

In districts where residential uses are allowed.

The keeping of more than one (1) 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.

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 section VIII of the East Longmeadow Zoning Bylaw.

### 3.309 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.

### 3.310 Sidewalks

Any required sidewalk or walkway on private property may be surfaced with pervious pavement where site conditions allow. The Planning Board, by site plan approval, may allow sidewalks required to be built on public property to be surfaced with pervious pavement. In making such a

determination, the Planning Board shall consult with the Department of Public Works.

### 3.311 Driveways

Any required driveway on private property may be surfaced with pervious pavement where site conditions allow. The use of a “two track” design is encouraged for a driveway serving a single-family dwelling in order to reduced impervious surface.

Driveway widths measured at the front lot line shall comply within the following dimensions:

|                                    | <u>Minimum</u> | <u>Maximum</u> |
|------------------------------------|----------------|----------------|
| <u>Single-family use</u>           | <u>10 feet</u> | <u>15 feet</u> |
| <u>All other uses,<br/>One-way</u> | <u>11 feet</u> | <u>20 feet</u> |
| <u>All other uses,<br/>Two-way</u> | <u>22 feet</u> | <u>30 feet</u> |

### 3.312 New Trees

New trees required to be planted by this bylaw, or proposed to be planted as part of a special permit or site plan approval, shall meet the following standards.

- a. The trees shall be selected from the Town of East Longmeadow Recommended Tree List.
- b. Each tree shall be surrounded by fifty (50) contiguous square feet of soil surface area that is free of impervious surfaces and capable of infiltrating stormwater. The soil surface area shall not be less than four feet wide at any point. Each small tree shall be provided with a minimum of 600 cubic feet of soil volume. Each medium tree shall be provided with a minimum of 800 cubic feet of soil volume. Each large tree shall be provided with a minimum of 1,000 cubic feet of soil volume.
- a-c. Where possible, adjacent tree planting areas shall be connected to provide larger connected soil volumes for tree roots.

**3.31 Residential Districts - AA, A, B, and C**

**3.311 Accessory Buildings in Residential Areas**

“Accessory uses customarily incidental to any use or building permitted herein, 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 Section 7.36 for Home Based Trade together with a Special Permit.”

Not more than one (1) 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.

“An accessory building shall not be used for residence purposes”.

**3.312 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.

**3.313 Lot Coverage**

No principal building shall be erected or altered so as to cover more than 25 percent of the area of the lot on which it is located. No principal building shall be erected so as to cover less than 7 percent 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.

**Comment [DF12]:** Lot Coverage. Needs Definition. Here it appears to be limited to principal buildings.

**3.314 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 dimension of the primary building, plus 10 feet, in which event an accessory building may be constructed within 5 feet of the side-lot line or rear-yard line. Notwithstanding the setback, side yard, and rear- yard requirements for a principal building for the district in which such pool is constructed.

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,

**Comment [JS13]:** COW 39. Setbacks & Frontages  
+ Requirement allows for flexible front setback requirements  
➤ Study existing setbacks to ensure that zoning is calibrated correctly. In general, minimize front setbacks because they lengthen driveways and walkways and therefore increase impervious surfaces.  
➤ Expand flexibility to frontages and other setbacks



but in no case will the required setback in this section 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 2. 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.

### 3.32 **Commercial District**

#### 3.321 Buffer Strip Requirements

Twelve foot (12') 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 ½ 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.

**Comment [JS14]:** COW 71. Clearing & Grading, limits on portion of site to be cleared  
+ Provides guidance to limit clearance of undeveloped land near Residential District

#### 3.322 Lot Coverage

In the case of a single-story building, the building area shall not exceed 40 percent of the lot area and a minimum of 24 percent 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 percent of the lot area and a minimum of 16 percent 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 Board of Public Works in accordance with the General Bylaw of the Town of East Longmeadow, Section 7.04, where applicable.

**Comment [JS15]:** COW 71. Clearing & Grading, limits on portion of site to be cleared  
+ Provides limits on portion of site to be developed  
-Lacks guidance to limit clearance of undeveloped land  
>Provide additional guidance for not clearing landscaped areas when not near Residential District

### 3.33 **Business Districts**

#### 3.331 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 ½ 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.

**Comment [JS16]:** COW 27. Parking Lot Runoff reduction practices  
+ Provision of runoff reduction landscaping  
COW 71. Clearing & Grading, limits on portion of site to be cleared  
+ Provides guidance to limit clearance of undeveloped land near Residential District

### 3.332 Lot Coverage

Building area shall not exceed 25 percent of the lot area. Plot plans must be submitted to the Planning Board for approval of parking provisions in all cases, and to the Board of Public Works in accordance with the General Bylaw of the Town of East Longmeadow, Section 7.04, where applicable.

**Comment [JS17]:** COW 71. Clearing & Grading, limits on portion of site to be cleared  
+ Provides limits on portion of site to be developed  
-Lacks guidance to limit clearance of undeveloped land  
➤ Provide additional guidance for not clearing landscaped areas when not near Residential District

### 3.333 LIMITATION ON SIZE OF BUILDINGS IN BUSINESS DISTRICTS

- (1) The floor area of any building used for retail sales purposes within a Business District shall not exceed sixty-five thousand (65,000) square feet.
  - (a) 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.
  - (b) All floor areas within one thousand five hundred (1,500) feet of one another shall be aggregated in determining the maximum of sixty-five thousand (65,000) square feet only if:
    - i. the buildings are being used for the sale of goods, wares merchandise or services for retail or storing inventory for sale, and
    - ii. the floor areas combined are normally operated as a single retail building or retail outlet for sales purposes, and
    - iii. the floor space is operated or controlled by a common owner.

For purposes of this section, "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.

**3.34 Industrial District**

3.341 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.

**Comment [JS18]:** COW 27. Parking Lot Runoff reduction practices  
+ Provision of runoff reduction landscaping  
COW 71. Clearing & Grading, limits on portion of site to be cleared  
+ Provides guidance to limit clearance of undeveloped land near Residential District

3.342 Lot Coverage

Plot plans must be submitted to the Planning Board for approval of parking provisions in all cases, and to the Board of Public Works in accordance with the General Bylaw of the Town of East Longmeadow, Section 7.04, where applicable. Building area shall not exceed 60% of the lot area.

**Comment [JS19]:** COW 71. Clearing & Grading, limits on portion of site to be cleared  
+ Provides limits on portion of site to be developed  
-Lacks guidance to limit clearance of undeveloped land  
➢ Provide additional guidance for not clearing landscaped areas when not near Residential District

3.343 LIMITATION ON SIZE OF BUILDINGS IN INDUSTRIAL DISTRICTS

(1) The floor area of any building used for retail sales purposes within an Industrial District shall not exceed sixty-five thousand (65,000) square feet.

(a) 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.

(b) All floor areas within one thousand five hundred (1,500) feet of one another shall be aggregated in determining the maximum of sixty-five thousand (65,000) square feet only if:

- i. the buildings are being used for the sale of goods, wares merchandise or services for retail or storing inventory for sale, and
- ii. the floor areas combined are normally operated as a single retail building or retail outlet for sales purposes, and
- iii. the floor space is operated or controlled by a common owner.

For purposes of this section, "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.

3.35 **Industrial Garden District**

3.351 **Buffer Strip Requirements**

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.

3.352 **Lot Coverage**

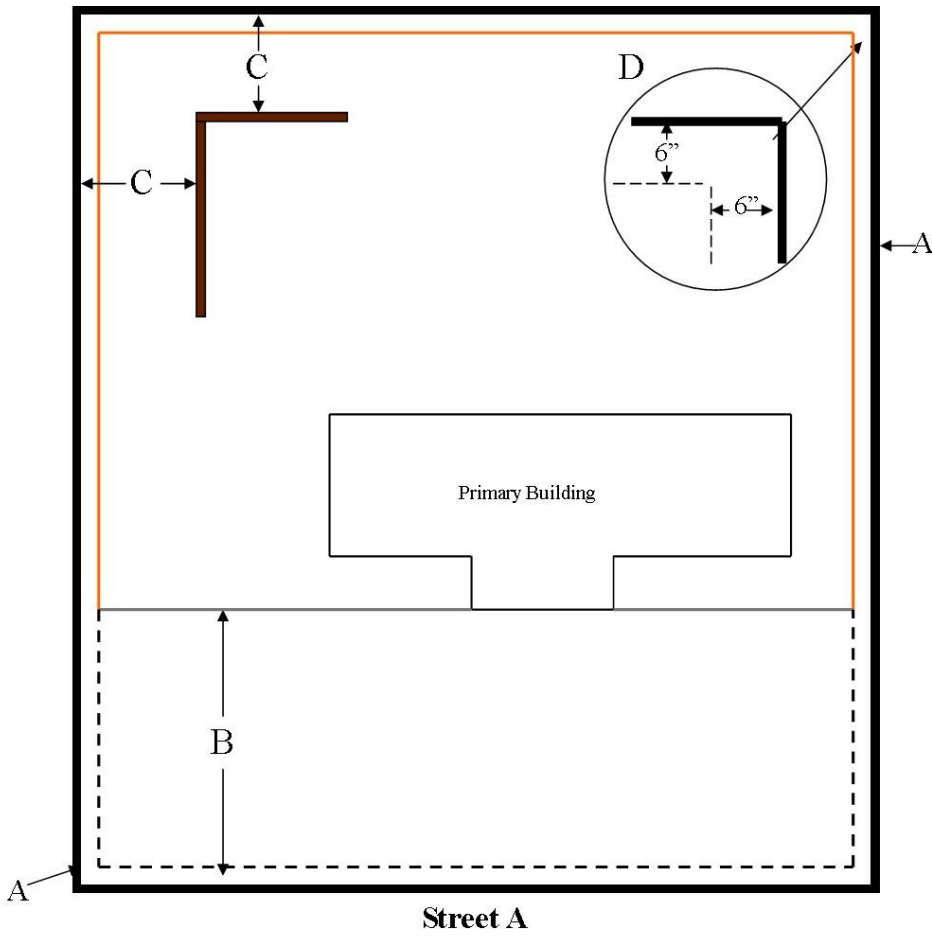
On any lot, the building area shall not exceed 40% of the lot area on lots having less than 225,000 square feet of area and 45% of the lot area on lots having 225,000 square feet or more.

**Comment [JS20]:** COW 71. Clearing & Grading, limits on portion of site to be cleared  
+ Provides limits on portion of site to be developed  
-Lacks guidance to limit clearance of undeveloped land  
➤Provide additional guidance for not clearing landscaped areas

**3.4 EXISTING BUILDINGS, STRUCTURES AND USES**

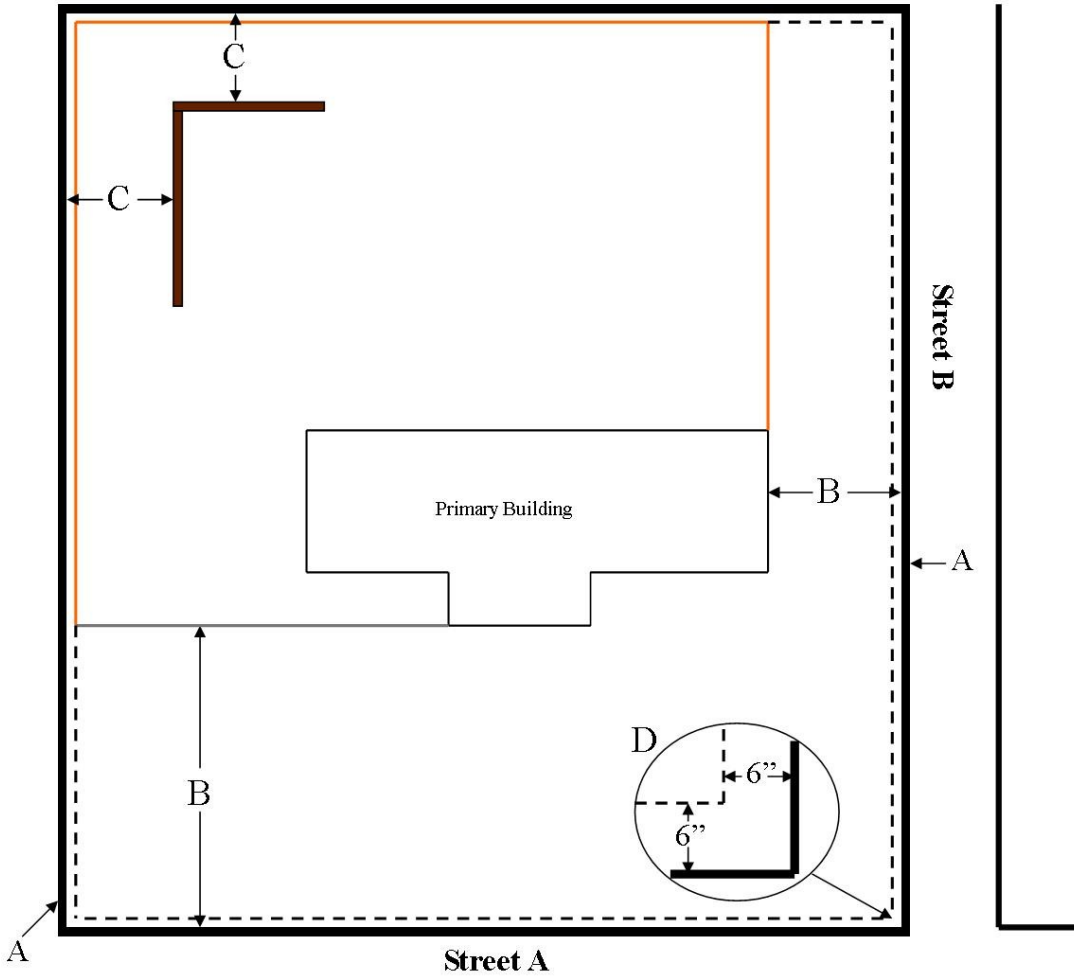
This Bylaw shall not apply to buildings or structures, nor to the existing use of any buildings or structures, or of land, lawfully in existence or lawfully begun prior to the adoption of this Bylaw, or to a building or special permit issued before the first publication of notice of the public hearing on such ordinance or Bylaw required by Section Five of Massachusetts General Laws, Chapter 40A, 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 non-conforming nature of said structure.

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

### 3.5 NON-CONFORMING STRUCTURES AND USES

A building, structure or land which at the time of enactment of this Zoning Bylaw revision is being put to a legal non-conforming use may be:

3.51 Continued in that use, except as provided in Section 3.4.

3.52 Altered or enlarged in that use, but only after the granting of a special permit therefore 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 non-conforming 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 (6) 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.

3.53 Changed to a use deemed less detrimental by the SPGA, provided that when so changed, it shall not be returned to its former use.

3.54 When a building in which there is a non-conforming use is damaged or destroyed by fire, collapse, explosion, or other casualty, it may be 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 non-conforming use is continued.

3.55 When a non-conforming use is discontinued, as evidenced by lack of use or vacancy for a continuous period of twenty-four (24) months, or by the substitution of a less detrimental use, or changed to a conforming use, such non-conforming use shall not thereafter be re-established, and all future uses shall be in conformity with the provisions of this Bylaw.

#### **3.56 Non-Conforming Lots in Residence Districts**

a. 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:

1. 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;

2. 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;
- b. 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.
- c. 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 paragraph and in the case of such reduction in area resulting from eminent domain proceedings).
- d. 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.

### **3.57 Non-Conforming 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.

- a. 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.
- b. 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 percent of such depth, or 75 feet, whichever is less.
- c. 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, side yard for any building shall be 16% of such width, or 40 feet, whichever is less.
- d. 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, rear yard for any building shall be 20 percent of such depth, or 50 feet, whichever is less.



e. On any lot having 75,000 square feet of area or less, the building area shall not exceed 50 percent 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 percent of lot area.

f. In the case of a corner lot fronting on two public ways, setback requirements of this paragraph 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 paragraph shall apply along the remaining boundaries of the lot.

### **3.58 Non-Conforming 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.

## SECTION IV - FLOODPLAIN OVERLAY DISTRICT

### REGULATIONS 4.0 FLOODPLAIN OVERLAY DISTRICT

#### 4.1 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.

#### 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 Inspector.

#### 4.3 BASE FLOOD ELEVATION AND FLOODWAY DATA

- a. **Floodway Data.** In Zone 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 5

acres, whichever is the lesser, within unnumbered A zones.

#### 4.4 DEVELOPMENT REGULATIONS

The following requirements apply in the Floodplain District:

4.41 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.

**Comment [JS21]:** COW 71. Clearing and Grading  
+ Meets LID Standard

4.42 Application to the Special Permit Granting Authority for a Special Permit shall be accompanied by a plan which shall show the following:

**Comment [JS22]:** COW 68. Buffer Management, enforcement mechanisms  
+ Meets LID standards

- a. Boundaries and dimensions of the area involved.
- b. The location, dimensions and mean sea level of the lowest floor, including basement of existing and proposed buildings and structure thereon, and the elevation to which the structure has been flood-proofed.
- c. All plans shall show the two (2) foot contour intervals and contours shall be delineated within two hundred (200) feet of the proposed construction.
- d. 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.
- e. Notifications of the events as listed in d. above, must be sent to all adjacent communities at the addresses listed below which are accurate at the time of the writing of this by-law;
  - NFIP State Coordinator  
Massachusetts Department of Conservation & 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
- f. 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. 1334, have been or are in the process of being obtained.
- g. 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.

4.43 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:

- a. The protection, preservation and maintenance of the water table and water recharge areas.
- b. The preservation and maintenance of the natural stream channel plus sufficient width of over bank areas for the passage of 100 year flood flows so as not to increase the 100 year flood water surface elevation at any point within the community. The preserved area shall be left in a naturally vegetated state, except where work is required to remove invasive plants and replace them with native plants.
- c. The retention of existing floodwater storage capacity.
- d. Prevention of flotation, collapse and movement of structures.
- e. Prevention of flood damage to public utilities including sewer, water, gas and electric.
- f. Located within the Floodplain District are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
  - i. 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).;
  - ii. If Section 4.3.3.6.1 above is satisfied, all new construction and any alteration or addition shall comply with all provisions of Section 4.3; and,
  - iii. Within fourteen (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 forty-five (45) days have elapsed without receipt of said reports.

4.44 All subdivision proposals shall be reviewed to ensure that:

- a. Such proposals minimize flood damage;
- b. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and,

**Comment [JS23]:** COW61 & 63. Buffer Systems  
➤ Make more explicit mention of “vegetated buffer” (61) and minimum buffer width (63)

**Comment [JS24]:** COW 67. Buffer Management, prohibited and permitted use  
+ Meets LID standard



- c. Adequate drainage is provided to reduce exposure to flood hazards.

**Comment [JS25]:** COW 67. Buffer Management  
+ Meets LID standards

#### 4.5 REFERENCE TO EXISTING REGULATIONS

4.51 The Floodplain District is established as an overly 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 Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- a. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- c. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- d. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

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.

**Comment [JS26]:** COW 68. Buffer Management, enforcement mechanisms  
+ Meets LID standards

#### 4.6 PERMITTED USES

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. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- c. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- d. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).
- e. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises; and,
- f. Buildings lawfully existing prior to the adoption of these provisions.

**Comment [JS27]:** COW Buffer Management 67.  
Outline of permitted uses.  
➤ Consider outlining prohibited uses as well.

#### **4.7 COMPLIANCE WITH OTHER STATUTES**

Nothing contained in this section shall excuse compliance with the Wetlands Protection Statutes, General Laws, Chapter 131, Sections 40 and 40A, or any other laws of the Commonwealth of Massachusetts.

## **SECTION V - SPECIAL USE REGULATIONS 5.0**

### **INDUSTRIAL GARDEN PARK DISTRICT**

#### **5.0 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.

#### **5.1 Industrial Garden Park District Subdevelopment**

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.

#### **5.2 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.

#### **5.3 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 Section 5.02, 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 of the principal building; and further provided such material shall not be stored within 50 feet of the rear lot line.

#### **5.4 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 6 feet nor more than 10 feet high.

#### **5.5 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.



**5.6 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.

**Comment [JS28]:** COW 27. Parking Lot Runoff reduction practices  
+ Provision of runoff reduction landscaping

**5.7 Fences**

No fence shall be more than one-quarter solid, except when used for Outside Storage, Section 5.04.

**5.8 Additional Dimensional and Density Requirements**

An industrial building shall have a setback of 75 feet from any street line, a 40-foot side yard and a 50-foot rear yard. When abutting a Residence District, the rear and/or 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. 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 non-conforming lots under Section 5.01.

**Comment [JS29]:** COW 27. Parking Lot Runoff reduction practices  
+ Provision of runoff reduction landscaping

**5.1 ELDERLY RESIDENTIAL DISTRICT**

5.10 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 approval of a Plan of Development from the Board of Selectmen, and in accordance with additional requirements specified herein.

**5.11 Application Procedure**

A Plan of Development shall be submitted to the Selectmen for review, and such Plan must be approved by said Board before a building permit shall be issued. The Board of Selectmen, in reviewing such Plan, shall obtain and consider the recommendations of the Planning Board. 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.

The Selectmen may require any additional information needed to permit a thorough review.

**5.12 Additional Requirements**

The following standards shall be used as additional requirements in the Elderly Residential District:

5.121 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.

5.122 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 manmade structure other than an antenna structure, shall increase the overall height of such manmade structure by more than 20 feet and in all cases 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 8 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.

#### 5.123 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.

## 5.2 PLANNED BUSINESS DEVELOPMENT

### 5.20 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.

#### 5.21 Definition

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 building with more than one use per structure are Planned Business Developments.

#### 5.22 Permitted Uses

Uses permitted by special permit with site plan review in a Planned Business Development shall be limited to the following uses:

- a. retail uses, especially shopping centers;
- b. personal service uses; and
- c. business uses

#### 5.23 Dimensional and Density Regulations

5.231 All uses in a planned business development shall be in conformity with the dimensional and density regulations set as follows:

Minimum lot area per planned business development under joint development or contiguous ownership: 2.5 acres.

Minimum frontage: 120 feet

Minimum front yard: 50 feet

Front yard buffer strip: A 12 foot wide landscaped buffer strip is required in the front yard and shall include a sidewalk constructed not less than 3 feet from the property line. Sidewalks shall be 4 feet wide and constructed of bituminous concrete or cement concrete, or permeable or porous pavement where site conditions allow.

Minimum side and rear yards: 5 feet

Side and rear yard landscaping: A minimum of 5 feet of any side and rear yard must be landscaped.

Maximum building height: 40 feet

Maximum lot coverage for building: 35 percent

5.232 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 not more than 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.

5.233 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 twenty percent (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 twenty percent (20%) threshold has been reached.

5.234 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.

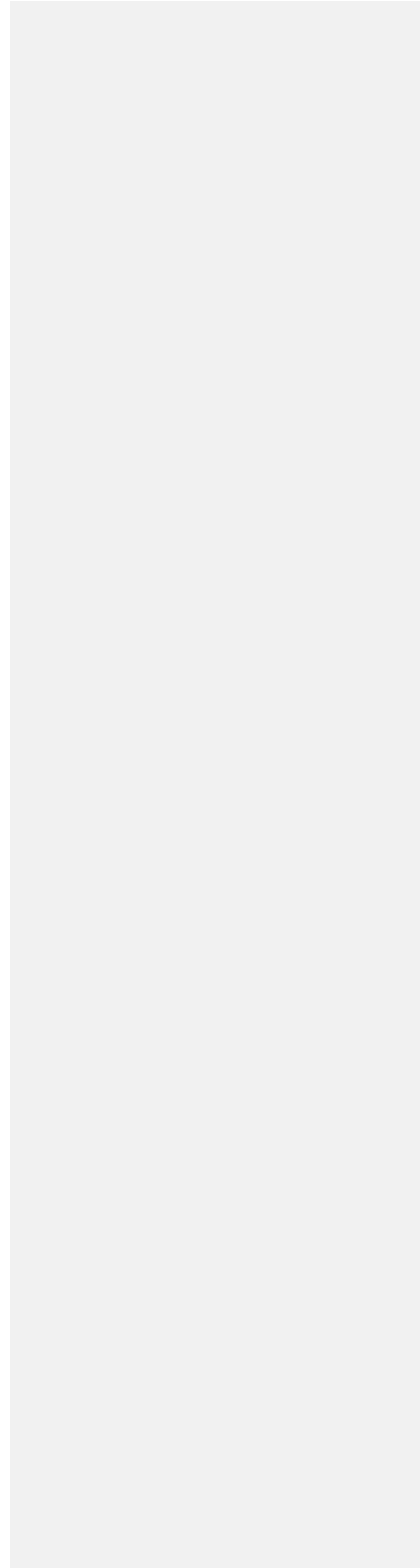
**Comment [JS30]:** COW 43. Sidewalks, Alternative sidewalk construction materials  
➤ Allow alternative, permeable paving materials

Specify that the front yard buffer strip can be used for LID BMPs.

Note: this appears to require a sidewalk on the private side of the property line—how is public access guaranteed. What if there is already a public sidewalk in the right of way?

**Comment [JS31]:** COW 16. Parking Codes, shared parking  
+ Meets LID standards

**Comment [DF32]:** Driveway: requires 2, reduce to 1



#### **5.24 Additional Planned Business Development Requirements**

In addition to the special permit and site plan review requirements (in Sections 7.2 and 7.4) in this Bylaw, any Planned Business Development must conform to the following:

- 5.241 The proposed uses should complement and be in harmony with the existing and probable future character of the neighborhood.
- 5.242 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.
- 5.243 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.
- 5.244 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 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 sq. ft. 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 gross floor area threshold. The traffic impact statement shall contain:
  - 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 one hundred (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.

#### 5.245 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 or loop road 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". Driveway widths shall comply with the standards found in Site Plan Review and in Section 3.310.
- 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.

**Comment [JS33]:** COW 44-47. Driveways  
-No mention of driveway dimensions or materials  
➤ Provide driveway regulations consistent with LID standards

**Comment [DF34]:** Good! Meets LID standard for reducing driveway impervious surface.

#### 5.246 Parking Standards

The Planned Business Development shall comply with the Off-street Parking regulations in Section 5.6 with the following exceptions:

When an applicant choses to use the default parking requirements found in Section 5.66.2 rather than calculating parking requirements specific to the site based on a Parking Demand Study, ~~The~~ 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 1 parking space per person for one-third 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.

**Comment [DF35]:** Consider reducing to 3 per 1,000 square feet

**Comment [JS36]:** COW 14. Parking Ratios, reflecting local demand  
COW 15. Parking Ratios, set as maximums  
➤ Customize parking ratios based on local parking demand study  
➤ Set parking ratios as maximums.





5.247 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, flowerbeds, shrubs, hedge or trees with a preference for native vegetation. LID techniques that capture, treat, and infiltrate runoff from the parking area are encouraged and can be counted toward required landscaping and landscape buffers. 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.a. For interior parking lot areas at least twelve percent (12%) of the gross area of the vehicular use shall be landscaped. Landscaped areas shall be a minimum of nine (9) feet in width. One shade tree of a minimum 2 inch caliper for every twenty (20) parking spaces is required in parking lots with over fifty (50) parking spaces. Each tree shall be surrounded by 50 contiguous square feet of soil surface area that is free of impervious surfaces and capable of infiltrating stormwater. The required soil surface area shall not be less than four feet wide at any point. Trees shall be provided with a minimum of 600 cubic feet minimum of soil volume for a small tree, 800 cubic feet minimum of soil volume for a medium tree, or 1,000 cubic feet minimum for a large tree. The landscaped front, side and rear yard requirement can be included in this calculation.
- b.b. Landscaped areas shall be maintained in a healthy, thriving and attractive condition. Shrubs or trees that die shall be replaced within one growing season.

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Comment [JS37]: COW 27. Parking Lot Runoff, runoff reduction practices  
➤ State that landscaped areas can be used for runoff reduction practices  
COW 30. Do vegetated stormwater management areas count toward required landscape minimums?  
➤ Revise to count stormwater management to required landscape areas

Comment [JS38]: COW 26. Parking Lot Runoff, minimum percentage landscaped  
+ Meets LID standard  
(See also 5.65)

Comment [JS39]: COW 29. Parking Lot Runoff, landscape dimensions sufficient for large trees  
➤ Revise to meet standard

Comment [JS40]: COW 27. Parking Lot Runoff, runoff reduction practices  
+ Meets LID standard

5.248 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~~ except in accordance with the specifications ~~of this section~~ Section 5.6.
- b. As an incentive to develop shared parking areas, the Planning Board shall reduce the interior parking lot landscaping requirements from 12 percent to 10 percent.

Comment [JS41]: COW 16. Parking Codes, shared parking allowed  
+ Partially meets LID standard  
➤ Allow for shared parking

Comment [JS42]: COW 17. Parking Codes, reduction in parking ratios  
➤ Allow for lower minimum parking when shared

Comment [JS43]: COW 26. Parking Lot Runoff, minimum percentage landscaped  
- Reduces percentage & LID benefits  
➤ Consider other incentives

5.249 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 fifteen (15) feet.

5.250 Sufficient domestic water and sanitary sewage disposal facilities shall be available.

[5.251](#) Display signs shall conform to Section 5.8 of this Bylaw.

~~5.251-~~

### 5.3 PLANNED UNIT RESIDENTIAL DISTRICT

**Comment [DF44]:** Because this district is largely built out we have not proposed changes to it

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 Sections 7.2 and 7.4 of the East Longmeadow Zoning Bylaws - 1991 Revision.

**Comment [JS45]:** COW 35. Open Space Design, allowed as by-right  
➤ Allow open space design as a by-right, rather than special permit

#### 5.30 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 multi-family 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.

**Comment [JS46]:** COW 31. Open Space Design, requirement of designated open space zoning district + Meets LID standard

#### 5.31 Purposes

The purposes of this Planned Unit Residential Development bylaw are to allow a number of uses as outlined in Table 3-1, including Planned Unit Residential Development and to:

5.311 allow for greater variety and flexibility in the development housing types;

5.312 promote the permanent preservation of open space;

**Comment [JS47]:** COW 32. Open Space Design, goals for land conservation + Meets LID standard

5.313 facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner;

5.314 maintain and replicate the traditional New England rural character and land use pattern in which small villages are adjacent to common open space.

#### 5.32 Uses Allowed by Special Permit

In a Planned Unit Residential Development, the following uses are permitted:

5.321 single family dwellings.

5.322 Town houses - 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.

5.323 Multi-family dwellings (including garden units) not exceeding six units per building.

5.324 Recreational uses and open space including Community Building.

**5.33 Density and Dimensional Regulations**

See Table 3-2

**5.34 Utility Requirements**

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

**Comment [JS48]:** COW 60. Rooftop Runoff, use of rainwater for non-potable purposes  
> Allow for rooftop rainwater harvesting for non-potable water needs

**5.35 Parking and Circulation Requirements:**

5.351 A minimum of two parking spaces per dwelling unit shall be required, which may include garages.

**Comment [JS49]:** COW 14 & 15. Parking Ratios  
-No study referenced for parking ratio  
-Parking requirement set as minimum, not max  
> Provide source for parking ratio  
> Set parking ratio as maximum  
(See 5.351-A)

5.352 There shall be an adequate, safe, and convenient arrangement of pedestrian circulation, facilities, roadways, driveways and parking.

**5.36 Landscaping and Buffer Area Requirements**

5.361 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.

5.362 Whenever possible, existing trees and vegetative cover shall be conserved and integrated into the landscape design.

**Comment [JS50]:** COW 70. Clearing and Grading, preservation of native soils, hydric soils, natural vegetation, or steep slopes  
+ Partially meets LID standard  
> Provide guidance for preservation of soils and slopes  
  
> Specify that LID is encouraged in landscaping.  
  
> Specify 75% of plants added must be native plants

5.363 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 fifty (50) feet in width which shall include trees and shrubbery.

**5.37 Common Open Space Requirements**

5.371 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 2000 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.

**Comment [JS51]:** COW 33. Open Space minimum percentage  
+ Partially meets LID standard  
> Convert open space requirement for PURD developments to percentage

**Comment [JS52]:** COW 19. Parking Codes, unused parking allowed for open space  
> Add provision for unused parking that is maintained as open green space to count toward minimum parking reqs.

5.372 Further subdivision of common open land or its use for other than recreation, conservation, or agricultural, except for easements for underground utilities, shall be prohibited.

**Comment [JS53]:** COW 6. Placement of utilities under ROW  
> Add provision for utilities to be placed under paved right-of-way

COW 55. Open Space Management, binding conservation easements  
> Provide guidance for binding conservation easements using legal instruments

5.373 Structures or buildings accessory to recreation, conservation, or agricultural uses may be erected but shall not exceed 5% coverage of such common open land.

5.374 Open space subject to a restriction recorded and enforceable by the Town. **5.38**

**Comment [JS54]:** COW 53. Open Space Management, allowable & unallowable uses of open space  
+ Meets LID standard

### **Community Association**

5.381 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.

**Comment [JS55]:** COW 48. Open Space Management, responsible entity  
+ Meets LID standards  
➤ Require conservation restriction, if feasible  
➤ Expand list of desired functions of open space  
  
COW 69. Buffer Management, buffers on land of common ownership  
+ Meets LID standard

5.382 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.

**Comment [JS56]:** COW 50. Open Space Management, alternate responsible entity  
+ Meets LID standards

### **5.39 Procedures and Pre-Application Review**

5.391 Applicants for Planned Unit Residential Development shall follow the Special Permit procedures specified in Section 7.2 and the Site Plan Review procedures specified in Section 7.4.

5.392 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.

5.393 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.

5.394 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 their Subdivision Regulations and in substantial conformity with the approved

### 5.3-A **PLANNED ADULT RESIDENTIAL DISTRICT**

**Comment [DF57]:** Because this district is largely built out we have not proposed changes to it.

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 Sections 7.2 and 7.4 of the East Longmeadow Zoning Bylaws - 1991 Revision.

#### 5.30-A **Definitions**

"Planned Adult Residential District" shall mean shall mean the district where Planned Adult Residential Developments are permitted.

"Planned Adult Residential Development" shall mean a development containing residential uses and building types, including single family dwellings, townhouses, or multi-family dwellings, and open space, which may be owned in the condominium form of ownership, for persons aged fifty-five (55) and older, as hereinafter described.

**Comment [JS58]:** COW 31. Open Space Design, requirement of designated open space zoning district + Meets LID standard

#### 5.31-A **Purposes**

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

5.311-A allow for greater variety and flexibility in the development of housing types; and

5.312-A promote the development of specialized housing to accommodate the needs of those aged fifty-five (55) and over.

#### 5.32-A **Uses Allowed**

Table 3-1 establishes the uses permitted in a Planned Adult Residential Development, which shall specifically include the following uses:

5.321-A single family dwellings.

5.322-A town houses - a single family dwelling connected by one or more common walls, however, there shall be no more than five (5) and no less than two (2) townhouses per structure.

5.323-A multi-family dwellings (including garden units) not exceeding five (5) units per building.

5.324-A parking, recreation and accessory structures limited to the use of the residents of the Planned Adult Residential Development.

#### 5.33-A **Density and Dimensional Regulations** See Table 3-2

**5.34-A Utility Requirements**

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

**Comment [JS59]:** COW 60. Rooftop Runoff, use of rainwater for non-potable purposes  
➤ Allow for rooftop rainwater harvesting for non-potable water needs

**5.35-A Parking and Circulation Requirements**

5.351-A A minimum of two (2) parking spaces per dwelling unit shall be required, which may include garages.

**Comment [JS60]:** COW 14 & 15. Parking Ratios  
-No study referenced for parking ratio  
-Parking requirement set as minimum, not max  
➤ Provide source for parking ratio  
➤ Set parking ratio as maximum  
(See also 5.351)

5.352-A There shall be an adequate, safe and convenient arrangement of pedestrian circulation, roadways, driveways and parking areas.

**5.36-A Landscaping and Perimeter Buffer Area Requirements**

5.361-A 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.

5.362-A Whenever possible, existing trees and vegetative cover shall be conserved and integrated into the landscape design.

5.363-A 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 fifty (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.

**Comment [JS61]:** COW 70. Clearing and Grading, preservation of native soils, hydric soils, natural vegetation, or steep slopes  
+ Partially meets LID standard  
➤ Provide guidance for preservation of soils and slopes

**5.37-A Coverage and Common Open Space Requirements**

5.371-A 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.

**Comment [JS62]:** COW 33. Minimum percentage of buildable portion of site required for open space  
-No mention of percentage of buildable area of site  
➤ Provide minimum percentage of buildable area to be set aside as open space

5.372-A Further subdivision of common open land or its use for other than recreation, conservation or agricultural, except for easements for underground utilities, shall be prohibited.

**Comment [JS63]:** COW 6. Placement of utilities under ROW  
➤ Add provision for utilities to be placed under paved right-of-way  
(See also 5.372)

5.373-A 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.

COW 55. Open Space Management, binding conservation easements  
➤ Provide guidance for binding conservation easements using legal instruments

**Comment [JS64]:** COW 53. Open Space Management, allowable & unallowable uses of open space  
+ Meets LID standard  
(See also 5.37)

5.374-A Open space subject to a restriction recorded and enforceable by the Town.

**5.38-A Community Association**

5.381-A 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.

**Comment [JS65]:** COW 48. Open Space Management, identification of responsible entity  
+ Meets LID standard  
➤ Encourage conservation restriction

5.382-A 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.

COW 69. Buffer Management, buffers on land of common ownership  
+ Meets LID standard

**5.39-A Procedure and Pre-Application Review**

5.391-A Applicants for Planned Adult Residential Development shall follow the Site Plan Review procedures specified in Section 7.4.

5.392-A 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.

5.393-A 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 their Subdivision Regulations and in substantial conformity with the Subdivision Review Site Plan.

**Comment [JS66]:** COW 50. Open Space Management, alternative entity  
+ Meets LID standard

**5.40-A Additional Provisions**

No Planned Adult Residential Development shall be permitted unless it is in compliance with the following provisions:

5.401-A Each dwelling unit in a Planned Adult Residential Development shall be occupied by:

- (1) At least one person who is fifty-five (55) years of age or older;



- (2) A spouse of an occupant pursuant to (1) above;
- (3) An occupant pursuant to (2) above who survives his or her spouse;
- (4) An occupant pursuant to (2) above whose spouse has entered into a long-term continuing care facility; or,
- (5) A paid care giver providing care to an owner/occupant who is at least fifty-five (55) years of age or older.

5.402-A In no event may a dwelling unit be occupied by more than three (3) residents; provided, however, that if any unit is occupied three (3) residents one of said three (3) residents may be a person twenty one or older; provided, further, said person's primary responsibility is providing care to an owner/occupant of said unit.

#### **5.4 GOLF RECREATIONAL DISTRICT 5.40**

##### **Uses**

In any Golf Recreational District, as indicated on the Building Zone Map, 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 following:

5.401 Any use permitted in a Residence District

5.402 Grounds for a golf course and only in conjunction therewith as accessory uses any of the following, together with the right to charge for the use thereof:

- a. Area and facilities for practice 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 golf clubhouse, together with the right to act as a common victualer.

##### **5.41 Swimming Pools**

Any swimming pool permitted as an accessory use shall be subject to the provisions of Section 5.9 of these Bylaws entitled "Swimming Pools".

#### **5.42 Lighting**

For a use permitted by Section 5.402, exterior artificial lighting shall be restricted to the lighting of signs in accordance with Section 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 a use permitted by Section 5.402, artificial lighting of a golf course, practice golf area, basketball or tennis area or swimming pool are specifically prohibited.

### **5.5 WIRELESS/TELECOMMUNICATIONS SERVICE FACILITIES AND TOWERS**

#### **5.50 Purpose and Intent**

It is the express purpose of this By-law to establish regulations for the placement of Wireless Telecommunication Towers, antennas and ancillary facilities. It is the intent of this article 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.

This By-law is intended to be used in conjunction with other regulations that may be adopted by the Town, including historic district regulations, Site Plan Review, Special Permit and other local By-laws designed to encourage appropriate land use, environmental protection, and the provision of adequate infrastructure development in East Longmeadow.

The By-law 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 By-laws and historic development patterns.

#### **5.51 Consistency with Federal Law**

This Article 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.

**5.52 Definitions**-The following definitions pertain to this by-law as described below:

**Act:** The Telecommunications Act of 1996, as amended.

**Alternative Tower Structure:** Manmade trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that are compatible with the natural setting and surrounding structures, and camouflages or conceals, the presence of antennae 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, closures and equipment required for operation of telecommunication systems including but not limited to repeaters, equipment housing and ventilation and other mechanical equipment.

**Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture 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 (1) 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 Provider 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.

**Modifications of an Existing Facility:** Any change or proposed change in size, number and height of facilities and antennae 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 antennae and/or equipment.

**Monitoring:** The measurement of the radiation from a site as a whole or from individual Wireless Service Facilities, Towers or antennae, 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 antennae arrayed at the top.

**Mount:** The structure or surface upon which antennae are mounted, including the following four (4) 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

**Pre-existing Towers and Antennas:** Any tower or antenna and ancillary facility which has been lawfully erected prior to the effective date of this by-law, 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 Article.

**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 useable 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 operators antennae.

**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 antennae, 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 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.

**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.

### **5.53 District Regulations**

#### **a. Use Regulations**

1. No newly constructed Wireless Services Facility shall locate in any Residential District or town-owned residential property.
2. Wireless Services Facilities shall comply with Massachusetts Building Code (780 C.M.R), as amended and shall require a Building Permit in all cases.
3. 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.
4. 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 ten (10) feet above the height of an existing building.

b. 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 by-law, with approval from the SPGA; and (3) all antenna mounts installed on existing towers shall, to the extent technically feasible, match both type and type of the existing antenna mounts.

1. An Applicant proposing a wireless communications facility shall have the burden to prove all avenues have been exhausted and that there are no feasible pre-existing structures, building 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.
2. Wireless Services Facilities shall not be located in wetlands.
3. No hazardous waste shall be discharged on the site of any Wireless Services Facility.

c. Co-Location

1. 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.
2. 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 (5) 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. Location Priorities: Wireless telecommunication facilities shall be located and approved in accordance with the following prioritized locations: (1) an existing building; (2) an existing tower.

#### **5.54 Dimensional Requirements:**

##### **a. Height**

1. The maximum height of the equipment/service building shall be fifteen (15) feet and limited to one floor with the maximum gross floor area not to exceed four hundred (400) square feet. The total percentage of services buildings not to exceed 25% lot coverage.
2. No wireless communications facility shall exceed one hundred ninety (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 ten (10) feet above the height of an existing building nor project more than ten (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 façade in order to limit its impact on the building's silhouette.
3. Wireless Services Facilities may be located on a building that is legally non-conforming, with respect to height, provided that the facilities do not project above the existing building height.
4. New antennae located on any of the following existing structures on the effective date of this Article shall be exempt from the height restrictions of this Article 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

##### **b. Setbacks**

Ground mounted wireless telecommunications facilities shall be set back two hundred (200%) percent 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 non-residential zoning district.

1. 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.
2. In no case shall a ground-mounted facility be built as an accessory use or use be allowed on any portion of the lot between the primary structure and the street.
3. 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 pre-existing, non-conforming structures, Wireless Service Facilities and their equipment shelters shall not increase any non-conformities, 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 fifty percent (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.

#### **5.55 Special Permit Criteria**

- a. The SPGA shall consider the following factors when determining whether to grant a Special Permit:
  1. Proximity of the facility to residential structures, residential district boundaries, school boundaries, churches, libraries, public parks and conservation areas.
  2. Nature of the uses on the adjacent and nearby properties.
  3. Surrounding topography, tree coverage and foliage.
  5. 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.
  6. Availability of suitable existing towers, alternative tower structures, other structures or alternative technologies not requiring the use of towers or structures.



7. Availability of proposed tower to other potential carriers.
8. Adequacy of the setback or design of the facility to ensure the safety of persons or property in the event of collapse.
9. 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 by-law, as part of the application for a Wireless Services Facility and/or Tower before a Special Permit will be considered.

b. Design Standards

1. All towers shall be designed and constructed to withstand wind gusts and substantial winds of at least one hundred (100) miles per hour at the maximum height necessary (determined by the independent consultants) to accommodate the anticipated and future use.
2. Only free-standing monopoles, with associated antenna and/or panels, shall be allowed as specified in this by-law. Lattice style towers and facilities requiring guy wires and/or three or more legs for support are prohibited.
3. 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 (8) feet in height. Use of barbed or razor wire is prohibited.

c. Camouflage by Existing Buildings, Structures or Vegetation

1. 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.
2. If there are no feasible pre-existing 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.
3. 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.

4. 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.
5. A landscape buffer at least ten (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 (6) feet and planted in staggered double rows five (5) feet on center . All landscape plantings must be continually maintained by the Applicant or its successor.

d. Lighting and Signage

1. 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.
2. 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) twenty-four 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 (4) square feet.

All signs shall comply with the requirements of the East Longmeadow Zoning By-law. Advertising of any kind is strictly prohibited at the site.

e. Modifications

1. 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 antennae; or,
  - c. The Applicant wishes to add any equipment or additional height not specified in the original design filing.

**5.56 Monitoring and Maintenance**

- a. The facility owner/operator shall present a maintenance and monitoring plan to the SPGA demonstrating responsibility to the site.
- b. There shall be a minimum of one (1) 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.
- c. Traffic associated with the Tower and accessory facilities and structures shall not adversely affect abutting ways.
- d. The Wireless Service Facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.

**5.57 Abandonment or Discontinuation of Use**

- a. 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 thirty (30) days prior to abandonment or discontinuation of operations.
- b. Upon abandonment or discontinuation of use, the carrier shall, at its' expense, physically remove the Wireless Service Facility within ninety (90) days from the date of abandonment or discontinuation of use. This removal includes, but is not limited to removal of antennae, 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.
- c. 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.

- d. 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.

#### **5.58 Site Plan Review**

##### **a. Antennae**

1. The design of antennae, and telecommunications support facilities shall use materials, colors, textures, screening, and landscaping that create compatibility with the natural setting and surrounding structures;
2. The mass of antennae or an antenna on a tower shall not exceed four hundred fifty (450) cubic feet per user, with no one (1) dimension exceeding fourteen (14) feet per user.

##### **b. Tower Color**

Towers shall be finished in a neutral color to reduce visual obtrusiveness, subject to any applicable standards of the FAA.

#### **5.59 Provisions of Independent Consultants**

- a. Upon submission of an Application for any Special Permit under this Article, 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:
  1. telecommunications engineering;
  2. structural engineering; monitoring of electromagnetic fields other relevant fields of experience as determined by the SPGA.
- b. 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.

### **5.59.1 Exempted Wireless Telecommunication Uses**

a. The following are exempt from the restrictions and requirements of this by-law:

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 :
  - (1) The tower is not used or licensed for any commercial purpose; and,
  - (2) The tower shall be removed upon loss or termination of said FCC license.

### **5.59.2 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.

### **5.59.3 Non-Compliance, Violations, Enforcement and Attorney Fees**

Upon determination that the Applicant and/or owner has failed to comply with this By-law, or is in violation of any portion of this By-law, and the Town of East Longmeadow takes any action to enforce this By-law, 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 thirty (30) days of receipt of notice to pay same shall be grounds for the revocation of any Special Permit issued in accordance with this By-law.

## **5.6 OFF-STREET PARKING**

### **5.60 Parking Plan**

a. 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 East Longmeadow Planning Board. In the case of alteration or enlargement, these standards shall apply only to the altered or enlarged area.

- b. A parking plan shall be submitted to the Planning Board at the time of any application for the occupancy permit required in Section 7.1 of the Zoning Bylaw.

No such occupancy permit may be issued without approval of said parking plan by East Longmeadow Planning Board.

- c. 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.
- d. 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. Low Impact Development stormwater management shall be used unless not feasible.

**Comment [DF67]:** Needs a definition. Patty hoping to get it next week or so.

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- e. 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 the Bylaw, if it deems necessary for the use. The Special Permit Granting Authority may issue a special permit to reduce the number of required off-street parking spaces set forth in the Bylaw, based on sufficient evidence demonstrating that fewer spaces are necessary.

**Comment [DF68]:** Allow SPGA to reduce parking requirements.

### 5.61 Parking Specifications

5.611 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, except in accordance with a Joint Use Parking plan or Off-Premise Parking Plan approved by the Planning Board (see Section 5.63 and 5.64). 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, except in accordance with a Joint Use Parking plan or Off-Premise Parking Plan approved by the Planning Board (see Section 5.63 and 5.64).

**Comment [JS69]:** COW 16. Allow shared parking arrangements  
COW 18. Parking Codes, multi-modal transit  
>Provide multi-modal transit incentives

All new structures and alterations or enlargements on existing structures shall be provided with off-street parking spaces in accordance with the following specifications:

5.612 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:

- a. All parking areas must meet the minimum parking dimensions in Diagram 5.6-1, except the handicapped parking requirements in Section 5.67 shall supersede where appropriate.

**Comment [JS70]:** COW 21 & 22. Parking Lots, minimum stall dimensions  
+ Width meets LID standards  
-Length does not  
>Provide minimum parking dimensions that allow shorter curb/stall length

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.

5-28

**Comment [DF71]:** Already covered in 5.6-1

**Comment [JS72]:** COW 22. Is the minimum stall length for a standard parking space 18 feet for less? Is the minimum stall length for a standard parking space 18 feet for less?  
-180 Square feet does not meet standard 9x20' or 10'x18'.  
➤ Reduce from 180 square feet to 162 square feet

COW 23. Parking Lots, proportion of smaller spaces for compact cars in commercial parking lots  
-Does not meet LID standard  
➤ Provide LID standard for smaller spaces for compact cars

- b. Parking spaces at a 90 degree angle are encouraged. The total paved area shall be the minimum necessary for safe and convenient circulation. 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.)
- c. Any required landscaping shall be indicated on the parking plan for approval. Low Impact Development stormwater management features such as swales, filter strips, and bioretention areas that capture, treat, and infiltrate runoff from the parking area are encouraged and may be located within any required landscaped areas.-(See Diagram 5.6-2, for a dimensional illustration.)
- d. 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.)
- e. Parking stall markings, directional arrows and other traffic signs shall be delineated by at least four (4) inch painted lines or by other suitable means and shall be permanently maintained.
- f. There shall be a maximum of one driveway curb cut per lot allowed as matter of right. The Planning Board may as part of site plan approval, allow additional driveways/curb cuts if, and only if, such permit will promote and improve safe and efficient traffic circulation.. One driveway per parcel shall be permitted as matter of right. Two driveways for business, commercial and industrial uses are generally desirable. When one-way driveways are allowed, they and shall be clearly marked as an entrance and as an exit. Driveway widths shall be the minimum necessary for safe circulation.
- f.g. A driveway's entrance or exit shall not exceed, at its intersection with the front lot line, a width of 15 feet for single--family uses and 24 feet for all other uses, except that the Planning Board may, as part of site plan approval, allow a thirty-foot width if, and only if, such approval will promote safe and efficient traffic circulation.

**Comment [DF73]:** Revise from preferable to allowed when necessary

### 5.613 Drainage

LID techniques that capture, treat, and infiltrate runoff from the parking area shall be used for parking lot design and construction, unless site and soil conditions make LID not feasible as determined by the Department of Public Works. LID techniques for parking lot design include, but are not limited to pervious surfacing, infiltration strips, bioretention areas, and swales. Pervious surfacing may be used for all or a portion of the lot depending on the use, soil conditions, and associated vehicular traffic. Drainage facilities for each parking area should be designed and constructed to contain storm water runoff on the premises and should not be distributed on a public way.

**Comment [JS74]:** COW 27. Parking Lot Runoff, runoff reduction practices  
 + Partially meets LID standard  
 >Provide specific LID standards for use of green infrastructure to manage runoff

### 5.614 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 area and access driveways and parking areas for all business, commercial and industrial uses shall be surfaced with bituminous or cement material, or pervious pavement material, such as permeable asphalt, permeable concrete, or permeable pavers, according to established DPW standards and specifications and/or generally accepted engineering practices. The use of structural soils or cells are encouraged in conjunction with pervious or porous pavement and in paved areas surrounding landscaped islands, medians, walkways, and buffer strips to provide greater root space for shade trees. Parking areas not required by this ordinance and which are used only occasionally may be maintained in grass or another permeable surface suitable for occasional use for parking.

**Comment [JS75]:** COW 24. Parking Lots, Pervious materials  
➤ Provide LID standards for permeable paving materials

### 5.62 **Joint Use Parking**

Joint use of off-street parking facilities is permitted provided that the parking area is either: contiguous or within the same parcel of land to be occupied by a joint user's principal building and its accessory building(s); or meeting the standards for off-premise parking in 5.63. The number of spaces required in 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, except that the Planning Board may allow a reduction in the number of parking spaces for uses that have different peak hour demands. To demonstrate that reduced parking requirements are reasonable, the applicant may refer to *Shared Parking, Third Edition* (Urban Land Institute, 2020) or an equivalent manual.

**Comment [JS76]:** COW 16. Parking Codes, shared parking  
+ Meets LID standard  
COW 17. Parking Codes, parking ratios reduced by shared parking  
-Does not reduce minimum parking ratios  
➤ Provide parking credit alternatives, such as lower minimum parking, when shared

### 5.63 **Off-Premises Parking**

The use of off-premises parking facilities to meet the requirements of this Section, may be permitted in all districts if the off-premise parking area is within 500 feet of the use and safe pedestrian facilities are provided between the uses. the Industrial District if access, egress and travel to and from the same, consistent with Section I are provided. Required handicapped-accessible parking shall not be located off-premises.

**Comment [DF77]:** Not sure whether this should be kept or not. Which Section I does this refer to?

A proposal to use such facilities must be approved in writing by the Planning Board and Town Engineer.

Any termination or reduction of use of such off-premises parking facilities so that minimum required parking spaces are not available in accordance with Section 5.66 (j. and n.) hereof will constitute further use of the principal premises and buildings and constitute a violation of the Zoning Bylaw.

#### 5.64 **Multi-Purpose Building**

**Comment [DF78]:** Change this to "Mixed-Use"?

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 Section 5.66, as if the uses were to be conducted in separate buildings, except that the Planning Board may allow a reduction in the total number of required parking spaces for uses that have different peak hour demands. To demonstrate that reduced parking requirements are warranted, the applicant may refer to *Shared Parking, Third Edition* (Urban Land Institute, 2020) or an equivalent manual.

**Comment [JS79]:** COW 16. Parking Codes, shared parking  
+ Meets LID standard  
COW 17. Parking Codes, parking ratios reduced by shared parking  
- Does not reduce minimum parking ratios  
➤ Provide parking credit alternatives, such as lower minimum parking, when shared

#### 5.65 **Additional Parking Specifications for Business, Commercial and Industrial Uses**

##### a. Landscaping

There shall be 12 percent 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 10 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, flowerbeds, shrubs, hedges or trees, with a preference for native vegetation. LID techniques that capture, treat, and infiltrate runoff from the parking area are encouraged and can be counted toward required landscaping and landscape buffers. 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.

**Comment [JS80]:** COW 26. Parking Lot Runoff, minimum percentage landscaped  
+ Meets LID standard  
COW 29. Parking Lot Runoff, landscape dimensions sufficient for large trees  
+ Meets LID standard  
(See also 5.247)

**Comment [JS81]:** COW 12. Vegetated Channels  
➤ Provide more explicit guidance on LID standards for vegetated channels.  
COW 30. Parking Lot Runoff, vegetated stormwater management areas  
➤ State that landscaped areas can be used for stormwater management  
(See also 5.248)

##### b. 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.

c. The footprint of surface off-street parking spaces shall not exceed the gross floor area of the building. In the event that the off-street parking area must exceed the gross floor area of the building, the Planning Board shall require the difference between the off-street parking area and the gross floor area to be constructed as pervious parking spaces.

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#### 5.66 **Minimum Required Parking Spaces**

##### 5.66.1

a. Project proposals are encouraged to minimize the amount parking needed on a

**Comment [JS82]:** COW 14. Parking Ratios  
➤ Derive parking ratios from local study of demand, or adjusted ITE or ULI values

- site to mitigate the adverse impacts of impervious surfaces, including local heat island effects, stormwater runoff, loss of habitat, and visual degradation.
- b. Recommended methods for reducing the amount of parking needed include: Joint Use Parking, Off-Premises Parking, enhanced pedestrian and bicycle accommodations, land-banked parking spaces, a transportation demand program, consolidation of curb cuts and driveways, and cross-access between sites.
- c. Applicants are encouraged to design sites with the minimum number of parking spaces necessary to meet reasonable demand. Reasonable demand shall be calculated based on a parking demand study that uses a local parking demand study, or a generally accepted parking demand manual such as, *Parking Generation, 5th Edition* (ITE, 2019), or *Shared Parking, Third Edition* (Urban Land Institute, 2020) customized to the unique characteristics of the use and local context. The parking demand study shall further consider methods used by the project to reduce the number of spaces needed, including, but not limited to, those as described in 5.66.1 b.

**Comment [JS83]:** COW 16. Parking Codes, shared parking  
+ Meets LID standard  
COW 17. Parking Codes, parking ratios reduced by shared parking  
-Does not reduce minimum parking ratios  
➤ Provide parking credit alternatives, such as lower minimum parking, when shared

#### **5.66.2**

In lieu of proposing a reasonable number of parking spaces based on a parking demand study, an applicant may opt to provide a number of parking space in accordance with the minimum parking requirements described below. In this case, the applicant shall not provide a number of parking spaces that is more than 150% of the minimum requirements provided below, except for a single-family dwelling. The Planning Board may require the applicant to reserve a suitable portion of the lot for future off-street parking, if it proves necessary by the operation of the use. The reserved area shall be left in an undeveloped condition, except that it may be put toward: temporary open space use, landscaping, and/or low impact development techniques above and beyond those which are necessary to meet the requirements of this and/or other bylaws.

- a. Each single family dwelling: 1 parking space or garage.
- b. A project for the aged permitted under Section 3.032: parking spaces for 75 percent of the number of units.
- c. Fraternity, sorority house or dormitory: 1 parking space for each 4 persons residing on the premises.
- d. Hospital or sanitarium: 1 parking space for every 2 beds, plus 1 parking space for every 2 employees on any one shift.
- e. Nursing Home: 1 parking space for every 3 beds, plus 1 parking space for every 2 employees on any one shift.

**Comment [DF84]:** Good!

f. 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.

5-30

- g. Restaurants, clubs, or similar facilities serving food or beverages (even when in conjunction with retail stores and the like): 1 parking space per person for each 3 seats.
- h. Theaters: 1 parking space for each 3 seats.
- i. Professional and commercial offices: 5 parking spaces for each 1,000 square feet of gross floor area on all floors but in no case less than 10 spaces.
- j. Manufacturing or Industrial establishment: 1 parking space for every 2 employees on combined employment of the two largest shifts, plus space for visitor parking, company vehicles based at the facility and off-street parking.
- k. Churches: 1 parking space for each 6 seats.
- l. Elderly Residential permitted under Section 5.1: parking spaces for 75 percent of the number of units plus one parking space per person for one-quarter of the maximum total capacity of dining rooms, banquet rooms and meeting rooms available for non-tenants.
- m. Gas/Service Station: 3 spaces per service bay, but not less than 1 space per 100 square feet of gross floor area.
- n. Warehouse or wholesale storage facility: 1 space for 3,000 square feet of gross floor area and/or lot area in such use.

b. —

#### 5.665.67 **Handicapped Parking and Compact Car Parking**

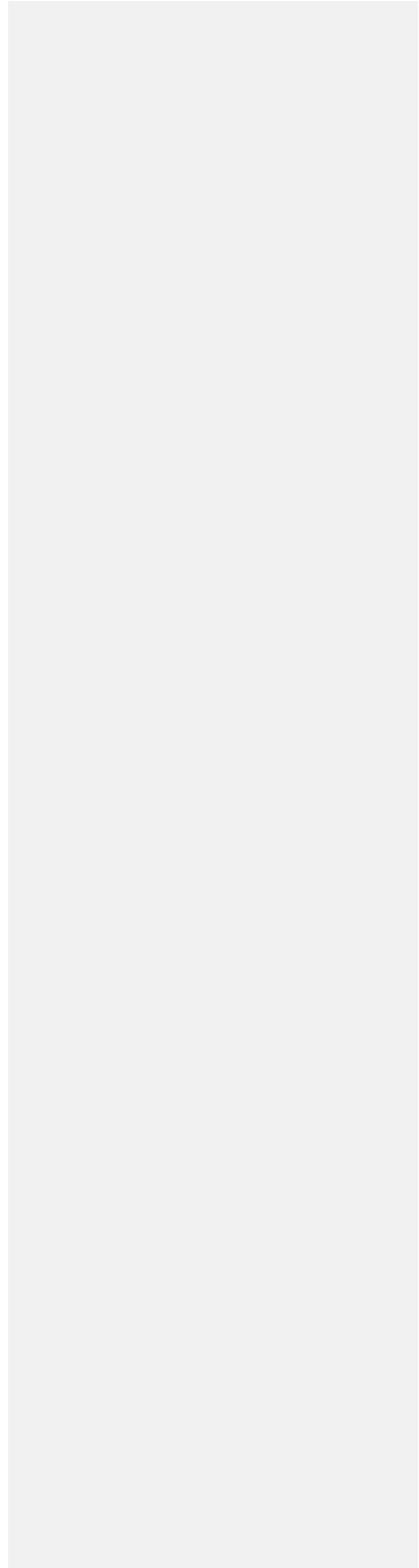
5.671 All parking areas shall provide handicapped accessible parking spaces, as required by the Federal Americans with Disabilities Act (ADA), and as specified in Diagram 5.6-3, except for the following uses which are specifically exempted in ADA requirements:

- a. owner-occupied residential dwellings with no more than 4 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.

5.672 Accessible spaces shall be 8'0" wide, with an adjacent access aisle 5'0" wide, and shall be marked with signs and pavement paint. One in every eight

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**Comment [DF85]:** add



accessible spaces shall have an access aisle 8'0" (rather than 5'0"), and shall be signed "van accessible".

5.673 An applicant may designate up to 35% of the parking spaces associated with a project for compact cars in accordance with the dimensions in Diagram 5.6.1. Parking Lots with over twenty spaces shall provide at least 15% and up to 35% of their spaces as compact car spaces. Compact car spaces shall be grouped together to the greatest possible extent in areas clearly designated for compact cars. Parking lots shall have a system of signs beginning at the entrance that clearly indicates the location of compact car spaces.

Comment [DF86]: Revise diagram

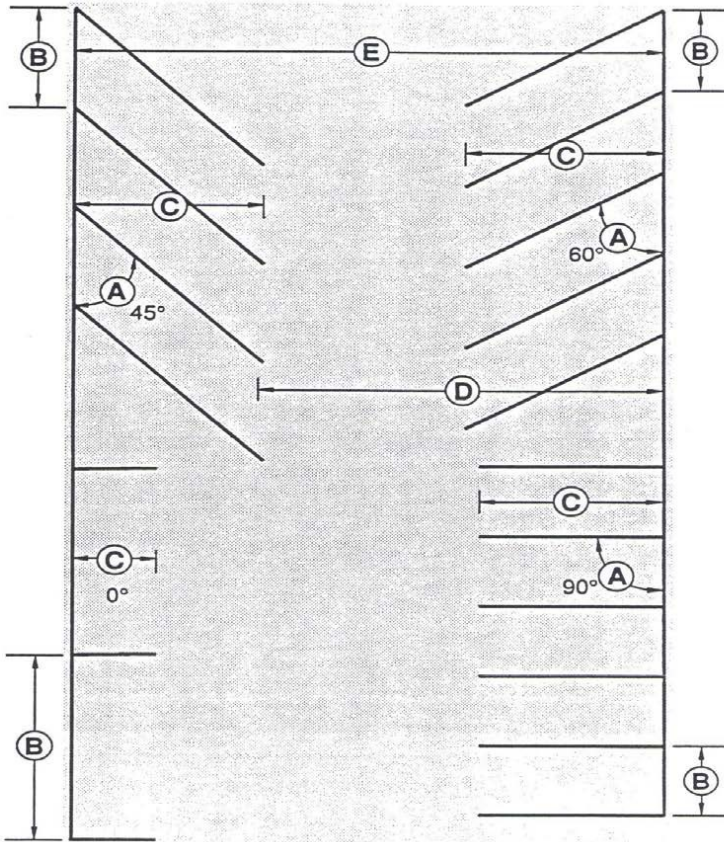
**5.675.68 Planning Board Decision**

5.681 The concurring vote of a majority (3/5) of the membership of the 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 Section 5.6.
- b. Denial of the parking plan based on a determination that either: i) insufficient information was submitted with the parking plan in order for the board to adequately review the proposal, or; ii) determination that the project does not meet the requirements of Section 5.6.
- c. Approval of the parking plan subject to conditions, modifications and reasonable restrictions necessary to ensure compliance with the requirements of Section 5.6.

5.682 The Planning Board shall render a decision within sixty (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.

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' |

**Comment [DF87]:** Revise annotations to diagram to reduce required dimensions. For example, reduce 90 degree stall depth to 18' from 20'. Reduce lot widths for 90 to 42' and 62'. Consider reducing stall depth to 8.5 feet for 45, 60 and 90 degrees. See MA Smart Growth Toolkit Model Parking Bylaw for dimensions (<https://www.mass.gov/files/documents/2017/11/03/Smart%20Parking.pdf>)

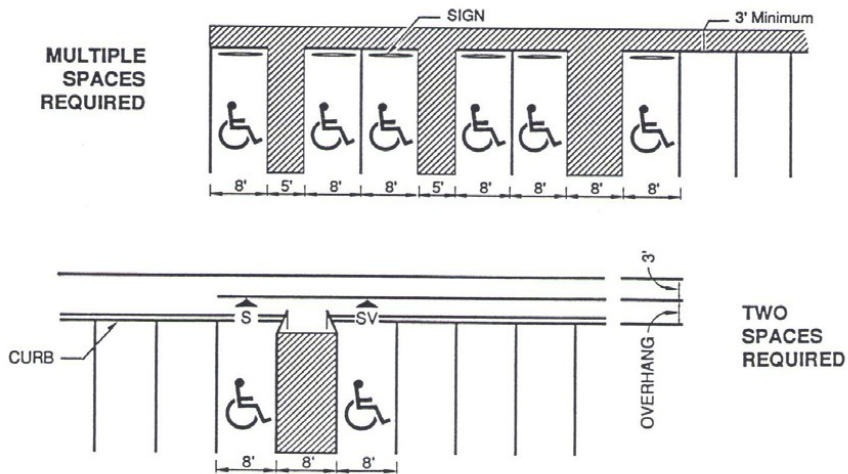




Diagram 5.6-3 Accessible Parking Spaces  
( Required Minimum )

| 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



## 5.7 CAR SERVICE ACTIVITIES

5.71 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 Board 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 Board of Selectmen, the Board 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 paragraph.

### 5.72 Gasoline Filling Station

5.721 Gasoline filling stations shall be permitted by right in the Business (BUS) and Industrial (I) Districts.

#### 5.722 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 non-pressurized (working pressure less than 1 pound per square inch gauge at the vent) storage will be allowed.
- d. An enclosed greasing station for not more than three (3) motor vehicles shall be permitted.

**5.73 Car Washing Facilities**

5.731 Car washing facilities shall be permitted by right in the Business (BUS) and Industrial (I) Districts in accordance with the additional requirements specified herein.

5.732 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 (4) 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 Section 5.7 relating to public garages and other enumerated car service activities shall be applicable to car washing facilities.

## 5.8 SIGNS

- A. No exterior or ground sign shall be created, placed, erected, altered or enlarged until a building permit has been issued by the Building Inspector, subject only to the exceptions in Section 5.81 B, D and E. below.
- B. All signs requiring building permits in all districts must be approved in writing by the Planning Board before a building permit may be issued by the Building Inspector.
- C. 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.
- D. See Definitions, Section VIII, including but not limited to the following: (1) Ground sign; (2) sign; (3) sign, area of.

### 5.81 Residential District

No sign shall be permitted in a Residential District except:

- A. A professional nameplate having an area of not more than 144 square inches, in connection with permitted uses.
- B. 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 they are placed.
- C. A church and/or school sign, 20 square feet maximum area.
- D. A contractor's lawn sign as outlined in section 5.89.
- E. Temporary lawn signs for tag sales, elections or other non-profit social events as outlined in sections 5.89 and 5.90 below.

### 5.82 Commercial District

Signs shall only be permitted in a Commercial (COM) District subject to the following conditions:

#### A. Location and Size:

All permitted signs shall be attached to a primary building. Attached signs may not exceed 5 feet in height nor 30 square feet in area, shall not project toward the street more than 2 feet. and shall not extend vertically above the parapet or ridge line, subject only to the following exceptions;

1. 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

2. A sign for a building directory of occupants or tenants not to exceed 40 square feet;

**B. Number:**

1. There shall not be more than one attached building sign per building occupant/commercial use.
2. A commercial building housing more than one occupant/commercial use is entitled to only one ground sign or one tenant directory sign.

**C. 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 one-fourth (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 Inspector for the purpose of protecting safety of the public.

**D. Illumination:**

Signs may be illuminated, but shall be non-flashing, non-moving, and non-animated. 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.

E. 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, non-illuminated 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;

F. Plans for all signs shall be submitted to the Planning Board for approval.

**5.83 Business District**

Signs shall only be permitted in the Business (BUS) District subject to the following conditions.

**A. 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.

1. 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 twelve (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 store 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.

**B. Size:**

A sign attached to a building shall not be more in area than three (3) 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 three-fourths (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 (3) feet. No sign shall exceed 100 square feet in area.

**C. Number:**

1. 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 fifty percent (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 one-half (1/2) square foot for each occupant or tenant of the building-

2. Ground Signs: Only one ground sign is allowed subject to the following conditions;

a. 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.

b. 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 thirty-five (35) square feet in surface area. Such sign shall be removed promptly after the completion of the building.

c. A building housing more than one business is entitled to only one ground sign per the requirements set forth in section 5.83 (2) (a) above. Businesses sharing a common wall are considered to be housed in the same building.

The total area, in aggregate, of all signs, including ground sign, shall not exceed 100 square feet per business use.

**D. 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 one-fourth (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 Inspector for the purpose of protecting safety of the public.

E. 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 Inspector, such lights would create a driving hazard. No sign may be illuminated between 12 a.m. and 6 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 paragraph 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.

F. 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, non-illuminated 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;

G. Gasoline and/or Compressed Natural Gas (CNG) filling and/or electric charging stations and garages:

1. Gasoline and/or CNG filling and/or electric charging stations and garages are limited to the following signs.

a. 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 section 5.83 C. 2., 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.

H. 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 percent of the area of the window glass.

**5.84 Industrial District**

Signs shall only be permitted in an Industrial (IND) District subject to the following conditions:



A. 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, non-illuminated real estate signs having an area not more than 35 square feet on which such signs are located is permitted).

B. Signs shall conform to the setback, side yards and rear yard requirements for the Industrial (I) District.

C. Signs may be illuminated, but shall be non-flashing, non-moving and non-animated. 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. No sign shall have a square footage in excess of five percent (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.

E. No sign shall project more than five (5) feet above the roof level of the primary building.

F. 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 one-fourth (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 Inspector for the purpose of protecting safety of the public.

### **5.85 Industrial Garden Park District**

Signs shall only be permitted in an Industrial Garden Park (IGP) District subject to the following conditions:

A. 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, non-illuminated real estate signs advertising the sale of the lot on which it is located, and having an area of not more than 20 square feet is permitted).

B. One ground sign shall be allowed to be placed no closer than ten (10) feet from 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 (1) freestanding sign, not exceeding an area of four (4) square feet, located no nearer than ten (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 (4) square feet on any one side and a height of ten (10) feet to the top of the sign measured from the pavement grade of the adjacent entrance drive.

C. Signs may be illuminated, but shall be non-flashing, non-moving and non-animated. 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. No sign shall have a square footage in excess of five percent (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.

E. No sign shall project more than five (5) feet above the roof level of the primary building.

F. 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 one-fourth (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 Inspector for the purpose of protecting safety of the public.

### **5.86 Golf Recreation District**

Signs shall only be permitted in a Golf Recreational District (GRD) District subject to the following conditions;

A. For a Residential use, the provision of Section 5.81 shall apply.

B. For other Golf Recreational uses, the following provisions shall apply:

1. Only one ground sign is allowed subject to the following conditions;

a. 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 5 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 2 feet, may not exceed 5 feet in height from 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 non-flashing, non-moving and non-animated. 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 Planning Board for approval.

### **5.87 Non-Conforming Signs**

Any non-conforming sign, legally erected prior to the adoption of 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 the normal maintenance and repair, unless it is brought into conformity with this Bylaw.

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, business or activities which are no longer carried or sold at the premises;
- C. Shall not have been repaired or properly maintained within 60 days after notice to that effect has been given by the Building Inspector.

### **5.88 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 Inspector.

### **5.89 Contractor's Lawn Signs**

A contractor's lawn sign shall be one sign not exceeding six (6) 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.

### **5.90 Political, Message and/or Non-Profit Event Lawn Signs**

#### **A. Election Signs**

Election signs shall be those signs pertaining to a candidate for election or ballot question. Such signs shall be removed within two (2) days after the election or vote. Each sign shall not exceed six (6) square feet in size.

B. Message Signs shall be those signs displaying a political, religious or other non-commercial free speech message other than that allowed under Section 5.81. Each sign shall not exceed six (6) square feet in size.

C. No political sign of any sort shall be placed on town property.

D. Other non-profit message signs, including Tag Sales, shall not exceed 6 sq. ft. 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.

E. Temporary banners of any size are not permitted unless approved by the Planning Board.

## 5.9 SWIMMING POOLS

### 5.91 Definition

Swimming Pool: Swimming pool is a body of water eighteen (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 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 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 or by clubs, community associations, and hotels.

Family Pool: Family pool is a swimming pool used or intended to be used by the owner or lessee thereof and his family and by his friends invited or permitted to use it without payment of any fee.

Neighborhood Pool: 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: A swimming pool not to exceed 24 feet x 52 feet, to be used by a non-profit organization of not more than 25 families living in the immediate vicinity of the pool.
- b. 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 of said pool from becoming objectionable to the abutters and neighbors or a general nuisance.
- c. The fence surrounding the pool shall be not less than 6 feet in height and in all other respects shall conform to the regulations set down under 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.
- d. Sufficient provisions shall be made on the property in which the pool is located for off-street parking for all members or their guests.
- e. 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.

### 5.92 Restriction

The family pool and neighborhood pool, in accordance with Section 3.094 and 3.095, 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 principal buildings set back, side yard and rear yard requirements of the district in which it is located.

### **5.93 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.

### **5.94 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.

### **5.95 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 in a fence sufficient to make such body of water inaccessible to small children. Such enclosure, including gates, must not be less than 4 feet above the underlying ground. All gates must be self-closing and self-latching with latches placed 4 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 4 inches in any dimension, except through the doors or gates. If a picket fence is used, the minor dimension shall not be more than 4 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 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 section.

#### **5.96 Permit**

No person shall operate or maintain a swimming pool, neighborhood pool or family pool until a permit therefore 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 section shall entitle the permit holder to continue the operation of the swimming pool, neighborhood pool or family pool pending action under an appeal.

#### **5.97 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.

#### **5.98 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 of operation of any radio, television, receiving set, musical instruments, phonograph, or other machine or device for the producing or reproducing of such 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.

**5.99 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.

**VI. MEDICAL MARIJUANA TREATMENT CENTERS/ REGISTERED MARIJUANA DISPENSARIES**

**6.0 PURPOSE**

- (1) 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”.
- (2) 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.
- (3) To regulate the siting, design, placement, safety, monitoring, modification and removal of RMDs.

**6.1 APPLICABILITY**

- (1) The cultivation (unless it meets the requirements for an agricultural exemption under Chapter 40A § 3) production, processing, assembly, packaging, retail or wholesale sale trade, distribution or dispensing of marijuana for medical use is prohibited unless permitted as a RMD under this Section.
- (2) No RMD shall be established except in compliance with the provisions of this Section.
- (3) Nothing in this By-law shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.
- (4) If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, 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 Section are severable.

**6.2 ELIGIBLE LOCATIONS FOR RMDs**

- (1) RMDs other than agricultural operations meeting exemption standards under Chapter 40A, §3, may be allowed by Special Permit of the Planning Board in the Industrial Garden District provided the facility otherwise meets the requirements of this Section. Operations under Chapter 40A §3 must meet all of the general requirements for a site plan review.



**6.3 GENERAL REQUIREMENTS AND CONDITIONS FOR ALL RMDs**

- (1) All RMDs shall be contained within a building or structure of which there will be no windows.
- (2) No RMD shall have a gross floor area of less than 2,500 square feet or in excess of 20,000 square feet.
- (3) A 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.
- (4) 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.
- (5) No RMD shall be located within 300 feet of any existing residence or residential zoning district.
- (6) No RMD shall be located within 1,000 feet of any of the following pre-existing structures or uses:
  - a. Any school attended by children under the age of 18;
  - b. Any licensed child care facility;
  - c. Any drug or alcohol rehabilitation facility;
  - d. Any half-way house or similar facility; or
  - e. Any other RMD.
- (7) No RMD shall be located within 500 feet of the following pre-existing structures or uses:
  - a. Any church;
  - b. Any school;
  - c. Any park, not to include the rail trail/bicycle path;
  - d. Any playground;
  - e. Any athletic playing field; or,
  - f. Any youth center.
- (8) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a RMD.
- (9) 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.
- (10) RMDs shall provide the East Longmeadow Police Department and Building Commissioner with the names, phone numbers and e-mail addresses

of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.

- (11) 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.

**6.4 ADDITIONAL REQUIREMENTS AND CONDITIONS FOR ALL RMDs**

See additional requirements under §7.38 **Additional Requirements for RMDs.**

## **SECTION VII - ADMINISTRATION AND ENFORCEMENT**

### **7.0 ZONING BOARD OF APPEALS**

#### **7.1 Membership**

The Board of Appeals shall consist of five (5) members. The Board of Selectmen shall appoint members of the Board of Appeals pursuant to Section 12 of Chapter 40A of the Massachusetts General Laws. The Board of Selectmen shall also appoint two or more associate members of the Board of Appeals as provided in Section 12 of Chapter 40A of the Massachusetts General Laws.

The Board of Appeals shall have the powers provided by Section 14 of Chapter 40A of the Massachusetts General Laws.

#### **7.2 Appeals**

Appeals to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administration 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 Inspector, or other administrative official, in violation of any provision of said Chapter or the Zoning Bylaw of the Town of East Longmeadow.

Such appeal shall be taken by the Board within thirty (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.

#### **7.3 Variances**

Petitions of 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.

#### **7.4 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.

#### **7.5 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 By-law. 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.

#### **7.6 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 Section 16 of Chapter 40A as amended.

#### **7.7 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 Sections 15 through 17 of Chapter 40A of the Massachusetts General Laws. All hearings, meetings, and other proceedings conducted by the Board of Appeals shall comply in Chapter 40A of the Massachusetts General Laws.

### **7.1 ENFORCEMENT OF THE ZONING BYLAW**

#### **7.10 Building Inspector Duties**

The Building Inspector 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 Inspector. 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 Inspector shall issue no such permit except in accordance with written decision of appropriate Board.

- a. The general duties and responsibilities of the Building Inspector 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 non-compliance together with requests for legal action through the Board of Selectmen to the Town Counsel.

If the Building Inspector 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, he shall make an investigation of the facts, including the inspection of the premises where the violations may exist.

- a. In the opinion of the Building Inspector if a violation exists, he 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 Selectmen shall, upon notice from the Building Inspector 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 provision of the Bylaw.

If after action by the Building Inspector 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 Inspector 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 Selectmen shall upon written notice from the Building Inspector 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.

- c. Where written complaint is made to the Building Inspector he 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.

If the Zoning Enforcement Officer finds no violation or prospective violation, any person aggrieved by his decision, or any officer or Board of the Town may within 30 days appeal to the Board of Appeals.

### **7.11 Penalties**

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 three hundred dollars (\$300.00) for each violation or offense, and each day on which a violation occurs shall constitute a separate offense.

In addition to the procedures described above, the provisions of this Bylaw may also be enforced by the Building Inspector by non-criminal complaint pursuant to the provisions of Massachusetts General Laws, Chapter 40, Section 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 \$100.00 for the first offense; \$200.00 for the second offense; and \$300.00 for the third and each subsequent offense.

#### **7.12 Filing Plot Plan**

Unless otherwise ordered by the Building Inspector, 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 him when approved by the Building Inspector.

#### **7.13 Certificate of Occupancy**

- a. 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 Inspector stating that the building, structure or use complies with the provisions of this Bylaw.
- b. 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.
- c. Certificate of occupancy shall be required for any of the following:
  - (1) Occupancy and use of a building hereafter erected or altered.
  - (2) Change in use of an existing building or structure or premises to a different use.
  - (3) Any change in use of a non-conforming use.
- d. 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 Inspector. Such application shall be acted upon within ten (10) days after the filing thereof.

## 7.2 SPECIAL PERMITS

7.20 Special permits are requested for certain uses, structures or conditions as specified in Section III, Schedule of Use Regulations.

### 7.21 **Purpose**

Special permits are intended to provide detailed review of certain uses and structures which may have substantial impact upon traffic, utility systems, [natural systems](#), [stormwater management](#), 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.

### 7.22 **Special Permit Granting Authorities (SPGA)**

The Planning Board shall be the Special Permit Granting Authority.

### 7.23 **Special Permit Procedures**

Special Permits may be issued by Special Permit Granting Authorities in accordance with Massachusetts General Laws Chapter 40A, Section 9 and with the following regulations:

#### 7.231 Public Hearing

- a. Special permits shall only be issued following a public hearing held within sixty-five (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 ninety 90 days following the public hearing. Failure to do so shall constitute approval. A unanimous vote of a three-member board and a vote of at least four members of a five-member board is required.
- 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 Chapter 40A Section 9. Specifically, a joint public hearing to address the Special Permit application and the Site Plan Review application shall be held within sixty-five (65) days of the filing of a Special Permit application with the Special Permit Granting Authority (SPGA). The SPGA shall then have ninety (90) days following the public hearing in which to act.

#### 7.232 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 Section III, Schedule of Use Regulations.
- b. Misrepresentation of any of the required plan items shall be cause to revoke a special permit.

#### 7.233 Quorum Requirement

Four members of a five-member 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.

#### **7.24 Expiration**

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 (6) months after issuance of the permit; additionally, in cases involving construction begun within such six (6) month period, such construction shall be continued through to completion as continuously and expeditiously as is reasonable.

A special permit granted under this section shall lapse after a period of nine (9) months 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 Chapter 40A, Section 17, Massachusetts General Laws.

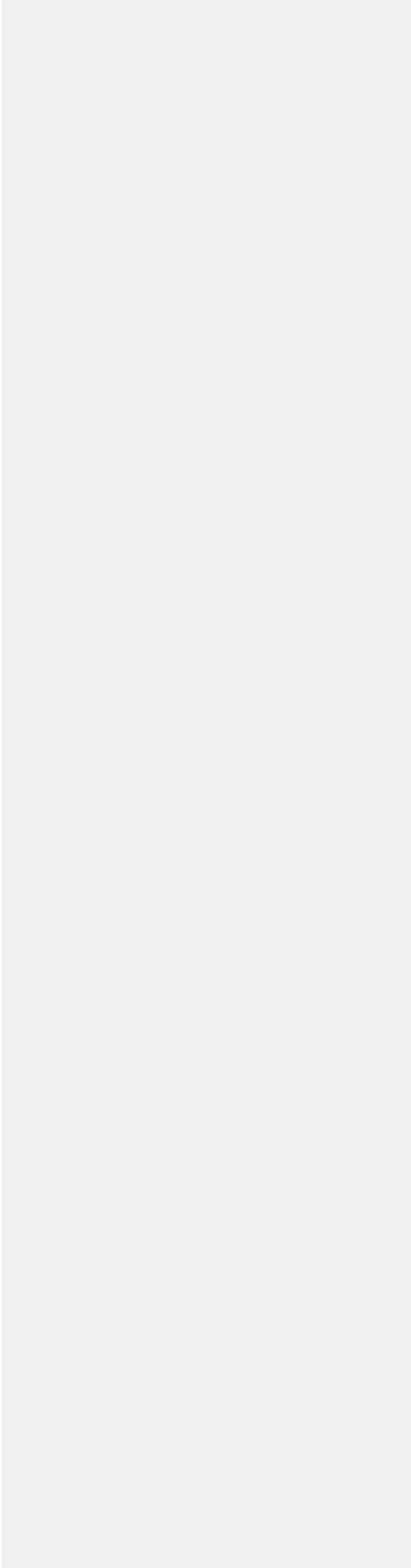
#### **7.25 Application and Review Procedures**

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.

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 thirty (30) days make recommendations as they deem appropriate and shall send copies thereof to the SPGA and to the applicant in accordance with Chapter 40A, Section 11 of the Massachusetts General Laws.

The SPGA may also, at its discretion, transmit copies to the Superintendent of Public Works for review within 30 days in accordance with Chapter 40A, Section 11 of the Massachusetts General Laws. 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. [Special Permit requests for projects subject to Town's Stormwater Management Bylaw 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.

**7.26 Modification, Amendment, Renewal or Revocation**

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.

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 his position to the SPGA. Not later than 20 day after the completion of any such meeting the SPGA shall send written notice to the holder of the special permit of its decision.

**7.27 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.

**7.28 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 Inspector, 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.

**7.29 Time Schedule**

A Special Permit shall only be issued following a public hearing held within sixty-five (65) days after the SPGA receives the application from the Town Clerk. The SPGA shall act within ninety (90) days following the public hearing. Failure of the SPGA to make final action upon an application for a Special Permit within said ninety (90) day period shall be deemed to be a granting of the Special Permit applied for.

### **7.30 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.

**The proposed project shall not increase erosion, flooding, or sedimentation either on-site or on neighboring properties and shall be consistent with applicable requirements of the Massachusetts Wetlands Protection Act (MGL c. 131, ~ 40) and Chapter 8, section 8.070 (Stormwater Management) of the Town of East Longmeadow General Bylaws.**

h. The proposed project shall not create a significant adverse impact on the quality of the natural environment including wildlife, vegetation, air, surface and groundwater, during or after construction.

g.i. The design of the project shall minimize earth removal, volume of cut and fill, grade changes, and the removal of existing trees and vegetation.

h.i. Uses must be in harmony with the general purpose and intent of the Zoning Bylaws.

### **7.31 Earth Removal Operations Criteria**

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:

7.311 The removal, from any site, for profit or benefit or for any other purpose, of gravel, sand, loam or any other earthy material, provided:

- a. That no material is removed below the average grade of the nearest public or private way.
- b. That no adverse effect is caused within abutting private or public property.
- c. 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 (4) inches of loam and seeded with suitable cover crop.

d. The applicant for such Special Permit shall submit a plan to the SPGA indicating:

- (1) 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 (2) feet.
- (2) The provision for proper drainage of the area of the operation, both during the operation and after its completion.
- (3) That no bank or cut shall exceed a slope of one (1) foot of vertical rise in two (2) feet of horizontal distance.
- (4) The grades of the nearest public or private way.
- (5) 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.

e. In any district, gravel, sand, loam or other earthly 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 (4) 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.

f. Removal of gravel, sand, loam or other earthly 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.

7.312 The following earth removal operations are exempt from the requirements of Section 7.311:

- a. Residential driveway construction.
- b. Single house lot development which involves the removal of earthly materials.
- c. Earth removal operations conducted by the Town of East Longmeadow.

7.313 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.

### **7.32 Family Home Daycare Criteria**

In Residence Districts, Family Home Daycare, the SPGA shall not grant or renew a special permit for the use, construction, extension or modification of a Family Home Daycare unless:

- a. The general standards and conditions enumerated in Section 7.30 of this Bylaw are met.
- b. Condition 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.

### **7.33 Additional Criteria for Hospitals, Sanitariums, Medical Clinics, Convalescent Homes, Assisted Living and Nursing Homes, Congregate Elderly and Handicapped Housing**

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 Section 7.30 of this Bylaw are met and unless the following specific standards and conditions are also met:

- 7.331 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:
- 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. No building shall be built within 50 feet of any property line.
  - c. The Plan of Development shall show a 20-foot landscaped buffer zone between buildings, roads, parking areas and any other adjacent property.

- d. 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 street.
- e. Sufficient domestic water and sanitary sewage disposal facilities shall be available.
- f. The development shall be designed so as to protect adjacent property and the neighborhood in general from detrimental effect.
- g. The proposed use is essential or desirable to the public convenience or welfare.
- h. Compliance with local, state and federal laws and regulations or agencies thereof.
- i. The Special Permit Granting Authority may require any additional information needed to permit a thorough review.

**7.34 Additional Criteria for 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 Permit but is subject to the general standards and conditions enumerated in Section 7.30 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 1 story greater
- c. Parking shall be provided in accordance with the requirements of Section 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.

### 7.35 Additional Criteria for Used Car Lots

In the Business District, Used Car Lots: 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 Section 7.30 and the following provisions:

- a. This use will only be allowed in a Business District, as indicated on the Building Zone Map.
- b. The lot shall have a minimum of 20,000 sq. ft. with a minimum of 150 ft. 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 Board 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 Board of Selectmen and the Board of Public Works prior to the issuance of a building permit or the occupancy or use of land for the purpose described in this paragraph.
- 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 Section 7.35d 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 Board of Public Works in accordance with the General Bylaw of the Town of East Longmeadow, Section 64-A, where applicable.

**Comment [JS88]:** COW 71. Clearing and Grading, total portion of site that can be cleared + Meets LID standard

**Comment [JS89]:** See 3.321 COW 27



g. Off-street Parking shall be provided and shall meet the requirements of Section 5.6 of the Zoning Bylaw. Minimum parking spaces shall be as follows:

- 1 Parking space for each employee
- 1 Space for each company vehicle
- 1 Customer space for every 8 spaces devoted to sale or storage of cars

### **7.36 Additional Criteria for 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 Section VIII - Definitions for 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 section 7.36 which is January 28, 2008. Issuance of the Special Permit shall be subject to the general standards and conditions enumerated in Section 7.2 of this bylaw and the following provisions:

- a. This use will only be allowed in residential districts AA, A, B & 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 Section VIII of this by-law.
- 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 reference throughout this section refers to Home Based Trade vehicles, unless otherwise specified. All dimensional regulations (Table 3-2) 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 Section VIII – Definitions for 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 By-laws 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 (M.G.L. 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 section. Said emergencies shall be determined by the SPGA.
- n. Noise regulations enumerated in the East Longmeadow General By-Laws Section 8.090 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 5 minute maximum limit as regulated by M.G.L. c. 90 §16A.
- 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 section 8.090 of the East Longmeadow General By-Laws, 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             | Maximum Number of Vehicles/Trailers Allowed |
|------------------------------|---|
| 10,000 square feet           | One trade vehicle and one trailer           |
| 20,000 square feet           | Two trade vehicles and two trailers         |
| 30,000 square feet           | Three trade vehicles and three trailers     |
| 40,000 square feet           | Four trade vehicles and four trailers       |
| 60,000 square feet and above | Five trade vehicles and five trailers       |

- r. Size of trade vehicles shall be limited to six-wheels/2 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 6 inches in height, as regulated by the Department of Transportation. Ten (10) 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 Section VIII Definitions for 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 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 4-5 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 pre-existing, legal and non-conforming use in existence prior to the East Longmeadow Zoning By-law, 1962, is protected in that use and not subject to

Section 7.36. Any change in this use is subject to the conditions of Section 3.5 of the East Longmeadow Zoning By-Law.

**7.37 Additional Criteria for Massage Therapists Facility**

Any person or entity seeking to open a new or to maintain an existing massage therapist facility must:

- a) Submit a floor plan for the premises or portions thereof to be used in connections 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 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.

**§7.38 Additional Requirements for Registered Marijuana Dispensaries (RMD).**

- A. Any person or entity seeking to open a new or to maintain an existing RMD facility must:
  - (1) Complete an application for Special Permit and submit it to the Planning Board which is the Special Permit Granting Authority.
  - (2) The Special Permit for a 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 Chapter 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,

ntments 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 by-law, a Special Permit for a 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 section §7.4.

(4) Mandatory Findings: The Special Permit Granting Authority shall not issue a Special Permit for a 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 Chapter 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 Section 6.03 of this By-law; and,

d. The applicant has satisfied all of the Special Permit requirements as outlined in §7.2.

- (5) Annual Reporting: Each RMD permitted under this by-law 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<sup>st</sup> 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 a RMD.
  - (7) Any violation of this section shall be grounds for revocation of a Special Permit issued under this section.
- B. Waiver
- a. 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 three-fourths 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
- a. A Special Permit granted under this section shall lapse if not exercised within one year of issuance.
  - b. A RMD shall be required to remove all materials, plants, equipment and other paraphernalia;
    - i. Prior to surrendering its state issued licenses or permits; and,
    - ii. Within six months of ceasing operations.

**§7.39 Additional Criteria for Retail Sales in Industrial Garden District**

- a. Retail sales as a primary use are prohibited in the Industrial Garden District.
- 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 ten percent (10%) of the floor area of a business establishment shall be utilized for retail sales activities. In no event shall the area of the retails exceed 1,000 square feet.

- (3) In the event a building is occupied by two or more business establishments, not more than ten percent (10%) of the floor area of the individual business establishment shall be devoted to retail sales. In no event shall the area of the retails exceed 1,000 square feet.
- (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.

**7.40 All Districts. Non-Conforming Structures or Uses:**

A Special Permit for non-conforming uses is required as set forth under Section 3.5 of the Zoning Bylaw.

**7.41 Flood Plain District**

In the Flood Plain District a Special permit is required for any construction development or grading of any nature or description within the Flood Plain as set forth under Section IV of the Zoning Bylaw.

**7.42 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.

**7.4 SITE PLAN REVIEW**

**7.40 Purpose**

This section is enacted under the authority of Chapter 40A of the General Laws to accomplish the purposes set forth in Section 1 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 infiltration](#) and protection of environmental features on the site and in adjacent area.

**Comment [JS90]:** COW 32. Open Space Management, stated goal for land conservation + Meets LID standard

## 7.4.0 Design Review

### 7.4.1 Purpose

It is the intent of this section to provide design criteria and recommendations for external development and/or modification of all non-residential development projects in an effort to maintain and enhance the character of the Town. The goal is to preserve and enhance natural systems and ecological services and 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:

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

### 7.4.2 Design Review Committee

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 (3) years, with member rotation every three years after the initial two year period, and consist of five (5) members with the following credentials, if possible:

- ✓ Planning Board Administrator (to serve as committee chair);
- ✓ One person qualified by training and experience in architecture or landscape design;
- ✓ One person owning and/or operating a business located in East Longmeadow governed by this by-law;
- ✓ One “at-large” resident of the Town; and,
- ✓ One member of the Board of Directors of the East Longmeadow Chamber of Commerce.

The Planning Board may also appoint up to two (2) voting alternate members, at least one (1) of

**Comment [DF91]:** It is not clear to us which aspects of a project Design Review addresses. Based on the design standards it appears that Design Review is focused on aesthetic concerns especially building design. However, this section dips into landscaping and so may impact low impact development approaches. We have made a few changes to make it clear that the environmental concerns matter in this design review. If that is not the role of the design review board, you can take out our suggestions.

**Comment [JS92]:** COW 32. Open Space Management, stated goal for land conservation  
➤ Consider including goals for land conservation and stormwater management in purposes for Design Review



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.

The Design Review committee shall review applications for all actions that are subject to the provisions of this section 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.

#### 7.4.3 Applicability and Reviewable Actions

Design review shall apply to all non-residential 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.

For external enlargements of less than two thousand square feet (2,000 sq. ft.), the Planning Board may request a determination from the Design Review committee prior to waiving any or all of the Site Plan Review requirements.

#### 7.4.4 Initiating Design Review

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:

1. Color photographs showing buildings and site conditions adjacent to the proposed project.
2. Building elevations at 1/8" = 1' scale showing configuration, details and adjacent site/building conditions. All elevations are to be titled and dated. Eight (8) copies are to be provided.
3. Samples of finish materials
4. Study model of the proposed project (three dimensional for major projects only as requested by the Design Review committee).
5. Site line study indicating concealment of rooftop mechanical equipment from the street, if applicable.
6. Site Development plan and architectural drawings specifying:
  - a. The building footprint and dimensions, including all points of access and egress;
  - b. Plans of interior spaces where applicable in order to determine dual formulas for parking requirements when affected by use;
  - c. 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;
  - d. Exterior lighting on the proposed building including the location, size;

- e. Method of illumination of all exterior signs;
- f. Location of areas to be landscaped; and,
- g. Location of garbage disposal area and utility appurtenances, if visible.

**Comment [JS93]:** COW 72. Clearing and Grading, limits to disturbance shown on construction plans  
 ➤ Provide more specific guidelines for LID standards for clearing, grading, and landscaping

The Design Review committee shall review the proposed plan according to the criteria established herein. The committee shall complete its review within twenty-one (21) days of the date of receipt of a completed application and shall make its recommendation within fourteen (14) days thereafter. Should the Design Review committee not provide comments within thirty five (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.

#### 7.4.5 Design Standards:

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, while maintaining and enhancing habitat, providing for stormwater infiltration, and maintaining or enhancing ecosystem services provided by the site.

**Comment [JS94]:** COW 71 & COW 72. Clearing and Grading, limits to portion of site to be cleared, disturbance shown on construction plans  
 ➤ Provide more specific guidelines for LID standards for clearing, grading, and landscaping

~~b.a.~~ The design should give attention to the placement of storage, waste or mechanical equipment so as to screen it from view.

~~e.b.~~ The proposed materials and colors must be compatible with the character of the Town and the intent of the design standards.

~~d.c.~~ 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.d.~~ 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.e.~~ Buildings and structures shall be designed and arranged so as to relate to open space in a manner compatible with adjacent lots.

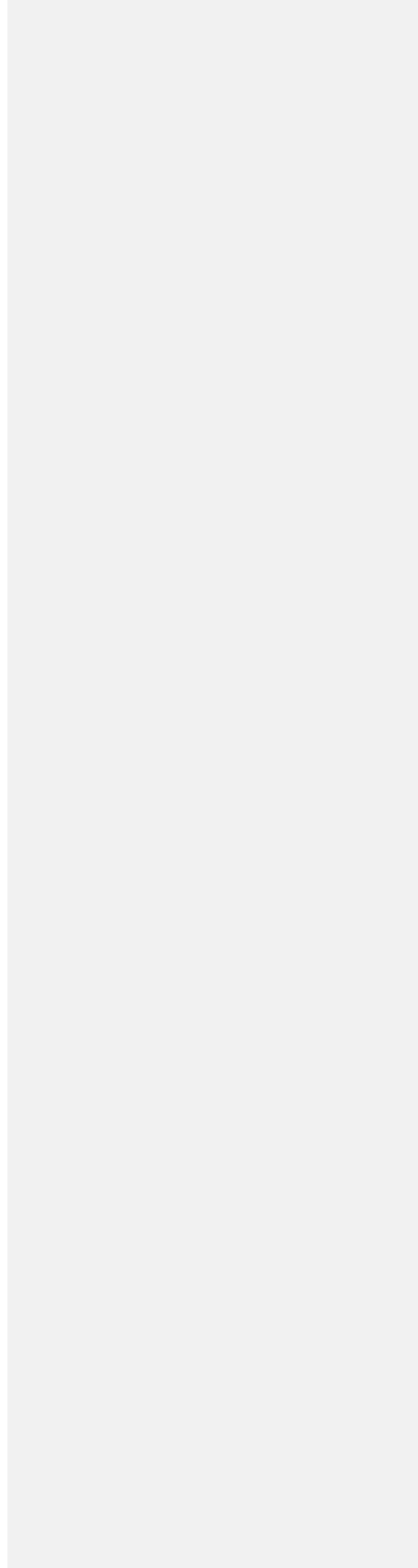
~~g.f.~~ Relation of buildings to the environment

New development shall be compatible with existing natural and developed environment within the surrounding visual area. New buildings, additions or alterations shall be related to their surroundings with respect to:

- (1) Street façade

All buildings should present high quality and architecturally related front facades to streets.

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- (2) Buildings on corner lots

If one street is more heavily used, then the façade of a new or renovated building facing that street may be more highly articulated and/or detailed than the façade which faces the side street.

- (3) Renovations to historic buildings

Historic buildings should be renovated so as to retain historic features with original storefront elements and façade detailing.

- (4) **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, should be complimentary to the surrounding developed environment. [Green roofs are encouraged.](#)

**Comment [JS95]:** COW 56-60 Rooftop Runoff  
➤ Provide LID standards for rooftop runoff

#### 7.41 **Projects Requiring Site Plan Review**

Notwithstanding anything contained in the by-law 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 premise 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.

**Comment [DF96]:** Note to self: Site plan review for everything except single-family projects that doesn't involve subdivision. Potential waiver for some or all aspects of SPR for projects with less detrimental use and under 2,000 sq. ft. of footprint expansion.

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.

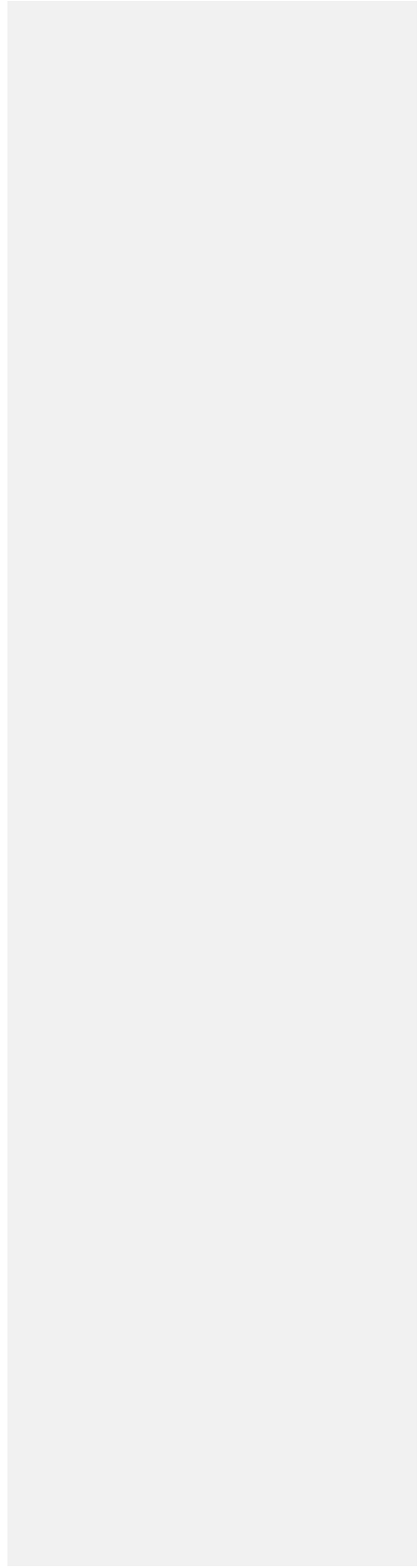
Further, if the Planning Board determines that there is no substantive change in use and the proposed use is less detrimental than its present or immediate prior use and that the external enlargement, if applicable, is less than 2,000 (two thousand) square feet, the Board may waive any or all of the requirements of Site Plan Review.

**Comment [DF97]:** We recommend removing the Site Plan Contents and referring to Regulations of the Planning Board. The Town's website has a Plan Review Application Checklist that is better organized and more detailed than this list in the zoning. See: <https://www.eastlongmeadowma.gov/DocumentCenter/View/6638/Plan-Review-Application-Checklist>. The Plan Application Checklist could be adopted as Planning Board Regulations, if it hasn't already. In any case, the plan content requirements should refer out to the plan contents in the regulations for the stormwater bylaw so that stormwater and LID contents are not duplicated. We have not completed a thorough revision of this section. We recommend looking at plan submission requirements across the various permits the town issues and aligning them.

#### 7.42 **Content of Site Plan**

A site plan shall be prepared and stamped by qualified professionals registered in the Commonwealth of Massachusetts, including a Registered Professional Engineer, Registered Landscape Architect,- Registered Architect, and/or a Registered Land Surveyor at a scale of 1" = 20' or such scale as may be approved by the Planning Board on standard 24" x 36" sheets and continuation on 8 1/2" x 11" sheets as necessary for narrative.

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The site plan shall include:

Name of the project, locus, boundaries, date and scale of the plan.

Name and address of the record owner, developer, and seal of the engineer or surveyor.

Name and addresses of all record owners within three hundred (300) feet of the property lines.

All existing lot lines, easements, rights-of-way, size in acres or square feet, abutting land uses and location and use of structures within three hundred (300) feet of the site.

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 Section do not apply to residential developments.

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.

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.

Location of all present and proposed storm-storm drainage system elements will—including, but not limited to, existing and proposed drain lines, culverts, drainage swells, catch basins, headwalls, end walls, hydrants, manholes, channels, low impact development facilities, and sub-drainage along with soil logs, percolation tests when necessary, and drainage calculations. When the project is subject to Chapter 8, section 8.070 (Stormwater Management) of the Town of East Longmeadow General Bylaws, the plan submission requirements contained within that section and/or its regulations, shall be substituted for this paragraph.

The applicant shall submit plans to prevent the pollution of surface or groundwater, erosion of soil, excessive run-off of precipitation, excessive raising or lowering of the water table and flooding of other properties.

Documentation showing that the proposed site plan uses Low Impact Development (LID) site planning and design strategies to reduce runoff from both new and redevelopment projects. LID site planning strategies shall be consistent with those described in the Town of East Longmeadow's Rules and Regulations for the Management of Stormwater. If use of Low Impact Development strategies is not feasible, the applicant must document why key steps in the process could not be met and what is proposed for mitigation.

Existing and proposed topography at a two (2) foot contour level. Sufficient

**Comment [JS98]:** COW 72. Clearing and Grading, disturbance shown on construction plans  
➤ Provide more specific guidelines for LID standards and limits for clearing, grading, and landscaping

**Comment [JS99]:** COW 73. Grading and Clearing, reserve septic areas  
➤ Provide guidance on reserve septic fields

**Comment [JS100]:** COW 12. Vegetated Open Channels  
COW 27. Parking Lot Runoff, runoff reduction practices  
➤ Provide specific language related to components of LID systems

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 Bench Mark.

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, [drainage swales](#), [soils with adequate infiltration rates for low impact development infiltration practices](#), floodplains and drainage retention areas.

Zoning District boundaries within five hundred (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.

Existing and proposed business signs and traffic signs located on the site and within one hundred feet of the site, and the size, dimension, height, color and illumination of all signs.

**Comment [JS101]:** COW 62. Buffer Systems, definition of waterway  
+ Defines water sources  
➤ Include ephemeral streams and vernal ponds

**Comment [JS102]:** COW 61. Buffer Systems, development standards require vegetated buffer along waterways  
+ Requires landscape plan for waterways  
- Does not require LID standard for vegetated buffer  
➤ Require LID standard for vegetated buffer along waterways

7.431 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 one hundred 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 subparagraph items a-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.

7.432 A plan for the control of erosion, dust and silt, both during and after construction. Such plan shall include all existing and proposed slopes, [the sequence of grading and construction sequencing activities](#), temporary and permanent erosion control [measures](#), [final stabilization of the site](#) and protection of water bodies. [When the project is subject to Chapter 8, section 8.070 \(Stormwater Management\) of the Town of East Longmeadow General Bylaws, the plan submission requirements contained within that section and/or its regulations, shall be substituted for this paragraph. When the project is subject to Chapter 8, section 8.070 \(Stormwater Management\) of the Town of East Longmeadow General Bylaws, the plan submission requirements for the Erosion and Sediment Control Plan contained within that section and/or its regulations, shall be substituted for this paragraph.](#)

7.433 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 Section 5.6 of the Bylaw.

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.

**Comment [JS103]:** COW 14 & 15. Parking Ratios  
See 5.66  
➤ Review source of parking ratios in 5.66 and calibrate to local parking demand, as needed  
➤ Set parking ratios as maximum in 5.66



## 7.44 Procedure

### 7.440 Pre-application and Concept Plan Meeting

- a. Prior to investing in extensive professional design efforts, it may be beneficial to attend at least one pre-application meeting with the Planning Board. This meeting is intended to provide the applicant with advice and guidance relative to the approval process; and allow the applicant and Planning Board to have a preliminary conversation about the site, stormwater management and erosion control considerations, and concept plan. The Planning Board may invite to this meeting other town boards and officers at its discretion.
- b. To encourage a better site design approach, the applicant is encouraged to submit a completed copy of the Town's *Low Impact Development Design Checklist* to the Planning Board prior to the pre-application meeting. The checklist identifies items that will be helpful for this preliminary meeting and will help to streamline the permitting process overall.
- c. This meeting can be combined with the pre-submission review meeting described under the Subdivision Regulations.

7.4410 An applicant for Site Plan Review under this section shall file with the Planning Board at a regularly scheduled meeting seven (7) copies each of an application and site plan. A copy of the application shall be given to the Town Clerk by the applicant.

7.44~~24~~ The Planning Board shall transmit to the Town Engineer, Conservation Commission, Board of Health and Building Inspector or other boards as deemed necessary copies of the application and site plan. The boards shall have up to forty-five (45) days to make recommendations to the Planning Board.

7.44~~32~~ The applicant shall submit a filling fee to cover any expenses connected with the public hearing and review of the plan.

7.44~~43~~ Any person proposing a Residential Development may, at such person's election, combine the process of the Site Plan Review under this Section 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 ninety-five (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 Section 7.45 (Administration) of this Bylaw.

Persons proposing a Residential Development who do not elect to make a unified submission must satisfy individually this Section's requirements and the requirements under the Subdivision Control Law.

#### 7.45 Administration

7.450 The Planning Board shall hold a public hearing within sixty-five (65) days of receipt of an application and shall take final action within ninety (90) days from the time of hearing, as provided in M.G.L., Chapter 40A, Sections 9 and 11, and in Section 7.2 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 his 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 Section of the Bylaw.

7.451 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.

7.452 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

**Comment [DF104]:** Suggest replacing some of this paragraph with something like:

The Planning Board's final action in writing shall consist of either:

- a. Approval of the site plan based on a determination that the proposed project will constitute a suitable development and is in compliance with the standards set forth in this bylaw;
- b. Disapproval of the site plan based on a determination that the application was incomplete and insufficient information was submitted to review the proposal; or
- c. Approval of the project subject to any conditions, modifications and restrictions which will ensure that the project meets the Standards for Review.

This way of wording it makes it clearer that the Planning Board cannot disapprove a site plan approval other than for inadequate submissions. Some bylaws add something like "The Planning Board may disapprove a site plan when, after a good faith effort, the Planning Board is unable to devise conditions or modifications that would fulfill the standards and intent of the Zoning bylaw." We recommend reviewing that language with your attorney.

section and shall file a copy of said rules with the Town Clerk.

## 7.46 Standards for Review

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

7.461 Protection of the abutting properties and community to minimize any detrimental use of the site.

- 7.462 Convenience and safety of vehicular, bicycle, and pedestrian movement within the site and the relationship to adjoining ways and properties, while minimizing impervious surfaces.
- a. Pedestrian, bicycle and vehicular traffic movement on site must be separated, to the extent possible.
  - b. Sidewalks must be provided from public sidewalks and public multi-use trails to building entrances and between businesses within a development.
  - c. All projects shall include sidewalks and tree belts abutting the street, except where site topography or other limitations make them infeasible. Tree belts shall be planted with trees designated as "large" in the Town of East Longmeadow Recommended Tree List. When site constraints make planting a large tree not feasible, the Planning Board may issue a waiver to allow planting medium or small trees. Trees shall be spaced so as to provide a continuous canopy upon maturity. Tree belts shall be sized to provide adequate soil surface and soil volumes for trees as described in Section 3.310.
  - d. All sidewalks shall be constructed of cement concrete or pervious pavement. Sidewalks shall be at least six feet in width in all commercial zoning districts and all industrial zoning districts. In all residential zoning districts, sidewalks shall be at least five feet in width.
  - e. Curb extensions may be used at any corner location or at any mid-block location where there is a marked crosswalk. Curb extensions must be designed so as not to impede bicycle traffic. Curbs may be extended into one or both streets at a corner. Curb-extensions may be used for Low Impact Development stormwater management.

Adequacy of the methods of disposal of sewage and refuse ~~and the drainage of surface and subsurface water.~~

- Adequacy of stormwater management systems to maximize stormwater infiltration, minimize runoff, and minimize erosion and sedimentation. Low impact development (LID) site planning and design techniques shall be used unless not feasible. LID site planning strategies shall be consistent with those described in the Town of East Longmeadow's Rules and Regulations for the Management of Stormwater.

Adequate means of protecting wetlands, watersheds, aquifers, and well areas.

Provisions for off-street loading and unloading of vehicles incidental to the normal operation of the establishment, parking, lighting and internal traffic control.

**Comment [DF105]:** The sub paragraphs in this section do not have numbers. Maybe this has been addressed in the re-codification. If not, add them.

Provision of open space consistent with [priorities of the Open Space and Recreation Plan and Town Master Plan Concepts](#).

Protection of agricultural land with the proposed development and minimization and development impact on abutting agricultural land.

The layout of design features, such as vegetative buffers, within developments which will integrate into the existing landscape, [preserve natural features, minimize clearing and grading, and allow for low impact development stormwater management, unless not feasible](#).

Consistency of the proposed development with the Town Master Plan Concepts.

Compliance with the provision of Massachusetts General Laws, Chapter 40A and 41A, the rules and regulations of state and federal agencies and the Bylaw of the Town of East Longmeadow.

**Comment [JS106]:** COW 32. Open Space Design, stated goal of land conservation and impervious cover reduction  
➤ Implement through Site Plan Review and adoption of an Open Space Design bylaw

**Comment [JS107]:** COW 12. Vegetated Open Channels, open section vegetated channels allowed + Partially meets LID standard  
➤ Provide more explicit guidance on vegetated channels

#### 7.47 **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 Board of Public Works or the Board 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 Board should find there will be an adverse impact, the Board 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 Board. The Board 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 Board to handle the increased water and sewer demands of the proposed development and the Board 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 Board of Public Works.

#### 7.48 **Stormwater Capacity**

[Each development proposal shall demonstrate that it will not adversely affect the existing loads on the public stormwater system of the Town. The Board of Public Works or the Board of Public Works agent shall serve to determine what is the existing load on the public stormwater system of the Town. In the event that the Applicant is unable to demonstrate that there will be no adverse effect or if the Board should find there will be an adverse impact, the Board 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 Board. The Board may specifically require the use of low impact development methods, or a reduction of impervious surfaces and/or 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 Board to handle the increased stormwater demands of the proposed development and the Board may require](#)

**Comment [DF108]:** Consider adding this paragraph which is based on the one above. Following the same logic it addresses excess impacts on the Town's stormwater system from development. Tom said that projects are not allowed to connect to the Town's stormwater system. That could also be added here if it should apply to all projects subject to Site Plan Review.

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 Board of Public Works.

## 7.5 Ground-Mounted Photovoltaic Installations

### 7.5.1 Purpose

The purpose of this bylaw is to promote the creation of new ground-mounted 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.

The provisions set forth in this section shall specifically apply to the location, removal and modifications of all ground-mounted photovoltaic installations. In the event that conflicts may appear in other sections of the zoning by-laws for the Town of East Longmeadow, the criteria set forth in this Section 7.5 take precedence.

### 7.5.2 Applicability

This section applies to all ground-mounted photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment. All development projects for Photovoltaic Arrays will be subject to Site Plan Review to determine conformance with the specific criteria set forth herein. 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.

### 7.5.3 Definitions

**As-of-Right Siting:** As-of-Right Siting shall mean that ground mounted photovoltaic installations may proceed without the need for a Special Permit or Variance in the areas so designated by Table 3-1 of the Schedule of Use Regulations.

**Ground-Mounted Photovoltaic Installation:** A photovoltaic system that is structurally mounted on the ground and is not roof-mounted.

**On-Site Photovoltaic Installation:** A photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

**Photovoltaic (PV)** is 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 a number of [solar cells](#) containing a photovoltaic material. Materials presently used for photovoltaics include [mono-crystalline silicon](#), [polycrystalline silicon](#), [amorphous silicon](#), [cadmium telluride](#), and [copper indium gallium selenite/sulfide](#).

**Site Plan Approval Authority:** The Planning Board.

**Photovoltaic Array:** see Ground-Mounted Photovoltaic Installations

**Zoning Enforcement Authority:** The Building Commissioner is charged with enforcing all zoning bylaws of East Longmeadow.

#### **7.5.4 General Requirements for all Power Generation Installations**

The following requirements relate to all ground-mounted photovoltaic installations:

#### **7.5.5 Compliance with Laws, Ordinances and Regulations**

The construction and operation of all ground mounted 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 photovoltaic installation shall be constructed in accordance with the specific criteria set forth herein .

#### **7.5.6 Building Permit and Building Inspection**

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

#### **7.5.7 Fees**

The application for a Site Plan Review for a ground mounted solar photovoltaic installation must be accompanied by the fee required for said Site Plan Review.

#### **7.5.8 Site Plan Review and Approval**

All ground-mounted photovoltaic installations shall undergo Site Plan Review and approval by the Planning Board, as specially stated in the Zoning By-laws, prior to construction, installation or modification as provided in this section.

#### **7.5.9 Plans and Maps**

All plans and maps shall be prepared, stamped and signed by a Registered Professional Engineer licensed to practice in Massachusetts.

#### **Required Documents**

Pursuant to the site plan review process as set forth in section 7.4 of the Zoning By-laws, the project proponent shall provide the following documents:

- (a) A site plan shall be prepared by a Registered Professional Engineer and/or a Registered Land Surveyor at a scale of 1" = 20' or such scale as may be approved by the Planning Board on a standard 24" x 36" sheets and continuation on 8 ½" x 11" sheets necessary for narrative. The site plan shall include:



1. Name and address of project, locus, boundaries, date and scale of plan;
2. Name and address of the record owner, developer, and seal of the engineer or surveyor;
3. Names and addresses of all record owners within three hundred (300) feet of 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 three hundred (300) feet of the site;
5. Property lines and physical features, including roads, for the project site;
6. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
7. Location and details of all security measures for the site;
8. Location of all existing and proposed roads, both public and private on the site;
9. Location of existing structures on the site;
10. Location of the ground mounted photovoltaic installation, type of mounting devices, access roads, lighting, ground equipment, fencing, electrical infrastructure, and associated equipment;
11. Plans for accessory buildings or other structures, and location and details of all planned security measures;
12. All existing overhead utility lines, if applicable;
13. Blueprints or drawings of the 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;
14. One or three line electrical diagrams detailing the photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
15. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
16. Name, address, and contact information for proposed system installer;
17. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; and,
18. The name, contact information and signature of any agents representing the project proponent.

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 photovoltaic installation to the Planning Board and the Building Commissioner.

- (b) Operation and maintenance plan. The project proponent shall submit a plan to the Planning Board for the operation and maintenance of the ground-mounted photovoltaic installation, which shall include measures for maintaining safe

access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

- (c) 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).
- (d) Description of financial surety that satisfies Section 7.5.19.3.

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 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.

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 Board to perform the review set forth herein.

#### **7.5.10 Utility Notification**

No ground-mounted 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 photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator.

#### **7.5.11 Area, Dimension and Density Requirements**

##### **Area:**

A minimum of two (2) acres is required for any ground-mounted photovoltaic installation.

##### **Setbacks:**

For all ground-mounted photovoltaic installations, front, side and rear setbacks shall be as follows for the Industrial Garden Park District:

- (a) Front yard: The front yard shall have a depth that is consistent with the existing requirements of this district, that being 75 feet.
- (b) Side yard: Each side yard shall have a depth that is consistent with the existing requirements of this District, that being 40 feet, unless said site abuts a Residential District or a Residence. Where such a lot abuts a Residential District or a Residence, the side yard shall not be less than 50 feet. (See also section 7.5.13 Buffer Strips)
- (c) Rear yard: Each rear yard shall have a depth that is consistent with the existing requirements of this District which is 50 feet. Where such a lot abuts a Residential

District or a Residence, the rear yard shall not be less than 50 feet (See also Section 7.5.13 Buffer Strips).

For all ground-mounted photovoltaic installations, front, side and rear setbacks shall be as follows for the Industrial District:

- (a) Front yard: The front yard shall have a depth of at least 35 feet.
- (b) Side yard: Each side yard shall have a depth that is consistent with the existing requirements of this District, that being 12 feet, unless said site abuts a Residential District or a Residence. Where such a lot abuts a Residential District or a Residence, the side yard shall not be less than 50 feet. (See also Section 7.5.13 Buffer Strips)
- (c) Rear yard. Each rear yard shall have a depth that is consistent with the existing requirements of this District which is 25 feet, unless said site abuts a Residential District or a Residence. Where such a lot abuts a Residential District or a Residence, the rear yard shall not be less than 50 feet. (See also Section 7.5.13 Buffer Strips)
- (d) If a photovoltaic installation is constructed on a parcel that contains any type of building, the beginning of the array must be at least fifty (50) feet behind the existing building to allow safe access to said array.

#### **Lot Coverage**

Lot coverage shall be the same as allowed in the District in which it is to be located.

#### **7.5.12 Buffer Strips**

For all ground-mounted solar photovoltaic installations abutting a Residential District or a Residence, the fifty (50) foot setback for either side or rear yards shall consist of twenty-five (25) feet of a landscaped buffer. Said buffer is to consist of plantings a minimum of six (6) feet in height at planting and staggered so as to fill that twenty-five (25) foot buffer area and keep the arrays from view year round.

**Comment [JS109]:** COW 66. Buffer Management, native vegetation  
➤ Provide guidance for minimum percentage of buffer with native vegetation

## **Height**

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.

For all ground-mounted photovoltaic installations abutting a Residential District or a Residence, the height will be limited to fifteen (15) feet.

For all other ground-mounted solar photovoltaic installations, the height will be limited to twenty-five (25) feet.

### **7.5.13 Appurtenant Structures**

All appurtenant structures to ground-mounted 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.

All appurtenant structures are to be located within the setback requirements of the district in which the project is proposed.

### **7.5.14 Design and Performance Standards**

#### **7.5.14.1 Lighting**

Lighting of 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 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 the recommendations from the Fire and Police Departments.

#### **7.5.14.2 Signage**

Signs on all ground-mounted photovoltaic installations shall identify the owner and provide a 24-hour emergency contact phone number. Said signage shall not exceed six (6) square feet and shall be visible at all times.

Photovoltaic installations shall not be used for displaying any advertising except for identification of the operator or responsible person of the solar photovoltaic installation.

### 7.5.14.3 Utility Connections

All utility connections from the 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.

**Comment [JS110]:** COW 6. Right-of-way Width, utilities under paved section of right-of-way  
➤ Provide allowance for utilities to be placed under paved right-of-way

### 7.5.14.4 Roads

Access roads shall be constructed to minimize grading, removal of stone walls or street trees and minimize impacts to environmental or historic resources.

**Comment [JS111]:** COW 70. Clearing and Grading, preservation of native soils, vegetation, and slopes  
+ Meets LID standard

### 7.5.18.5 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.

### 7.5.18.6 Noise

Sound or noise levels may not exceed 50 DBA, at the boundary of the property.

## 7.5.15 Safety and Environmental Standards

### 7.5.15.1 Emergency Services

The 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 photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

#### **7.5.15.2 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 photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws, including any requirements of the Conservation Commission.

**Comment [JS112]:** COW 70. Clearing and Grading, preservation of native soils, hydric soils, natural vegetation, or steep slopes at development sites  
+ Meets LID standards

#### **7.5.15.3 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.

### **7.5.16 Monitoring and Maintenance**

#### **7.5.16.1 Photovoltaic Installation Conditions**

The ground-mounted 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 By-law and applicable laws. The owner or operator shall be responsible for the cost of maintaining the photovoltaic installation, any access road(s) and ground maintenance.

#### **7.5.18.2 Modifications**

No building permit for modifications to a ground-mounted 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.

#### **7.5.16.2 Annual Reporting**

The owner or operator of the installation shall submit an Annual Report which certifies compliance with the requirements of this bylaw and their 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 course of 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 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.

## **7.5.17 Abandonment or Decommissioning**

### **7.5.17.1 Removal Requirements**

Any ground-mounted photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 7.5.19.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than ninety (90) days after the date of discontinued operations or determination of the Building Commissioner that the installation is not being actively used for meaningful 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:

- (a) Physical removal of all ground-mounted photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation 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.

### **7.5.17.2 Abandonment**

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the 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 photovoltaic installation fails to remove the installation in accordance with the requirements of this section within ninety (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.

### **7.5.17.3 Financial Surety**

Prior to any construction, petitioners of all ground-mounted photovoltaic projects 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 percent 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.

## **76 6 AMENDMENT**

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

## **77 VALIDITY**

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

## **78 PREVIOUS BYLAWS**

Any existing Bylaws or any parts thereof inconsistent with this Bylaw are hereby repealed.

## **79 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 Chapter 40A, Section 5, of the General Laws. 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.



## SECTION VIII - DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

**ATTACHED:** Connected to or united.

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

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

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

**BED and BREAKFAST:** see Lodging, short term

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

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

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

for the purposes noise abatement, security and/or grading, as deemed appropriate by the Planning Board.

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

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

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

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

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

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

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

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

**COMMERCIAL USE:** Activity carried out for pecuniary gain.

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

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

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

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

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

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

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

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

**DETACHED:** Separated from.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**FLORICULTURE:** The cultivation of ornamental flowering plants.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a)(1) This section applies to:

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

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

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

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

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

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

**HORTICULTURE:** The cultivation of a garden or orchard.

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

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

**HOUSE TRAILER:** See Mobile Home.

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

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

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

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

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

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

**LARGE FAMILY HOME DAYCARE:** Any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided that the total number shall not exceed ten, including participating children living in the residence and the proper daycare licensing is up to date and available for viewing. As per the Massachusetts Department of Early Education and Care regulations, a certified assistant will be present when deemed necessary. Family home daycare shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation.

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

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

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

**LONG-TERM CARE FACILITY:** An institution or a distinct part of an institution which is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to



two or more patients who are not related to the governing authority or its members by marriage, blood or adoption.

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

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

**LOT COVERAGE:** The percentage of the area of a lot that is impervious to water—meaning it has a runoff coefficient of greater than ninety percent (90%), including, but not limited to, areas covered by structures and paving (except pervious paving).

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

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

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

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

**LOW IMPACT DEVELOPMENT (LID):** A development strategy that seeks to mimic (or in the case of redevelopment, restore/recreate) a site's predevelopment hydrology through protection of on-site natural features and better site design that limits impervious areas, preserves open space, and uses decentralized small scale facilities to capture and manage rainfall (or snowmelt) close to where it falls. These small-scale facilities serve to slow, absorb, and treat flow and include bioretention areas, grassed swales, porous pavements, cisterns, and green roofs and walls.

**LOWEST FLOOR** means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

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

**MASSAGE THERAPIST or MASSAGE PRACTITIONER:** a person licensed by the board of

**Comment [DF113]:** The bylaw currently does not have a definition of lot coverage despite using the term frequently. Consider adding one. Check this definition to ensure that it is line with what is meant by "lot coverage" throughout the bylaw. Ensure that LID stormwater facilities do not count toward lot coverage.

Registration of Massage Therapy who instructs or administers massage or massage therapy for compensation.

MASSAGE THERAPIST FACILITY: see Licensed Massage Therapy Salon

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

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

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

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

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

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

**NOT FEASIBLE:** not technologically possible, or not economically practicable and achievable in light of best industry practices.

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

**ONE-HUNDRED-YEAR FLOOD** see BASE FLOOD.

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

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

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

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

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

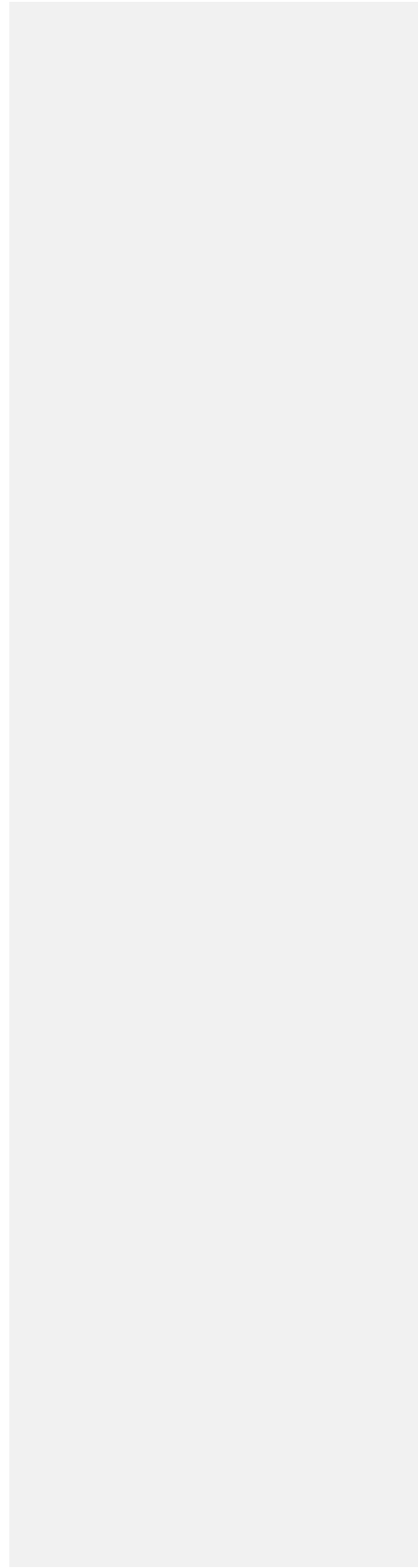
**PRIVATE USES:** Uses belonging to or intended for a non-public or non-governmental group.

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

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

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

8-10



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

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

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

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

**RECREATIONAL VEHICLE:** A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use and including but not limited to travel trailers, truck campers and camping trailers and self-propelled motor homes.

**REGULATORY FLOODWAY** see FLOODWAY

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

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

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

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

**SANITARIUM:** See Hospital.

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

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

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

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

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

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

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

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

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

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

**SIGN, AREA OF:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SUBDIVISION:** Shall mean the division of a tract of land into two or more lots and shall include re--subdivision, and when appropriate to the context shall relate to the process of subdivision or the land or territory subdivided provided however that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the Clerk of the Town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law or (c) a way in existence when the Subdivision Control Law became effective in the Town of East Longmeadow, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Zoning Bylaw of the Town of East Longmeadow for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty (20) feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage

above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the Town of East Longmeadow into separate lots on each of which one of such buildings remains standing shall not constitute a subdivision. Subdivision, including re-subdivision, shall be defined in the Subdivision Control Law, M.G.L., Chapter 41.

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

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

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

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

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

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

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

**UNIT:** a. In residential property, a building or portion thereof, designed for occupancy by one family.

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

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

**VARIANCE:** A departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements and lot size, but not involving the actual use or structure. A variance is granted following three requirements that all relate to the land. A variance is requested because: 1. Owing to circumstances relating to the soil conditions, shape or topography of the land especially affects the land but not the surrounding lots in the district; 2. A literal enforcement of the bylaws will involve substantial hardship; and, 3. That the granting of a variance would not be substantially detrimental to the public good and will not nullify or substantially derogate from the intent or purpose of the by-law.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

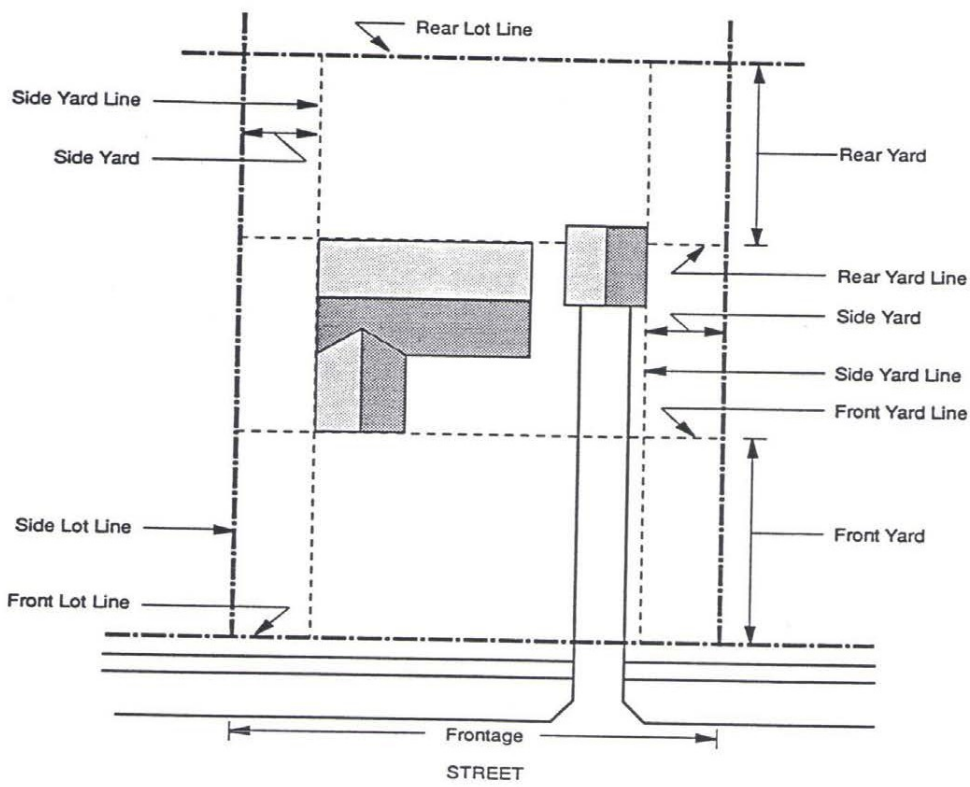
ZONE VI-30 and ZONE VE (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

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

Revised Special Town Meeting October, 2015

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Diagram 8-1



For Definition Use Only.

# SMART GROWTH COMMUNITY CHECKLIST

## Town of Worthington

This checklist is designed to assist the Town of Worthington in implementing Valley Vision Smart Growth Strategies at the local level. As part of the Valley Vision Memorandum of Agreement, each community committed to review existing zoning and subdivision regulations to determine if they are consistent with Valley Vision, as well as consider the adoption and enforcement of land use regulations designed to promote efficient growth consistent with Valley Vision. This checklist has been developed to assist your community in these tasks.

The Smart Growth Strategies in Valley Vision provide a menu of smart growth options a community can select from, depending on the size and character of your community. While not every strategy fits every community, you will find that many strategies are a good match for your community. The options that are highlighted in this checklist are based on the goals and objectives Worthington residents identified in its municipal plans, such as the Community Development Plan (2004) and Open Space and Recreation Plan (2015). Additional recommendations have also been provided by PVPC, largely on new zoning tools that might not have been considered in previous planning efforts.

At this time, Worthington has implemented eight (8) Smart Growth Strategies highlighted in the regional land use plan, Valley Vision. Based on strategies identified in your community plans, as well as recommendations made by the Planning Commission based on Valley Vision, your community could consider implementing four (4) additional smart growth strategies in the future.

**TOWN OF WORTHINGTON  
SMART GROWTH COMMUNITY CHECKLIST**

| Recommend | Adopted | Valley Vision Strategy # | Building Block   | Identified in / by   |
|-----------|---------|--------------------------|--|--|
|           |         | 1                        | Traditional Neighborhood Development   |  |
|           |         | 1                        | Transit Oriented Development   |  |
|           |         | 2                        | <a href="#">Mixed Use Village Districts</a>                                    | PVPC   |
|           |         | 2                        | Planned Unit Development   |  |
|           |         | 3                        | Adaptive Reuse and Infill Development  |  |
|           |         | 3                        | Tax Incentive Programs and Business Improvement Districts                      |  |
|           | X       | 4                        | Open Space Residential Development   | PVPC   |
|           |         | 4                        | Conservation Development   |  |
| X         |         | 5                        | <a href="#">Accessory Apartments</a>   | PVPC   |
|           |         | 5                        | Inclusionary Zoning  |  |
|           |         | 5                        | <a href="#">Home Based Business Bylaw</a>                                      |  |
|           |         | 5                        | Smart Growth Zoning District (Ch. 40R)   |  |
|           |         | 6                        | Brownfields Inventory  |  |
|           |         | 6                        | Brownfields Redevelopment Projects   |  |
|           |         | 7                        | Transfer of Development Rights   |  |
|           | X       | 7                        | Agricultural Commissions   |  |
|           | X       | 7                        | Right to Farm Bylaws   | PVPC   |
|           | X       | 8                        | River Protection Overlay District  |  |
|           |         | 8                        | <a href="#">Community Preservation Act</a>                                     |  |
| X         |         | 8                        | Scenic Upland Overlay District   |  |
|           |         | 9                        | <a href="#">Bike and Pedestrian Features</a>                                   |  |
|           |         | 9                        | <a href="#">Traffic Calming Measures</a>                                       |  |
|           | X       | 10                       | Water Supply Protection District   | Worthington Zoning Bylaw includes Watershed Protection district, but further work on protecting groundwater and land owned by other towns for water supply protection may be warranted |
|           | X       | 10                       | <a href="#">Low Impact Development</a>   | Language adopted in Subdivision Regulations, but should be described in Zoning   |
| X         |         | 10                       | <a href="#">Stormwater and Erosion Control Bylaw</a>                           | PVPC   |
|           |         | 10                       | Stormwater Utilities   |  |
|           | X       | 11                       | <a href="#">Commercial Site Plan Review</a>                                    | PVPC   |
| X         |         | 11                       | <a href="#">Commercial Performance Standards</a>                               | PVPC   |
|           |         | 12                       | <a href="#">Urban Growth Boundaries / Limits of Sewer and Water Extensions</a> |  |
|           |         | 13                       | <a href="#">Green Building/ Stretch Code</a>                                   |  |
|           |         | 13                       | <a href="#">Municipally Owned Clean Energy</a>                                 |  |
|           |         | 13                       | <a href="#">By-Right Zoning for Clean Energy Generation</a>                    |  |
|           | X       | 13                       | <a href="#">Green Communities Certification</a>                                | PVPC   |
|           |         | 13                       | <a href="#">Green Performance Standards</a>                                    |  |
|           |         | 15                       | Intergovernmental Compact+   |  |
|           |         | 16                       | <a href="#">Planning Board Assistance Program</a>                              |  |

+Valley Vision MOA; Clean Energy Plan MOA