

**TOWN OF EAST LONGMEADOW ZONING BYLAW**

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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:

#### **2.01 Residence Districts:**

RAA - Residence AA District  
RA - Residence A District  
RB - Residence B District  
RC - Residence C District  
ER - Elderly Residential District

#### **2.02 Commercial Districts:**

COM - Commercial District

#### **2.03 Business Districts:**

BUS - Business District

#### **2.04 Industrial Districts:**

I - Industrial District  
IGP - Industrial Garden Park District

#### **2.05 Recreational Districts:**

GR - Golf Recreational District

#### **2.06 Conservation Districts:**

FP - Floodplain District

#### **2.07 Planned Unit Residential Districts:**

PUR - Planned Unit Residential District

#### **2.08 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 District, 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

#### 3.00 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.

##### 3.001 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".

##### 3.002 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.

##### 3.003 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:

#### **3.011 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.

### 3.012 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.

TABLE 3-1

**EAST LONGMEADOW SCHEDULE OF USE REGULATIONS**

TYPES OF DISTRICTS

RAA	Residence AA	ER	Elderly Residential	IGP	Industrial Garden Park	Y	Yes, Use Permitted
RA	Residence A	COM	Commercial	GR	Golf Recreational	N	No, Prohibited
RB	Residence B	BUS	Business	PUR	Planned Unit Residential	SP	Use Allowed by Special Permit from the Planning Board
RC	Residence C	I	Industrial	PAR	Planned Adult Residential		

PERMITTED USES:

<u>Bylaw Number</u>	<u>Land Use Classification</u>	<u>Standards &amp; Conditions</u>	<u>RAA</u>	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>ER</u>	<u>COM</u>	<u>BUS</u>	<u>I</u>	<u>IGP</u>	<u>GR</u>	<u>PUR</u>	<u>PAR</u>
<b>3.02</b>	<b>GENERAL USES</b>													
3.020	Agriculture, horticulture, floriculture, viticulture, aquaculture uses. On parcels of land more than 5 acres including:		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	a. Commercial livestock, dairy, poultry farm													
	b. Farm business, commercial greenhouse, farm stand	See Section VIII. Definitions.												
3.021	Agriculture, horticulture, floriculture, viticulture, aquaculture uses on parcels of land 5 acres or less including:		Y	Y	N	N	N	N	N	N	N	Y	Y	Y
	a. Commercial livestock, dairy, poultry farm													
	b. Farm business, commercial greenhouse	Ninety (90) percent of products sold must have been raised or produced on the premises.												
	c. Farm stand	For the sale and display of farm products ninety (90) percent of which must have been raised or produced on the premises.												

Table 3-1 (Continued)

<u>Bylaw Number</u>	<u>Land Use Classification</u>	<u>Standards &amp; Conditions</u>	<u>RAA</u>	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>ER</u>	<u>COM</u>	<u>BUS</u>	<u>I</u>	<u>IGP</u>	<u>GR</u>	<u>PUR</u>	<u>PAR</u>
<b>General Uses (continued)</b>														
3.022	(Reserved)													
3.023	Commercial riding academy, boarding stable	Must be over 5 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:		N	N	N	N	N	N	N	N	N	Y	N	N
	a. Area and facility for practice golf, basketball or tennis													
	b. A swimming pool													
	c. A golf club house with accessory buildings for caddies, golf professional shop, and storage for the golf course maintenance equipment.													
	d. The conduct of a restaurant in the golf club house, together with the right to act as a common victualer.													
	e. A golf course.													
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

Table 3-1 (Continued)

<u>Bylaw Number</u>	<u>Land Use Classification</u>	<u>Standards &amp; Conditions</u>	<u>RAA</u>	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>ER</u>	<u>COM</u>	<u>BUS</u>	<u>I</u>	<u>IGP</u>	<u>GR</u>	<u>PUR</u>	<u>PAR</u>
<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	SP	Y
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	(Reserved)													
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	N
3.044	Family Home Daycare	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

Table 3-1 (Continued)

<b>Bylaw Number</b>	<b>Land Use Classification</b>	<b>Standards &amp; Conditions</b>	<b>RAA</b>	<b>RA</b>	<b>RB</b>	<b>RC</b>	<b>ER</b>	<b>COM</b>	<b>BUS</b>	<b>I</b>	<b>IGP</b>	<b>GR</b>	<b>PUR</b>	<b>PAR</b>
<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 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 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)

<b>Bylaw Number</b>	<b>Land Use Classification</b>	<b>Standards &amp; Conditions</b>	<b>RAA</b>	<b>RA</b>	<b>RB</b>	<b>RC</b>	<b>ER</b>	<b>COM</b>	<b>BUS</b>	<b>I</b>	<b>IGP</b>	<b>GR</b>	<b>PUR</b>	<b>PAR</b>
<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 BUSINESS USES</b>														
3.070	Retail store		N	N	N	N	N	N	Y	Y	N	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
3.076	Gasoline filling station	Body and fender work prohibited. See Section 5.7	N	N	N	N	N	N	Y	Y	N	N	N	N
3.0761	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
3.0762	Car washing facility	See Section 5.7 and Section 7.2	N	N	N	N	N	N	SP	SP	N	N	N	N
3.0763	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
3.0764	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

Table 3-1 (Continued)

<b><u>Bylaw Number</u></b>	<b><u>Land Use Classification</u></b>	<b><u>Standards &amp; Conditions</u></b>	<b><u>RAA</u></b>	<b><u>RA</u></b>	<b><u>RB</u></b>	<b><u>RC</u></b>	<b><u>ER</u></b>	<b><u>COM</u></b>	<b><u>BUS</u></b>	<b><u>I</u></b>	<b><u>IGP</u></b>	<b><u>GR</u></b>	<b><u>PUR</u></b>	<b><u>PAR</u></b>
<b>3.08</b>	<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 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 office or studio of an artist, photographer hobbyist, lawyer, architect, professional engineer, real estate agent, or teacher of scholastic subjects, or person engaged in a similar vocation, residing on the premises. The space occupied by such an office or studio must not exceed 20% of the total floor area of the dwelling, including basement. Prohibited uses include the studios or offices of dancing or music teachers, masseurs, photographers, hair dressers, beauty parlor operators, veterinarians, riding schools and other similar business-like pursuits.	Y	Y	Y	Y	N	Y	Y	N	N	Y	Y	N

Table 3-1 (Continued)

<u>Bylaw Number</u>	<u>Land Use Classification</u>	<u>Standards &amp; Conditions</u>	<u>RAA</u>	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>ER</u>	<u>COM</u>	<u>BUS</u>	<u>I</u>	<u>IGP</u>	<u>GR</u>	<u>PUR</u>	<u>PAR</u>
<b>Accessory Uses (continued)</b>														
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
3.092	Garaging or parking commercial vehicles	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): a. Commercial vehicle shall not be more than one ton in rated capacity. b. Not more than one commercial vehicle of any size can be kept per lot. c. If not garaged, commercial vehicles must be screened from view. d. The lease or rental of garage storage to a 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

Table 3-1 (Continued)

<u>Bylaw Number</u>	<u>Land Use Classification</u>	<u>Standards &amp; Conditions</u>	<u>RAA</u>	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>ER</u>	<u>COM</u>	<u>BUS</u>	<u>I</u>	<u>IGP</u>	<u>GR</u>	<u>PUR</u>	<u>PAR</u>
<b>Accessory Uses (continued)</b>														
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>3.1</b>	<b>(RESERVED)</b>													
3.15	Helistop, limited use	See Section 7.2	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 Dimensional 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
Res. 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. 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 of access driveways closer than 25 feet to a Residential District boundary. See Section 7.34. 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 as to assure stability.

\*\* Accessory rear and side setbacks need only be five (5) feet.

\*\*\*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 Dimensional Regulations.

**TABLE 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
Res. 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. See Section 7.33
	Church, Building for Educational Purpose, Public Library, Museum	50,000	280	70	28	70	80	45	60	There shall be no parking or access driveways closer than 25 feet to a Residential District boundary. See Section 7.34.  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 as to assure stability.

\*\* Accessory rear and side setbacks need only be five (5) feet.

\*\*\*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 Dimensional Regulations.

**TABLE 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
Res. 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. See Section 7.33
	Church, Building for Educational Purpose, Public Library, Museum	30,000	200	56	21	49	66	45	60	There shall be no parking or access driveways closer than 25 feet to a Residential District boundary. See Section 7.34.  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 as to assure stability.

\*\* Accessory rear and side setbacks need only be five (5) feet.

\*\*\*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 Dimensional Regulations.

**TABLE 3-2**

**TABLE OF DIMENSIONAL REGULATIONS (Continued)**

<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>Res. C</b>	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	75	50	50	50	60	35***	25	No building shall be built within 50 feet of any property line. See Section 7.33
	Church, Building for Educational Purpose, Public Library, Museum	20,000	150	35	17	35	45	45	60	There shall be no parking or access driveways closer than 25 feet to a Residential District boundary. See Section 7.34.  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 as to assure stability.

\*\* Accessory rear and side setbacks need only be five (5) feet.

\*\*\*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 Dimensional Regulations.

**Table 3-2  
TABLE OF DIMENSIONAL REGULATIONS (Continued)**

<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>ER - Elderly Res.</b>	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 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 as to assure stability.

\*\* Accessory rear and side setbacks need only be five (5) feet.

\*\*\* For uses under Section 7.33 only. 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 Dimensional Regulations.

**Table 3-2  
TABLE OF DIMENSIONAL REGULATIONS (Continued)**

<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>PUR</b>	Any permitted use									
<b>Planned Unit Residential</b>										
	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/rear 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 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.

### 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**

**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 (%)	Density	Comment
<b>PAR</b>											
Planned Adult Residential District	P.A.R.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 (P.A.R. D.): Minimum setback and side/rear yard dimensions pertaining to the periphery of the P.A.R..D. shall be 50 feet.

- (1) Frontage is not applicable.
- (2) Minimum of 40 feet setback as measured from 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 50% (structures, road pavements, and impervious surfaces), excluding one hundred percent (100%) of the wetlands in said calculation.
- (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 pursuant to said site plan.

**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  
TABLE OF DIMENSIONAL REGULATIONS (Continued)**

<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</b>	Any permitted use	15,000	100	25	**	25	25	30	single story = 40% 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 Dimensional Regulations.

**Table 3-2  
TABLE OF DIMENSIONAL REGULATIONS (Continued)**

<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>Max. size* (sq. feet)</b>	<b>Comment</b>
<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 used 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 penthouse. For a building to be devoted in whole or in part to residence purposes, the requirements for set backs, side yards and rear yards prescribed for Residence C district shall apply.

\* For size limits, see Sections 3.333 and 5.235.

\*\* Any permitted use, except retail use, no maximum square footage. Retail use: 65,000 square foot 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  
TABLE OF DIMENSIONAL REGULATIONS (Continued)**

<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>Max. Size* (sq.feet)</b>	<b>Comment</b>
<b>I Industrial</b>	Any permitted use	none	none	25	12	25	25	50	60	**	See "Additional Use Dimensional and Density Regulations" section.
	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	***	
	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 foot 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.

**TABLE 3-2  
TABLE OF DIMENSIONAL REGULATIONS (Continued)**

<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>GR - Golf 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 Regulations.

**TABLE 3-2  
TABLE OF DIMENSIONAL REGULATIONS (Continued)**

<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>IGP</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.
<b>Industrial Garden</b>										

\* 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.

### **3.3 ADDITIONAL USE, DIMENSIONAL AND DENSITY REGULATIONS**

#### **3.30 General Provisions**

##### 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

All fences must be at least 6 inches from any lot line. No fence more than one-quarter solid shall be erected closer to the street than the setback of the primary building. Fences or walls in Residential Districts which are more than 4 feet high or more than one quarter solid, except retaining walls, shall be erected not less than 3 feet from any lot line.

##### 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.

##### 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.

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

### 3.311 Accessory Buildings in Residential Areas

Accessory uses customarily incident 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. 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.

### 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 foregoing, fencing for the neighborhood swimming pools shall conform to the setback, side yard, and rear- yard requirements for a principal building for the district in which such pool is constructed.
- b. No part of any building or other structure, including porches, breezeways, or other structures attached to the primary building, shall be erected so as to be nearer to the street line than the nearest building located within 250 feet of either side of the lot facing the same street and located within the same area or district, but in no case will the required setback in this 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

When abutting a Residence District, the side yard shall be twenty-five (25) feet.

#### 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 64-A, where applicable.

### **3.33 Business Districts**

#### 3.331 Buffer Strip Requirements

Side yards and a rear yard shall not be required for a business building or structure, except that when the property abuts a Residence District, a side yard or rear-yard setback of at least 25 feet from said Residence District shall be required. The 12 1/2 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. 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.

#### 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 64-A, where applicable.

#### 3.333 Limitation on Size of Buildings in Business Districts

(1) For all buildings for retail sales purposes within a Business District, the floor area, whether located in a single building, or in two or more buildings on a single parcel if 1(b) below applies, or multiple parcels, if the parcels are within one thousand five hundred (1,500) feet of one another if 1(b) below applies, shall not exceed sixty-five thousand (65,000) square feet. This limitation shall be applied as follows:

(a) In calculating the floor area of a building, there shall be included all mezzanines and basements accessible to the general public, the first floor and all stories above the first floor, and the area of all portions of the site outside of the exterior walls of the building used for the display, storage or sale of goods, wares, merchandise or services.

(b) The gross area of buildings on single parcel of land or two (2) or more parcels of land within one thousand five hundred (1,500) feet of one another shall be aggregated only in the case where the buildings are being used for the sale of goods, wares, merchandise or services for retail or storing of inventory for sale at retail and are operated or controlled by a common owner and but for the sixty five thousand (65,000) square foot size limitation would normally be operated as a single retail building or retail outlet for sales purposes. For the purpose 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.

#### **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 64-A, where applicable. Building area should not exceed 60% of the lot area.

#### **3.343 Limitation on Size of Buildings In Industrial Districts.**

(1) For all buildings for retail sales purposes within an Industrial District, the floor area, whether located in a single building, or in two or more buildings on a single parcel if 1(b) below applies, or multiple parcels, if the parcels are within one thousand five hundred (1,500) feet of one another if 1(b) below applies, shall not exceed sixty-five thousand (65,000) square feet. This limitation shall be applied as follows:

(a) In calculating the floor area of a building, there shall be included all mezzanines and basements accessible to the general public, the first floor and all stories above the first floor, and the area of all portions of the site outside of the exterior walls of the building used for the display, storage or sale of goods, wares, merchandise or services.

(b) The gross area of buildings on single parcel of land or two (2) or more parcels of land within one thousand five hundred (1,500) feet of one another shall be aggregated only in the case where the buildings are being used for the sale of goods, wares, merchandise or services for retail or storing of inventory for sale at retail and are operated or controlled by a common owner and but for the sixty five thousand (65,000) square foot size limitation would normally be operated as a single retail building or retail outlet for sales purposes. For the purpose 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.

### **3.4 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.

### 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 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 and includes all special flood hazard areas designated as Zone A, A1-30 on the Town of East Longmeadow Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps Panel 250138 (most updated version) which are made a part of this Bylaw and which is on file in the office of the Town Clerk, Planning Board and Building Inspector. These maps as well as accompanying East Longmeadow Flood Insurance Study are incorporated herein by reference.

### 4.3 BASE FLOOD ELEVATION AND FLOODWAY DATA

- a. **Floodway Data.** In Zone A, A1-30, 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.
- 4.42 Application to the Special Permit Granting Authority for a Special Permit shall be accompanied by a plan which shall show the following:
- 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 Office of Water Resources 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 Office of Water Resources  
251 Causeway Street - Suite 600-700  
Boston, MA 02114-2104

NFIP Program Specialist  
FEMA Region I, Room 462  
J.W. McCormick Post Office and Courthouse  
Boston, MA 02109

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

#### **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 non-structural 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. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (Currently 780 CMR 3107.0 “Flood Resistant Construction”);
- b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- c. Inland Wetlands Restriction, DEP (currently 302 CMR 6.00);
- d. Coastal Wetlands Restriction, DEP (currently 302 CMR 4.00); and,
- e. 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.

#### **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. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.;
- b. Forestry and nursery uses;
- c. Outdoor recreational uses, including fishing, boating, play areas, etc.;
- d. Conservation of water, plants, wildlife;
- e. Wildlife management areas, foot, bicycle, and/or horse paths;

- f. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises; and,
- g. Buildings lawfully existing prior to the adoption of these provisions.

**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**

#### **5.00 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.

#### **5.01 Industrial Garden Park District Sub development**

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.

#### **5.02 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.

#### **5.03 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.

#### **5.04 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.

#### **5.05 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.

## **5.06 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.

## **5.07 Fences**

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

## **5.08 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.

## **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.

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 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 set backs and yard requirements governing the boundaries of the entire parcel so developed.

## **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 serving adjacent lots or premises.
- b. One driveway per parcel shall be permitted as matter of right. Where deemed necessary by the Planning Board, two driveways may be permitted as part of the Site Plan Review process, which shall be clearly marked "entrance" and "exit".
- c. All driveways shall be designed to afford motorists exiting to highways or roads with safe sight distance.
- d. Driveway entrance must be able to accommodate all vehicle types having occasion to enter the site, including delivery vehicles.
- e. Driveway design must be such that an entering vehicle will not encroach upon the exit lane of a two-way driveway. Also, a right turning exiting vehicle will be able to utilize only the first through traffic lane available without encroachment into the adjacent through lane.

#### 5.246 Parking Standards

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

The minimum parking spaces for a Planned Business Development shall be 4.5 parking spaces for every 1,000 square feet of gross floor area for all uses except restaurants. The minimum parking space requirement for restaurants is 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.

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. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance and free of refuse and debris. All plantings shall be arranged and maintained so as not to obscure the vision of traffic.
- b. For interior parking lot areas at least 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. The landscaped front, side and rear yard requirement can be included in this calculation.
- c. Landscaped areas shall be maintained in a healthy, thriving and attractive condition. Shrubs or trees that die shall be replaced within one growing season.

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

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.

### **5.3 PLANNED UNIT RESIDENTIAL DISTRICT**

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.

#### **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.

#### **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;
- 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.

**5.35 Parking and Circulation Requirements:**

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

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.

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.

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.

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 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.

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.

### **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 Special Permit Application and Subdivision Review Site Plan.

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

Planned Adult Residential Developments shall be permitted in the Planned Adult Residential District only upon Site Plan Review from the Planning Board as specified in 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.

#### **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.

### **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.

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.

### **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.

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.

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.

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.

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.

**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.

**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 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, basket ball 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 operator's 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.
  4. 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.

5. Availability of suitable existing towers, alternative tower structures, other structures or alternative technologies not requiring the use of towers or structures.
6. Availability of proposed tower to other potential carriers.
7. Adequacy of the setback or design of the facility to ensure the safety of persons or property in the event of collapse.
8. 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.
- 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.

### **5.61 Parking Specifications**

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

5.611 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.

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.

- b. Parking spaces at a 90 degree angle are encouraged. Extra width at the end of parking stalls is desirable. Additional driveway width is necessary for main or through circulation aisles. (See Diagram 5.6-2, for a dimensional illustration.)
- c. Any required landscaping shall be indicated on the parking plan for approval. (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. One driveway per parcel shall be permitted as matter of right. Two driveways for business, commercial and industrial uses are generally desirable and shall be clearly marked as an entrance and as an exit.

#### 5.612 Drainage

Drainage facilities for each parking area should be designed and constructed to contain stormwater run-off on the premises and should not be distributed on a public way.

#### 5.613 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, according to established DPW standards and specifications.

### **5.62 Joint Use Parking**

Joint use of off-street parking facilities is permitted provided that the parking area is contiguous or within the same parcel of land to be occupied by a joint user's principal building and its accessory building(s). The area of such facilities shall not be less than the sum of the requirements of the various users computed in accordance with the specifications of this Section.

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

The use of off-premises parking facilities to meet the requirements of this Section may be permitted in the Industrial District if access, egress and travel to and from the same, consistent with Section I are provided.

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**

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.

**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. 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. 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.

**5.66 Minimum Required Parking Spaces**

- 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.
- 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.
- 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.

**5.67 Handicapped 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 accessible spaces shall have an access aisle 8'0" (rather than 5'0"), and shall be signed "van accessible".

## **5.68 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.

Insert Table 5.6-1

Insert Table 5.6-2

Insert Table 5.6-3

## **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**

No exterior or ground sign shall be erected, altered or enlarged until a building permit has been issued by the Building Inspector.

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 text and/or graphic display is allowed on any sign.

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.

### **5.80 Residential District**

No accessory or non-accessory sign shall be permitted in a Residential District except:

- a. Professional name plate having an area of not more than 144 square inches, in connection with permitted uses.
- b. Real estate signs having an area of not more than 10 square feet, advertising the sale, rental or lease of the premises on which they are maintained.

- c. Church and school signs, 20 square feet maximum area.

**5.81 Commercial District**

No accessory or non-accessory sign shall be permitted in a Commercial (COM) District except under the following conditions:

- a. All signs shall be attached to a primary building, except for one 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 a directory of occupants or tenants not to exceed 40 square feet;
- b. Signs attached to primary buildings may not project toward the street more than 2 feet, and shall not extend vertically above the parapet or ridge line;
- c. Attached signs may not exceed 5 feet in height nor 30 square feet in area;
- d. 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;
- 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 attached signs exceeding 25 square feet in area shall be submitted to the Planning Board for approval.

**5.82 Business District**

No non-accessory sign shall be permitted in the Business (BUS) District. No accessory sign shall be permitted except under the following conditions:

- 5.821 Location: The sign shall be affixed to a building except as hereinafter provided. 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, provided however, that if the sign is attached to a wall having a parapet extending above the highest line of such

roof, then the sign may reach but may not project above the top of the parapet wall.

- 5.822 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.
- 5.823 Number: There shall not be more than one exterior 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 store front. 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. In no case will the total area of all signs exceed 100 square feet.
- 5.824 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.
- 5.825 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 p.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.

5.826 Ground Signs: Ground signs are prohibited except for one sign.

- 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 5.826a. above. Businesses sharing a common wall are considered to be housed in the same building.

5.827 Gasoline Filling Stations and Garages: Gasoline filling stations and garages are limited to the following signs. They may, if they elect to do so, divide the one exterior sign affixed to the front wall of the building, to which they are entitled as hereinabove provided, into separate signs affixed to and parallel to such wall and indicating the separate operations or departments of the business, provided however, that the total of the area of the separate signs shall not exceed the maximum area permitted under this Bylaw for a single exterior sign on such wall. In addition, one sign conforming with the terms of 5.826a., 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.

5.828 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.

### **5.83 Industrial District**

No accessory or non-accessory sign shall be permitted in an Industrial (I) District, except under 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.

#### **5.84 Industrial Garden Park District**

No accessory or non-accessory sign shall be permitted in an Industrial Garden Park (IGP) District except under 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. Signs shall conform to the setback, side yards and rear yard requirements for the Industrial Garden Park District except that no more than one (1) freestanding sign, located no nearer than ten (10) feet to any street line 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.

#### **5.85 Golf Recreation District**

No accessory or non-accessory sign shall be permitted in a Golf Recreational District except under the following conditions:

5.851 For a Residential use, the provision of Section 5.80 shall apply.

5.852 For other Golf Recreational uses, the following provisions shall apply:

- a. All signs shall be attached to the primary building except for one sign. 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 ridge line.
- 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 signs exceeding 25 square feet in area shall be submitted to the Planning Board for approval.

#### **5.86 Non-Conforming Signs**

5.861 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.

5.862 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.

**5.87 Maintenance**

All signs, whether erected before or after the effective date of this Bylaw, shall be maintained in a safe condition to the satisfaction of the Building Inspector.

**5.88 Reserved**

**5.89 Political Signs**

a. Election Signs

Election signs shall be those signs pertaining to a candidate for election or ballot question. Such signs shall be allowed except such sign shall be removed within two (2) days after the election. Each sign shall not exceed six (6) square feet in size.

b. Political Message Signs

Message signs shall be those signs displaying a political, religious or other non-commercial message other than that allowed under Section 5.80. Each sign shall not exceed six (6) square feet in size.

No political sign of any sort shall be placed on town property.

**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 adults or children or both, whether or not any charge or fee is imposed for such use, and includes all structures, appurtenances, equipment, appliances, and all other facilities appurtenant to or intended for the operation and maintenance of a swimming pool, and also all pools

operated and maintained in conjunction with or by clubs, community associations, and hotels.

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.

**SECTION VI - RESERVED**

## **SECTION VII - ADMINISTRATION AND ENFORCEMENT**

### **7.0 ZONING BOARD OF APPEALS**

#### **7.01 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.

#### **7.02 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.

#### **7.03 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.

#### **7.04 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.

#### **7.05 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.

#### **7.06 Two Years Before Next Appeal**

No petition considered under the Bylaw 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.

#### **7.07 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.

- b. 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.
- c. 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.

- d. 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, 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. 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.
- h. 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 earthly 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.

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 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.

**7.37 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.

**7.38 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 protection of environmental features on the site and in adjacent area.

**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 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 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.

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.
- b. The design should give attention to the placement of storage, waste or mechanical equipment so as to screen it from view.
- c. The proposed materials and colors must be compatible with the character of the Town and the intent of the design standards.
- d. Where feasible, fire escapes, window mounted air conditioners or other mechanical features should not be located on facades which front major streets, or face residential districts.
- e. Architectural details including additions, signage, awnings, lighting, pedestrian furniture, planting and paving, shall be compatible with the architecture of the principal building and site landscaping with regards to scale, materials, color, and texture.
- f. Buildings and structures shall be designed and arranged so as to relate to open space in a manner compatible with adjacent lots.
- g. Relation of buildings to the environment

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.

(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.

#### **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.

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.

## **7.42 Content of Site Plan**

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 standard 24" x 36" sheets and continuation on 8 1/2" x 11" sheets as necessary for narrative. The site plan shall include:

- 7.420 Name of the project, locus, boundaries, date and scale of the plan.
- 7.421 Name and address of the record owner, developer, and seal of the engineer or surveyor.
- 7.422 Name and addresses of all record owners within three hundred (300) feet of the property lines.
- 7.423 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.
- 7.424 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.
- 7.425 Location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, buffers for screening purposes, paths, landscaping, lighting fixtures, planting areas, walls, signs, service areas, refuse and other waste disposal containers.
- 7.426 Location of all present and proposed utility systems including sewage or septic systems, water supply system, existing and proposed surface and subsurface drainage systems, telephone, cable and electric lines. Storm drainage system will include existing and proposed drainlines, culverts, drainage swells, catch basins, headwalls, end walls, hydrants, manholes, channels, and subdrainage along with soil logs, percolation tests when necessary, and drainage calculations.  
The applicant shall submit plans to prevent the pollution of surface or groundwater, erosion of soil, excessive run-off of precipitation, excessive raising or lowering of the water table and flooding of other properties.
- 7.427 Existing and proposed topography at a two (2) foot contour level. Sufficient information to indicate areas in the site and within 50 feet of the site where gravel removal or filling is proposed and the approximate volume in cubic yards. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark.

- 7.428 A landscape plan showing all existing natural land features, forest coverage and water sources, and all proposed changes to these features. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
- 7.429 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.
- 7.430 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.
- 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, construction sequencing, temporary and permanent erosion control, and protection of water bodies.
- 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.

#### **7.44 Procedure**

- 7.440 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.
- 7.441 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.
- 7.442 The applicant shall submit a filing fee to cover any expenses connected with the public hearing and review of the plan.
- 7.443 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 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:

- 7.460 Protection of the abutting properties and community to minimize any detrimental use of the site.
- 7.461 Convenience and safety of vehicular and pedestrian movement within the site and the relationship to adjoining ways and properties.
- 7.462 Adequacy of the methods of disposal of sewage and refuse and the drainage of surface and subsurface water.
- 7.463 Adequate means of protecting wetlands, watersheds, aquifers, and well areas.
- 7.464 Provisions for off-street loading and unloading of vehicles incidental to the normal operation of the establishment, parking, lighting and internal traffic control.
- 7.465 Provision of open space consistent with Town Master Plan Concepts.

- 7.466 Protection of agricultural land with the proposed development and minimization and development impact on abutting agricultural land.
- 7.467 The layout of design features, such as vegetative buffers, within developments which will integrate into the existing landscape.
- 7.468 Consistency of the proposed development with the Town Master Plan Concepts.
- 7.469 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.

**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.

**7.5 AMENDMENT**

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

**7.6 VALIDITY**

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

**7.7 PREVIOUS BYLAWS**

Any existing Bylaws or any parts thereof inconsistent with this Bylaw are hereby repealed.

## **7.8 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.

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

**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** means floodplain district.

**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.

**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 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.

**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 linear distance width of a lot measured along the right-of-way line where a plan of the way is on file with the Registry of Deeds or in the absence of such a plan, from a line of 25 feet from the parallel with the center of the traveled way, provided in both cases that the minimum frontage required by this Bylaw shall be satisfied in a continuous, uninterrupted segment of such frontage. Frontage must also provide meaningful access to the parcel.

**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.

**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:
  - a. 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;
  - b. 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) (ii) Oil or gas drilling or servicing operations; or,
- (iii) (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 PROFESSIONAL OFFICE:** A home occupation consisting of the office of a practitioner of a recognized profession.

**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 admitted thereto 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.

**HOUSE TRAILER:** See Mobile Home.

**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 animals 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.

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

**LODGING HOUSE:** A residence where lodgings are let to three or more persons not within the second degree of kindred to the person conducting the house, and which does not contain a public dining room or cooking facilities in any rented sleeping room.

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

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

**LOT, BUILDABLE:** Land area available, under the Bylaw and other lawful restrictions, for the location of a main building. A buildable lot does not include watercourses, water

bodies, banks, bordering vegetated wetland or other protected zones as defined by the Mass. Wetlands Protection Act Regulations 310 CMR 10.00. Such lot must have frontage on a street or way as defined below, excepting only a pre-existing lot exempted by the provisions of Section 6 of Chapter 40A of the Massachusetts General Laws.

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

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

**LOT LINE, REAR:** The lot 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 front lot line. (See Diagram 8-1)

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

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

**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".

**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.

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

**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.

**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.

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

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

**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.

**PERMIT:** The variance from terms of the applicable Zoning Bylaw.

**PERMIT GRANTING AUTHORITY:** The Zoning Board of Appeals.

**PERSONAL SERVICE SHOP:** Establishments primarily engaged in providing services involving the care of a person or his/her apparel including, but not limited to, laundry, cleaning and garment services, dry cleaning, beauty shops, barber shops and shoe repair.

**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.

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

**PRINCIPAL USE:** The primary or predominant use of any lot.

**PRIVATE USES:** Uses belonging to or intended for a particular group.

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

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

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

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

**REAR LOT LINE:** The lot line opposite the street line, except that in 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 numbered or would be numbered.

**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, 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 investigation with the objective of creating end products.

**RESTAURANT:** An establishment where food and drink is prepared, served and consumed primarily within the principal building.

**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.

**SANITARIUM:** See Hospital.

**SCHOOL:** A building devoted to the instruction or education in primary, secondary, or high school grade.

**SECONDHAND MATERIAL:** 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 party 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:** The minimum required unoccupied space or area between the street line and the part of the building nearest such street 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.
- (b) 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.
- (c) 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.
- (d) 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:** A structure that is used for the shelter or care of horses and other domesticated animals and/or cattle.

**START OF CONSTRUCTION:** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. For a substantial improvement, the actual start of construction means the first alteration of any 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".

**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 a lot and in case of a public way, the street line established by the public authority laying out said way upon which the lot abuts.

**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.

**SUBDIVISION:** Shall mean the division of a tract of land into two or more lots and shall include resubdivision, and when appropriate to the context shall relate to the process of subdivision or the land or territory subdivided provided however that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if, at the time when it is made, every lot within the tract so divided has frontage on (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 resubdivision, shall be defined in the Subdivision Control Law, M.G.L., Chapter 41.

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

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

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

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

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

**UNIT:** In residential property, a building designed for occupancy by one family.

**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 because strict enforcement of the Zoning Bylaw as it applies to a specific lot would work an undue hardship and present site-specific practical difficulties that are not relevant to other lots in the district.

**VARIANCE, USE:** A variance granted for a use or structure that is not permitted in the district. Use variances are prohibited in East Longmeadow.

**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.

**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.

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

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

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

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

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

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

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

Revised 2006

Insert Diagram 8-1