

ARTICLE _____

To see if the Town will vote to amend the East Longmeadow Zoning By-Law, 1991 Revision by adding new definitions to Section VIII; to delete the current Section 7.36 and insert in place thereof with "Additional Criteria for Home Based Trade" and re-numbering the remaining paragraphs in this section; by adding "notwithstanding Section 7.36, Additional Criteria for Home Based Trade" as additional text in the Schedule of Use Regulations (Table 3-1) Section 3.092 under Land Use Classification; and by creating a new section 3.0901 in the Schedule of Use Regulations (Table 3-1) all as follows:

Section VIII Definitions

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.

SUBASSEMBLY

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

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.

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

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.

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.

And pass any vote or take any other action relative thereto.

EAST LONGMEADOW SCHEDULE OF USE REGULATIONS
TABLE 3-1

Bylaw Number	Land Use Classification	Standards & Conditions	RAA	RA	RB	RC	ER	COM	BUS	I	IGP	GR	PUR	PAR
3.0901	Home Based Trade	<p>The incidental and secondary use of a portion of the home or accessory building thereto, 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.</p> <p>Any business that was legally in existence prior to 1962 is exempt from this section provided that satisfactory evidence to the Planning Board verifies said pre-existing, non-conforming existence.</p>	SP	SP	SP	SP	N	N	N	N	N	N	N	N

EAST LONGMEADOW SCHEDULE OF USE REGULATIONS
TABLE 3-1

Bylaw Number	Land Use Classification	Standards & Conditions	RAA	RA	RB	RC	ER	COM	BUS	I	IGP	GR	PUR	PAR
3.092	Garaging or parking commercial vehicles Notwithstanding Section 7.36, Additional Criteria for Home Based Trade	<p>Vehicles used primarily for agricultural purposes on the premises are exempt. The following Standards & Conditions shall apply only in the Residential district, (RAA, RA, RB, RC and ER):</p> <p>a. Commercial vehicle shall not be more than one ton in rated capacity.</p> <p>b. Not more than one commercial vehicle of any size can be kept per lot.</p> <p>c. If not garaged, commercial vehicles must be screened from view.</p> <p>d. The lease or rental of garage storage to a non-resident owner of a commercial vehicle is not permitted.</p>	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N