

Division 1: Bylaws

Part I: Administrative

EAST LONGMEADOW CODE

Chapter 1

GENERAL PROVISIONS

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[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

**Interpretation; General Penalty
[Adopted as Ch. 1 of the 1982 General Bylaws]****§ 1-1. General provisions.**

- A. These bylaws are hereby entitled "General Bylaws for the Town of East Longmeadow, Massachusetts," to distinguish them from bylaws of the Town dealing with special subjects such as zoning and subdivisions.
- B. These bylaws shall not affect any act done, any right accrued, any penalty incurred, any suit, prosecution or proceedings pending or the tenure of office of any person holding office, at the time when they take effect.
- C. Any or all of these bylaws may be repealed or amended or other bylaws may be adopted by the Town Council pursuant to the requirements in the Town Charter.

§ 1-2. General penalty. [Amended 4-12-2022]

Whoever violates any of the provisions of these bylaws whereby any act or thing is enjoined or prohibited shall, unless other provision is expressly made, forfeit and pay a fine, not exceeding \$200, for each offense. Unless otherwise provided by statute or these bylaws, all fees, fines or other money collected in the name of or on behalf of the Town by any Town officer, board or committee shall be turned over to the Collector/Treasurer.

§ 1-3. Construction of terms.

The following rules of construction shall be observed in construing these bylaws, unless inconsistent with the manifest intent or the context:

- A. Words importing the singular shall include the plural; words importing the plural shall include the singular; and words importing the masculine gender shall include the feminine.
- B. The words "streets, ways and highways" shall be construed to include all public ways, Town ways, highways, bridges, streets, traveled parts of highways, so far as such construction is not contrary to law.
- C. The word "owner" applied to a building or land shall include part owner, joint owner, tenant in common, or joint tenant of the whole or of a part of such building or land.
- D. The word "tenant" or "occupant" applied to a building or land shall include any person who occupies the whole or a part of such buildings or land either alone or with other persons.
- E. The word "person" shall include limited-liability companies, corporations, societies, associations, partnerships or other legally formed entities.
- F. Words prohibiting anything from being done, except in accordance with a license, permit or authority from a board or office, shall be construed as giving such board or office power to license, permit or authorize such a thing to be done.
- G. "Minutes" means a record of action taken and matters considered.
- H. These bylaws shall be construed as ordinances where appropriate under the laws of the

Commonwealth of Massachusetts.

I. Any references to "MGL" will mean a reference to the Massachusetts General Laws.

§ 1-4. Effective date of bylaws. [Amended 4-12-2022]

These bylaws shall take effect when duly adopted by Town Council, pursuant to the requirements of the Town Charter, and published or posted pursuant to the requirements of the General Laws of the Commonwealth of Massachusetts, MGL c. 40, § 32A, as amended.

§ 1-5. Severability. [Amended 4-12-2022]

The invalidity of any section or provision of these bylaws shall not invalidate any other section or provision thereof. The repeal or amendment of any bylaw or any portion of these bylaws shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any bylaw so repealed or amended prior to the taking effect of the bylaw repealing or amending the bylaw.

ARTICLE II

Noncriminal Disposition of Violations**[Adopted as Ch. 8, § 8.130, of the 1982 General Bylaws; amended in its entirety 4-12-2022]****§ 1-6. Violations of certain bylaws, rules and regulations.**

A noncriminal disposition procedure, using the civil infraction procedure in MGL c. 40, § 21D, is enacted for violations of the state codes, Town of East Longmeadow bylaws, rules or regulations.

§ 1-7. Issuance of citations.

- A. Citations for violations of the bylaws, codes, rules or regulations made enforceable under this article shall be issued by the designated enforcing officer authorized in writing by the appointing authority which has voted to have the designated bylaw, code, rule and/or regulation enforced under this bylaw.
- B. Any authorized employee observing a violation of a bylaw, code, rule or regulation which the employee is empowered to enforce shall give to the offender a ticket in a form in compliance with the requirements of and in the manner established by MGL c. 40, § 21D.

§ 1-8. Violations and penalties.

The penalty under the civil infraction procedure for each violation of any bylaw, code, rule or regulation shall be as designated in each bylaw, code, rule or regulation enforced under this bylaw. Each day of violation shall be considered a separate violation. This penalty is an alternative to the criminal penalties that are set forth in this bylaw.

§ 1-9. Enforcement officer duty to track citations; report of fines.

It shall be the responsibility of the head of each department or the department head's designee to purchase, distribute and track the citations issued under this article. The Collector/Treasurer shall, upon request, provide a report of the fines received pursuant to this article, showing by department, board or committee the amount received as a result of tickets issued by such department, board or committee.

ARTICLE III
Adoption of Code
[Adopted 4-12-2022]

§ 1-10. Code adopted; continuation of existing provisions.

The codification of the General and Zoning Bylaws of the Town of East Longmeadow, as recodified and consisting of Chapters 1 through 500, together with an Appendix, are hereby approved, adopted and enacted as the Code of the Town of East Longmeadow, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of bylaws in force immediately prior to the enactment of the Code by this bylaw, are intended as a continuation of such bylaws and not as new enactments. This bylaw and the Code adopted hereby shall supersede and replace the 1982 Bylaws of the Town of East Longmeadow, as amended and supplemented. This act is being undertaken in accordance with the codification process outlined in Article 2-6 of the East Longmeadow Home Rule Charter. It is the determination of the Town Council that the changes to and modification of the existing Town Bylaws implemented hereby are appropriate for treatment as part of that codification process.

§ 1-11. Code on file; additions and amendments.

- A. A copy of the Code has been filed in the office of the Town Clerk and shall remain there for use and examination by the public until final action is taken on this bylaw. Following adoption of this bylaw, such copy shall be certified by the Clerk of the Town of East Longmeadow by impressing thereon the Seal of the Town, as provided by law, and such certified copy shall remain on file in the office of the Town Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Town Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Town of East Longmeadow" shall be understood and intended to include such additions and amendments. Nothing contained in this bylaw shall affect the status of any bylaw contained in the Code, and such bylaws may be amended, deleted or changed from time to time as the Town Council deems desirable.

§ 1-12. Notice; publication.

In the event that notice of enactment of this bylaw is required due to amendments adopted by way of this bylaw to zoning or land use provisions, or is otherwise required by law, the Clerk of the Town of East Longmeadow shall cause notice of the enactment of this bylaw to be given in the manner required by law. The notice of the enactment of this bylaw, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-13. Repeal.

- A. Repeal of inconsistent enactments. All bylaws of a general and permanent nature, or parts of such bylaws, inconsistent with the provisions contained in the Code adopted by this bylaw are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Town of East Longmeadow which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. Repeal of specific enactments. The Town Council of the Town of East Longmeadow has determined

that the following portions of the 1982 Bylaws are no longer in effect and hereby specifically repeals the following sections:

- (1) Section 5.030, Inspector of Weights and Measures.
- (2) Section 5.050, Building Inspector.
- (3) Section 8.100, Limitation on the use, sale, keeping and storage of fuel burning portable space heaters.
- (4) Section 10.011, Conservation Commission - Consultant Fees - Definition.
- (5) Section 10.050, Industrial Development Committee.
- (6) Section 10.060, Industrial Development Financing Authority.

§ 1-14. Enactments saved from repeal; matters not affected.

The repeal of bylaws provided for in § 1-13 of this bylaw shall not affect the following classes of bylaws, rights and obligations, which are hereby expressly saved from repeal:

- A. Any right or liability established, accrued or incurred under any legislative provision of the Town of East Longmeadow prior to the effective date of this bylaw or any action or proceeding brought for the enforcement of such right or liability.
- B. Any offense or act committed or done before the effective date of this bylaw in violation of any legislative provision of the Town of East Longmeadow or any penalty, punishment or forfeiture which may result therefrom.
- C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this bylaw brought pursuant to any legislative provision of the Town of East Longmeadow.
- D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Town of East Longmeadow.
- E. Any enactment of the Town of East Longmeadow providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Town of East Longmeadow or any portion thereof.
- F. Any enactment of the Town of East Longmeadow appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Town of East Longmeadow or other instruments or evidence of the Town's indebtedness.
- G. Enactments authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.
- H. The levy or imposition of special assessments or charges.
- I. The annexation or dedication of property.
- J. Any bylaw relating to salaries and compensation.
- K. Any bylaw amending the Zoning Map.

- L. Any bylaw relating to or establishing a pension plan or pension fund for Town employees.
- M. Any bylaw or portion of a bylaw establishing a specific fee amount for any license, permit or service obtained from the Town.
- N. Any bylaw adopted subsequent to January 2021.

§ 1-15. Changes in previously adopted legislation.

- A. In compiling and preparing the bylaws for codification and publication as the Code of the Town of East Longmeadow, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said bylaws. It is the intention of the Town Council that all such changes be adopted as part of the Code as if the bylaws had been previously formally amended to read as such.
- B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this bylaw. (Chapter and section number references are to the bylaws as they have been renumbered and appear in the Code.)¹
- C. All bylaws included in the Code have been made gender-neutral. This style will be maintained throughout the life of the Code as the Code is supplemented with new and/or updated bylaws in the future.

§ 1-16. Titles and headings; editor's notes.

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-17. When effective.

This bylaw shall take effect when duly adopted by Town Council, pursuant to the requirements of the Town Charter, and published or posted pursuant to the requirements of the General Laws of the Commonwealth of Massachusetts, MGL c. 40, § 32A, as amended.

1. Editor's Note: In accordance with § 1-15B, the chapters, parts and sections which were added, amended, adopted or repealed by this bylaw are indicated throughout the Code by the following history: "Amended (added, repealed) 4-12-2022." Schedule A, which contains a complete description of all changes, is on file in the Town offices.

EAST LONGMEADOW CODE

Chapter 37

TOWN ELECTIONS AND TOWN COUNCIL

§ 37-1. Town elections.

§ 37-2.

Town Council meetings.

§ 37-3.

Town Council compensation.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 2 of the 1982 General Bylaws. Amendments noted where applicable.]

§ 37-1. Town elections.

Town elections shall be conducted as set forth in Article 7 of the Town Charter, "Town Elections." The polls shall be open in all precincts not later than 7:00 a.m. and close at 8:00 p.m.

§ 37-2. Town Council meetings. [Amended 4-12-2022]

Regular meetings of the Town Council shall take place on the second Tuesday of each month in an accessible area of a municipal building, and at such other times as the Council may designate.

§ 37-3. Town Council compensation. [Added 12-13-2022]

Compensation for the Town Council shall be reviewed in accordance with Chapter 187, Compensation Review Committee.

Chapter 40**TOWN MANAGER**

§ 40-1.	Rules and regulations for departments.	§ 40-3.	Employment of special counsel.
§ 40-2.	Inventory of property.	§ 40-4.	Disposition of surplus property.
		§ 40-5.	Town Attorney.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.020(A) through (D), and Ch. 5, § 5.040, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 40-1. Rules and regulations for departments. [Amended 4-12-2022]

The Town Manager shall make, from time to time, such policies and procedures for the administration, management and disposition of all departments under the Manager's control.

§ 40-2. Inventory of property.

All Town department heads, including the Superintendent of Schools, shall submit an inventory of all property, both real and personal, within their department annually to the Town Manager.

§ 40-3. Employment of special counsel.

The Town Manager shall have the authority to employ special counsel to assist the Town Attorney when necessary.

§ 40-4. Disposition of surplus property. [Amended 4-12-2022]

Departments having surplus or obsolete Town property not being traded in shall notify other departments through the Town Manager of the availability of said property. Prior to sale or disposal of said property, the Town Manager will notify the Director of Municipal Finance.

§ 40-5. Town Attorney.

- A. Appointment and removal. The Town Manager shall annually, in June, and whenever a vacancy shall exist, appoint a member of the Massachusetts Bar to act as Town Attorney. The Town Attorney shall be subject at any time to removal by the Town Manager.
- B. Duties.
 - (1) The Town Attorney shall be paid for services in advising Town officials on all matters of a recurring nature, for planning and attendance at board, council and committee meetings, for drafting of contracts and other instruments, a salary established annually by the Town Council appropriation. The Town Attorney, and special counsel when engaged, shall also be paid at an hourly rate agreed upon with the Town Manager for time-use in all Town matters litigated in courts, before administrative bodies, the Appellate Tax Board, etc., and for non-recurring-type negotiations with other attorneys, towns or officials, on Town matters, land damage claims, zoning and subdivision controversies, preparation of witnesses, title searching and similar legal

exercises. Such payment as to tax title matters initiated by the Collector/Treasurer shall be made from that official's tax title expense funds with the approval of the Town Manager. **[Amended 4-12-2022]**

- (2) The Town Attorney shall represent the Town in all matters to which it is a party, in any court or administrative tribunal, and in the trial or hearing of all litigated matters.
 - (3) The Town Attorney shall draw all deeds, leases, contracts, conveyances and other legal instruments, or review the same, and take every legal action requested of the Town Attorney by the Town Manager, Town Council or School Committee. The Town Attorney shall furnish a written opinion on any legal question submitted to the Town Attorney on any matter concerning the Town and its officials, and furnish legal advice to Town officials who require the Town Attorney's opinion on matters within the scope of their official duties.
 - (4) The Town Attorney shall annually prepare and submit to the Town Manager a report describing legal services rendered.
- C. All Town officials, boards and committees requiring the services of the Town Attorney shall keep the Town Manager aware of such requests for services, notifying the Town Manager in writing or by sending copies of any communications to the Manager.

Part II: Departments

Chapter 55

COUNCIL ON AGING DEPARTMENT

§ 55-1.	Department head.	§ 55-3.	Duties and responsibilities.
§ 55-2.	Composition.	§ 55-4.	Annual report.

**[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022.
Amendments noted where applicable.]**

§ 55-1. Department head.

The Town Manager shall appoint a Director of Council on Aging. The Director of Council on Aging shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.

§ 55-2. Composition.

The Department of Council on Aging shall consist of the Director of Council on Aging and include additional employees as required for the efficient operation of the Department.

§ 55-3. Duties and responsibilities.

The duties of the Council on Aging shall be to identify the total needs of the community's elderly population; educate the community and enlist support and participation of all citizens concerning these needs; design, promote or implement services to fill these needs or coordinate presently existing services in the community; and promote and support any other programs which are designed to assist elderly people in the community.

§ 55-4. Annual report.

The Director of Council on Aging shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.

EAST LONGMEADOW CODE

Chapter 65

EAST LONGMEADOW CABLE ACCESS TELEVISION

§ 65-1.	Department head.	§ 65-3.	Duties and responsibilities.
§ 65-2.	Composition.	§ 65-4.	Annual report.

**[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022.
Amendments noted where applicable.]**

§ 65-1. Department head.

The Town Manager shall appoint a Director of East Longmeadow Cable Access Television (ELCAT) Department. The Director of ELCAT shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.

§ 65-2. Composition.

The Department of ELCAT shall consist of the Director of ELCAT and include additional employees as required for the efficient operation of the Department.

§ 65-3. Duties and responsibilities.

The duties of the Department of ELCAT shall be to record public meetings of East Longmeadow Town government bodies as outlined in the general bylaws, provide public access to the Town's designated cable channels for community-produced programming, provide facilities, equipment and training in video production for Town residents seeking to share content over the public access channels and provide instruction and training in video production for school students who reside in the Town.

§ 65-4. Annual report.

The Director of ELCAT shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.

EMERGENCY SERVICES

Chapter 69

EMERGENCY SERVICES

**ARTICLE I
Police Department**

- § 69-1. Annual report.
- § 69-2. Appointments; officer identification.
- § 69-3. Authority to close ways to traffic or prohibit parking.
- § 69-4. Authority to direct traffic.
- § 69-5. Interdepartmental assistance.
- § 69-6. Inventory of equipment.

**ARTICLE II
Fire Department**

- § 69-7. Responsibilities of Fire Chief.
- § 69-8. Appointment of firefighters.
- § 69-9. Annual report.
- § 69-10. Fuel storage tanks.
- § 69-11. Inventory of equipment.
- § 69-12. Key lock box required.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Police Department**[Adopted as Ch. 5, § 5.010, of the 1982 General Bylaws]****§ 69-1. Annual report. [Amended 4-12-2022]**

The Police Chief shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Chief's department as required by the Town Manager.

§ 69-2. Appointments; officer identification.

- A. All police officer appointments shall be made by the Town Manager acting as Police Commissioner in the Town, with the recommendations of the Police Chief.
- B. All police officers appointed by the Town Manager shall be issued a badge and identification with picture by the Police Chief.

§ 69-3. Authority to close ways to traffic or prohibit parking.

The police may temporarily close any public or private way to vehicular traffic, in an impending or existing emergency, or for any lawful assemblage, demonstration or procession, provided there is reasonable justification for said closing. For the same reasons, the police may prohibit parking and remove any vehicles parked in violation. Exempted from these rules are emergency vehicles, repair vehicles and fire and police vehicles. Persons using said street are not exempted from the consequences of any reckless operation.

§ 69-4. Authority to direct traffic.

Police officers shall have the authority to direct all traffic either in person or by means of a visible or audible signal. In the event of an emergency, fire personnel may direct traffic for the safety of all persons and all persons are required to obey their commands.

§ 69-5. Interdepartmental assistance.

The Police Department is authorized to assist another Police Department, by request, in an emergency. The Police Department is authorized to request assistance from other departments in similar instances.

§ 69-6. Inventory of equipment. [Amended 4-12-2022]

The Police Department shall keep a true and accurate inventory of all police equipment, including guns and ammunition. The inventory should show the original purchase price, description and number of the item and the date of purchase. The inventory will be brought up-to-date yearly and filed with the Town Manager and Town Accountant.

ARTICLE II
Fire Department
[Adopted as Ch. 5, § 5.020, of the 1982 General Bylaws]

§ 69-7. Responsibilities of Fire Chief. [Amended 4-12-2022]

The Fire Chief shall act as the Town's Emergency Management Director, Forest Fire Warden and Fire Warden.

§ 69-8. Appointment of firefighters.

All firefighter appointments shall be made by the Town Manager, acting as Fire Commissioner in the Town, with recommendations from the Fire Chief.

§ 69-9. Annual report. [Amended 4-12-2022]

The Fire Chief shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Chief's department as required by the Town Manager.²

§ 69-10. Fuel storage tanks. [Amended 4-12-2022]

Permit and license requirements for fuel storage tanks are found in 527 CMR 1.12.8 of the Massachusetts Comprehensive Fire Code.

§ 69-11. Inventory of equipment. [Amended 4-12-2022]

The Fire Department shall keep a true and accurate inventory of all fire equipment. The inventory should show the original purchase price, description and number of the item and the date of purchase. The inventory will be brought up-to-date yearly and filed with the Town Manager and Town Accountant.³

§ 69-12. Key lock box required.

Any building, other than a residential building of less than six units, which has a fire alarm system or other fire protection system, shall provide a secure key lock box installed in a location accessible to the Fire Department in case of an emergency. This key lock box shall contain keys to the fire alarm system control panel and any other keys necessary to operate or otherwise service the fire protection systems. The key lock box shall be of a type approved by the Fire Chief or designee and shall be located and installed as instructed by the Fire Chief or designee.

2. Editor's Note: Original Sec. 5.020(D), regarding inspection of wood- and coal-burning stoves, which immediately followed this section, was repealed 4-12-2022.

3. Editor's Note: Original Sec. 5.020(G), Fire Lanes, which immediately followed this section, was moved to Ch. 416, Vehicles and Traffic, 4-12-2022. See now § 416-4.

HEALTH DEPARTMENT

Chapter 74

HEALTH DEPARTMENT

§ 74-1.	Department head.	§ 74-3.	Duties and responsibilities.
§ 74-2.	Composition.	§ 74-4.	Annual report.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.030(A) and (B), of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 74-1. Department head.

The Town Manager shall appoint a Director of Public Health. The Director of Public Health shall be responsible for the supervision and coordination of all public-health-related functions of the Town that are placed under the Director's control by the Massachusetts General Laws, the Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.

§ 74-2. Composition.

The Health Department shall be under the direction of the Director of Public Health and include additional employees as required for the efficient operation of the Department.

§ 74-3. Duties and responsibilities.

The purpose of the Health Department is to protect and strengthen the public health in the Town. It shall be responsible for the performance of all public-health-related functions and activities of the Town. Health Department staff act as an agent of the Board of Health enforcing all related regulations of the Commonwealth of Massachusetts, all related bylaws and regulations of the Town of East Longmeadow, and shall perform any other duties which may be assigned by state or federal statute, state or federal regulations, or Town regulations or bylaws. The Health Department provides administrative, technical and clerical support to the Board of Health.

§ 74-4. Annual report.

The Director of Public Health shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.

EAST LONGMEADOW CODE

Chapter 78

HUMAN RESOURCES

	ARTICLE I	§ 78-2.	Composition.
	Human Resources Department	§ 78-3.	Duties and responsibilities.
§ 78-1.	Department head.	§ 78-4.	Annual report.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Human Resources Department
[Adopted 2-14-2023]

§ 78-1. Department head.

The Town Manager shall appoint a Director of Human Resources. The Director of Human Resources shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.

§ 78-2. Composition.

The Department of Human Resources shall consist of the Director of Human Resources and include additional employees as required for the efficient operation of the department.

§ 78-3. Duties and responsibilities.

The Human Resources Department will provide the leadership, direction, and support necessary to attract, retain, and develop talented individuals to align ourselves with the changing obligations of our Town. The Human Resources Department will assist Town officials and department heads in fairly, consistently, and lawfully creating and administering policies and practices that sustain a professional, productive, efficient, and innovative work environment which supports the Town and its departments in effectively performing their missions.

§ 78-4. Annual report.

The Director of Human Resources shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to their department as required by the Town Manager.

INFORMATION TECHNOLOGY DEPARTMENT

Chapter 83

INFORMATION TECHNOLOGY DEPARTMENT

§ 83-1.	Department head.	§ 83-3.	Duties and responsibilities.
§ 83-2.	Composition.	§ 83-4.	Annual report.

**[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022.
Amendments noted where applicable.]**

§ 83-1. Department head.

The Town Manager shall appoint a Director of Information Technology. The Director of Information Technology shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.

§ 83-2. Composition.

The Department of Information Technology shall consist of the Director of Information Technology and include additional employees as required for the efficient operation of the Department.

§ 83-3. Duties and responsibilities.

The duties of the Department of Information Technology shall be to support the Town's operating units in their use of information technology (IT), to manage Town and departmental information systems, and to recommend appropriate IT plans, standards and training so users may make full and effective use of information technology resources. The tasks involve working with senior managers and department heads to define the Town's services and operational objectives, the appropriate cost-effective information management strategies to achieve those objectives, the adoption of cohesive IT plans and standards, and the acquisition, implementation and maintenance of information systems and related components. The Information Technology Director is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under the Director's direction and control. The Information Technology Department shall also be responsible for all technology and information systems in all departments, including the School Department.

§ 83-4. Annual report.

The Director of Information Technology shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.

EAST LONGMEADOW CODE

Chapter 92

LIBRARY DEPARTMENT

§ 92-1.	Department head.	§ 92-3.	Duties and responsibilities.
§ 92-2.	Composition.	§ 92-4.	Annual report.

**[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022.
Amendments noted where applicable.]**

§ 92-1. Department head.

The Town Manager shall appoint a Library Director. The Library Director shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.

§ 92-2. Composition.

The Department of Library shall consist of the Library Director and include additional employees as required for the efficient operation of the Department.

§ 92-3. Duties and responsibilities.

The duties of the Library Department shall be to provide free and equal access to information, resources and technology to help educate and enrich the residents of the Town of East Longmeadow and the surrounding community.

§ 92-4. Annual report.

The Library Director shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.

EAST LONGMEADOW CODE

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

Part 1
Municipal Finance Department

ARTICLE I
Department of Municipal Finance
[Adopted 4-12-2022]

§ 97-1. Department head.

The Town Manager shall appoint a Director of Municipal Finance. The Director of Municipal Finance shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.

§ 97-2. Composition.

The Department of Municipal Finance shall consist of the Director of Municipal Finance and include additional employees as required for the efficient operation of the Department.

§ 97-3. Duties and responsibilities.

The Department of Municipal Finance shall be responsible for the performance of all of the fiscal and financial activities of the Town. The Department of Municipal Finance shall be responsible for the coordination of all of the duties and responsibilities related to fiscal and financial activities which are performed by or under the authority of the Town Accountant, the Collector/Treasurer and the Board of Assessors, and it may have such additional powers, duties and responsibilities with respect to fiscal and financial-related functions and activities as may from time to time be provided by bylaw or Town Manager delegation.

§ 97-4. Annual report.

The Director of Municipal Finance shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.

ARTICLE II

Town Accountant**[Adopted as Ch. 3, § 3.010(A) through (E), of the 1982 General Bylaws]****§ 97-5. Appointment; term; powers and duties. [Amended 4-12-2022]**

The Town Manager shall appoint a Town Accountant, who shall be sworn to the faithful performance of his duties and shall hold no other Town office involving the receipt or disbursement of money, except that the Town Accountant shall be eligible to hold the position of Director of Municipal Finance. The Town Accountant shall hold office for three years and until a successor is qualified and shall perform the duties and possess the powers of the Town Auditor as defined in MGL c. 41, §§ 50 to 53, inclusive, as amended.

§ 97-6. Books and records. [Amended 4-12-2022]

The Town Accountant shall keep a complete set of books wherein shall be entered the amount of each specific appropriation, the amounts and purposes of expenditures made therefrom, the receipts from each source of income, the amount of each assessment levied and the abatements made; and the Town Accountant shall keep the accounts, so far as practicable, in conformity with the classifications and forms prescribed by the State Director of Accounts in accordance with MGL c. 44, § 43 and in conformity with any systems, classifications, forms and designations prescribed pursuant to regulations of the State Board of Education for use by school committees. The Town Accountant shall have custody of all contracts of the Town, shall keep a register of the sureties on all bonds of indemnity given to the Town, shall keep a detailed record of the Town debt, showing the purpose for which it was incurred, when incurred, when due, the rate of interest and the provisions made for payment of the debt. (See MGL c. 41, § 57.)

§ 97-7. Notification of appropriation balances. [Amended 4-12-2022]

The Town Accountant shall notify the Town Manager and all departments monthly of the balance in the Town Accountant's hands of any appropriation to their credit.

§ 97-8. Duty to provide information to Accountant. [Amended 4-12-2022]

All departments shall provide any financial information or financial documentation that the Town Accountant shall request.

§ 97-9. Report of appropriations and expenditures. [Amended 4-12-2022]

The Town Accountant shall immediately upon the close of each calendar year compile a written report showing the amounts appropriated and the amounts expended from each appropriation during the preceding fiscal year, the amounts appropriated for the current fiscal year and the amounts expended from such appropriations during the first six months of such year and the amounts estimated to be expended from such appropriations during the second six months of such year and the estimates for the next ensuing fiscal year, and shall forthwith furnish a copy thereof to the Town Manager. (See MGL c. 41, § 60.)

**Part 2
Town Accountant**

**ARTICLE III
Town Audits**

[Adopted as Ch. 3, § 3.020, of the 1982 General Bylaws]

§ 97-10. Annual determination of cash on hand.

The Town Accountant shall, on June 30 of every year, count the cash on hand of the Town Collector/Treasurer and Town Clerk.

§ 97-11. Cash balances.

The Town Accountant shall balance the year-ending cash of the Town Collector/Treasurer, including the balancing of all checking and savings accounts of the Town.

§ 97-12. Annual audit required.

The Town shall have an audit of the financial books and accounts of the Town made annually pursuant to Article 6, Section 5 of the Town Charter.

§ 97-13. Special audits upon termination of certain positions. [Amended 4-12-2022]

The Town Council shall have a special audit made of the books and accounts held by the Collector/Treasurer, Town Clerk, Director of Municipal Finance and School Department Business Manager as of the last day of employment of any of said officials.

ARTICLE IV
Revolving Funds
[Adopted 6-26-2018 (Ch. 11 of the 1982 General Bylaws)]

§ 97-14. Purpose and authority.

This bylaw establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by MGL c. 44, § 53E 1/2.

§ 97-15. Expenditure limitations.

A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this bylaw without appropriation, subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by the Town Council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year jointly by the Town Council and Town Manager.

§ 97-16. Interest.

Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the general fund.

§ 97-17. Procedures and reports.

Except as provided in MGL c. 44, § 53E 1/2 and this bylaw, the laws, Charter provisions, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this bylaw. The Town Accountant shall include a statement on the collections credited to the fund, the encumbrances and expenditures charged to each fund and the balance available for expenditure in the regular report the Town Accountant provides the department, board, committee, agency or officer on appropriations made for its use.

§ 97-18. Authorized revolving funds.

The table establishes:

- A. Each revolving fund authorized for use by a Town department, board, committee, agency or officer;
- B. The department or agency head, board, committee or officer authorized to spend from each fund;
- C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant;

- D. The expenses of the program or activity for which each fund may be used,
- E. Any restrictions or conditions on expenditures from each fund; legal fees, i.e., lawyer, attorney fees; rent;
- F. Any reporting or other requirements that apply to each fund; an additional report identifying year-to-date income and expenses for each fund shall be provided to the Town Council by March 15 of each fiscal year, and
- G. The fiscal years beginning July 1 and ending June 30 each fund shall operate under this bylaw. **[Amended 3-12-2024]**

A Revolving Fund	B Department Authorized to Spend from Fund	C Fees, Charges or Other Receipts Credited to Fund	D Program or Activity Expenses Payable from Fund	E Restrictions or Conditions on Expenses Payable from Fund	F Other Requirements/ Reports	G Fiscal Years
Solid Waste Disposal (#2805)	Health Department	Trash bag receipts, recycling rebates. mattress recycling	Salaries, expenses, supplies and contractual services to operate the solid waste disposal and recycling program		The balance in the revolving fund account shall not exceed the approved expenditure limit set by Town Council vote as outlined by Section 6-1 of the Town Charter	Fiscal Year 2018 and subsequent years
Council on Aging (#2809)	Council on Aging	Council on Aging general programming and activities, such as, but not limited to: fitness room memberships, exercise class fees, event fees, facility/room rental	Salaries, expenses and contractual expenses to operate the general programming and activities		The balance in the revolving fund account shall not exceed the approved expenditure limit set by Town Council vote as outlined by Section 6-1 of the Town Charter	Fiscal Year 2018 and subsequent years

ARTICLE V

Enterprise Funds

**[Adopted as Ch. 3, § 3.010(F) and (G), of the 1982 General Bylaws; amended in its entirety
4-12-2022]**

§ 97-19. Statutory authority.

All enterprise funds will be maintained pursuant to MGL c. 44, § 53F 1/2.

Part 3
Collector/Treasurer

ARTICLE VI
Town Collector/Treasurer
[Adopted as Ch. 4, § 4.050 and § 4.060, of the 1982 General Bylaws]

§ 97-20. Annual report.

The Town Collector/Treasurer shall annually prepare and submit to the Town Manager a report that shall contain:

- A. A classified statement showing the items of the Town debt, date when each was contracted, its original amount, rate of interest, date on which it will be due and purpose for which the bonding was made.
- B. A statement of all money borrowed by the Town during the year, and for what purposes, the amount of increase or decrease in the Town debt and the object for which it was increased.
- C. The relation of the Town debt to the percent limit of indebtedness if the relevant data supplied by the Commonwealth is available in time for insertion in the report. If such data is not supplied in time for insertion in said report, the Collector/Treasurer may include general remarks on this subject in whatever form may best serve to inform the Town under the circumstances.

§ 97-21. Bond required.

The Collector/Treasurer shall give bond to the Town for the faithful performance of his duties in a form approved by the Commissioner of Revenue, in such sum not less than the amount established by said Commissioner.

§ 97-22. Custody of bonds and insurance policies. [Amended 4-12-2022]

The Collector/Treasurer shall be the custodian of all bonds belonging to the Town, except that the surety bonds of the Collector/Treasurer, Deputy Collector of Taxes and Town Clerk shall be in the custody of the Town Clerk. The Town Manager shall be the custodian of all insurance policies belonging to the Town.

§ 97-23. Investment policy.

The funds of the Town should be retained in long-term investments whenever possible and all funds kept in interest-bearing accounts.

§ 97-24. Sale of Town land taken for taxes.

- A. The Collector/Treasurer, with notice to the Town Manager, is authorized to sell and convey by public sale any or all parcels of real estate which the Town has acquired, or may hereafter acquire title to, either by foreclosure of tax titles in the Land Court, or by procedure under MGL c. 60, §§ 79 and 80, as amended, pertaining to land of low value. **[Amended 4-12-2022]**
- B. Abutters to any land proposed for sale shall be notified by mail at least 10 days prior to the sale, unless the land proposed for sale is one of several parcels offered for sale in a public advertisement appearing twice at least 10 days before the date of the sale.

§ 97-25. Trust funds.

All trust funds, if not otherwise provided in the conditions of the trust, and the income of all trust funds shall be held in the custody of the Town Collector/Treasurer, and shall be paid out by the Collector/Treasurer for the purpose named in the trust only upon orders duly drawn upon the Collector/Treasurer by the Town Manager.

§ 97-26. Service as Collector of Taxes.

The Town Collector/Treasurer may act as Collector of Taxes and shall be possessor of all statutory powers to collect all accounts due the Town pursuant to MGL c. 41, §§ 38 and 38A.

§ 97-27. Bond required.

The Collector/Treasurer and any appointed deputies shall give bond for the faithful performance of their duties in such sum and in such form and subject to such conditions as the Commissioner of Revenue shall prescribe.

§ 97-28. Access to vault. [Amended 4-12-2022]

The Collector/Treasurer shall have the combination of all safes and vaults wherein Town records and monies are kept.

§ 97-29. Annual report.

The Collector/Treasurer shall annually prepare and submit to the Town Manager a report that shall contain a statement of the amounts committed to the Collector/Treasurer for collection, including the amount of abatements and refunds. The statement shall also show in detail the amounts of all uncollected taxes from any source, including water and sewer charges, sewer, street and sidewalk betterment assessments.

§ 97-30. Maintenance of books and records; annual report. [Amended 1-23-2018; 4-12-2022]

The Collector/Treasurer shall have charge of the keeping of the books, acts involving collection of monies due the Town and the preparation of such returns and reports as it may be required to make. The Collector/Treasurer shall report annually, to departments concerned, the receipts and collections for each department.

Part 4
Assessors

ARTICLE VII
Department of Assessing
[Adopted 4-12-2022]

§ 97-31. Department head.

The Board of Assessors, as the appointing authority prescribed under MGL c. 41, § 25A, in conjunction with the Town Manager, shall appoint a Director of Assessing. The Director of Assessing shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.

§ 97-32. Composition.

The Department of Assessing shall consist of the Director of Assessing and include additional employees as required for the efficient operation of the Department.

§ 97-33. Duties and responsibilities.

The duties of the Department of Assessing shall be to administer all assessing functions, including but not limited to the following: real and personal property assessments, abatements, exemptions, motor vehicle and boat excise commitments and abatements, ensuring compliance with Department of Revenue and Division of Local Services standards.

§ 97-34. Annual report.

The Director of Assessing shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager. At a minimum the Annual Report shall contain:

- A. A statement showing the number of parcels of real estate assessed, broken down by classification category and the assessed valuation of each group, also showing the percentage of valuation of each group.
- B. A statement showing the amount of personal property taxes and assessed value.
- C. A statement of all categories of taxes assessed for the year, showing the total amount of taxes assessed for each kind of tax.
- D. A statement listing state receipts due the Town in the setting of the most recent tax rate, and a listing of amounts due to the state and county governments.
- E. A statement listing general Town receipts estimated in the setting of the most recent tax rate.
- F. A list of exempt property by category and valuation, also including property owned by the Town.
- G. A comparison report showing a five-year history of:
 - (1) Latest tax rate.

- (2) Total real and personal property valuation.
- (3) Total number of parcels assessed.
- (4) Total real and personal property taxes committed.

EAST LONGMEADOW CODE

Chapter 115

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

	ARTICLE I	§ 115-6.	Inspectors of Wires.
	Planning and Community Development	§ 115-7.	Inspector of Plumbing and Gas Fitting.
§ 115-1.	Department head.	§ 115-8.	Inspector of Weights and Measures.
§ 115-2.	Composition.		
§ 115-3.	Duties and responsibilities.		
§ 115-4.	Annual report.		
			ARTICLE III
			Planning Department
	ARTICLE II	§ 115-9.	Department head.
	Building Department	§ 115-10.	Composition.
§ 115-5.	Building Commissioner; local inspectors.	§ 115-11.	Duties and responsibilities.
		§ 115-12.	Annual report.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

ARTICLE I

Planning and Community Development**§ 115-1. Department head.**

The Town Manager shall appoint a Director of Planning and Community Development. The Director of Planning and Community Development shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.

§ 115-2. Composition.

The Department of Planning and Community Development shall consist of the Director of Planning and Community Development and include additional employees as required for the efficient operation of the Department.

§ 115-3. Duties and responsibilities.

The duties of the Department of Planning and Community Development shall be to provide professional, managerial and administrative work by developing and coordinating the activities, programs, functions and operations of the Department of Planning and Community Development and all of its relative boards, commissions and authorities in keeping with the Town's comprehensive planning and development program.

§ 115-4. Annual report.

The Director of Planning and Community Development shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.

ARTICLE II
Building Department

§ 115-5. Building Commissioner; local inspectors.

- A. The Town Manager shall appoint a Building Commissioner. The appointment shall be for three years.
- B. The powers and duties of the Building Commissioner are defined in the rules and regulations issued by MGL c. 143, §§ 3 and 3A, the State Building Code (780 CMR) and the Board of Building Regulations and Standards (BBRS).
- C. The Building Commissioner shall have control and supervision over the Electrical Department/Inspector of Wires, Plumbing Department/Inspector of Plumbing and Gas Fitting and the Sealer of Weights and Measures Inspector.
- D. Pursuant to MGL c. 40A, § 7 and the Town's Zoning Bylaws,⁴ the Building Commissioner shall serve as the Town's Zoning Enforcement Officer.
- E. The Building Commissioner and any local inspectors hired to assist the Building Commissioner shall administer and enforce the State Building Code, MGL c. 22, § 13A, as well as the rules and regulations made thereunder pertaining to accessible design standards, and the Town's Zoning Bylaws.
- F. The Town Clerk shall annually, not later than April 1, transmit to the State Board of Building Regulations and Standards, in writing, the name and official address of each Building Commissioner and each local inspector in the Town.
- G. Every Building Commissioner or local inspector shall be certified by the Board of Building Regulations and Standards in accordance with regulations promulgated by said Board.
- H. The Building Commissioner and local inspectors shall enter upon the premises wherein any fire has occurred, if necessary, to determine whether the structure is sound.
- I. The Building Commissioner and local inspectors shall supervise the construction of all buildings erected by the Town, including any repairs and alterations to any building under the care and custody of the Town, to ensure the project complies with plans and specifications, unless the Town Manager shall designate an independent construction supervisor for a specific project.
- J. The Building Commissioner shall have the authority to issue citations and prosecute violations of the Town's Zoning Bylaws, violations under Chapter 40A of the General Laws, and violations under the State Building Code.
- K. The Building Commissioner shall annually prepare and submit to the Town Manager a report that shall include the number and types of permits issued and the number of permit applications denied.

§ 115-6. Inspectors of Wires.

- A. The Town Manager shall appoint a Wire Inspector and an Alternate Wire Inspector every year.
- B. Each individual appointed to these positions must be licensed as a Massachusetts electrician and have either 1) practical experience as an electrician during the five years immediately preceding

4. Editor's Note: See Ch. 450, Zoning.

appointment; or 2) served as a Massachusetts inspector of wires or electrical inspector during the five years immediately preceding appointment, or some combination thereof.

- C. The Alternate Inspector of Wires shall serve in an intermittent, part-time capacity, subject to the supervision of the Building Commissioner, and only in the event that:
- (1) The work of the Inspector of Wires or that of any business associate or immediate family member of such Inspector requires inspection; or
 - (2) The Inspector of Wires is incapacitated from performing the normal duties of office or is otherwise unavailable.
- D. It shall be the duty of the Wire Inspector and, as necessary, the alternate, to undertake those duties as imposed by virtue of MGL c. 166, § 32 in conformity with the regulations of the Massachusetts Board of Fire Prevention Regulations (NEC).

§ 115-7. Inspector of Plumbing and Gas Fitting.

- A. The Town Manager shall appoint a Plumbing and Gas Fitting Inspector and an Alternate Plumbing and Gas Fitting Inspector every year.
- B. There are hereby established the positions of Inspector of Plumbing and Gas Fitting and Alternate Inspector of Plumbing and Gas Fitting. Each individual appointed to these positions must be licensed as a Massachusetts master or journeyman plumber. In addition, each such appointee must have either 1) practical experience as a plumber during the five years immediately preceding appointment; or 2) served as a Massachusetts plumbing inspector during the five years immediately preceding appointment, or some combination thereof.
- C. The Alternate Inspector of Plumbing and Gas Fitting shall serve in an intermittent, part-time capacity, subject to the supervision of the Building Commissioner, only in the event:
- (1) That the work of the Inspector of Plumbing and Gas Fitting or that of any business associate or immediate family member of such Inspector requires inspection; or
 - (2) That the Inspector of Plumbing and Gas Fitting is incapacitated from performing the normal duties of office or is otherwise unavailable.
- D. It shall be the duty of the Inspector of Plumbing and Gas Fitting and, as necessary, the alternate position, to undertake those duties as imposed by virtue of MGL c. 143, § 30 in conformity with the regulations of the Massachusetts Board of State Examiners of Plumbers and Gas Fitters (248 CMR).

§ 115-8. Inspector of Weights and Measures.

- A. The Inspector of Weights and Measures shall annually prepare and submit to the Town Manager a report that shall contain:
- (1) A list of all scales, meters, capacity and measuring devices tested and sealed, including the number not sealed and condemned.
 - (2) A list of other items checked and sealed and other inspections prescribed by the State Director of Standards.
 - (3) A statement of general interest to citizens concerning the year's activity.

- B. The Inspector of Weights and Measures shall turn over all fees received to the Collector/Treasurer.
- C. The Inspector of Weights and Measures may, at the Inspector's discretion, stop and examine any device or measure in any location and check hawkers and peddlers for permits, all as prescribed by the State Director of Standards.
- D. The Inspector of Weights and Measures shall keep a true and accurate inventory of all the Inspector's equipment. The inventory should show a description of all weights and measures in the Inspector's charge. A copy of the inventory, updated annually, shall be filed with the Town Manager and Town Accountant.

ARTICLE III
Planning Department

§ 115-9. Department head.

The Town Manager shall appoint a Director of Planning. The Director of Planning shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.

§ 115-10. Composition.

The Department of Planning shall consist of the Director of Planning and include additional employees as required for the efficient operation of the Department.

§ 115-11. Duties and responsibilities.

The duties of the Planning Department shall be to provide professional, managerial and administrative help to the public and Planning Board on matters dealing with zoning, site plans, permitting and all other matters under its purview.

§ 115-12. Annual report.

The Director of Planning shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.

PUBLIC WORKS DEPARTMENT

Chapter 119

PUBLIC WORKS DEPARTMENT

§ 119-1.	Department head.	§ 119-4.	Water, sewer and stormwater rates.
§ 119-2.	Composition.	§ 119-5.	Annual report.
§ 119-3.	Duties and responsibilities.		

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

§ 119-1. Department head.

The Town Manager, with Town Council approval, shall appoint a Superintendent of Public Works. The Superintendent of Public Works shall be responsible for the supervision and coordination of all public works operations of the Town that are placed under the Superintendent's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.

§ 119-2. Composition.

The Department of Public Works shall be under the direction of a Superintendent of Public Works and include additional employees as required for the efficient operation of the Department.

§ 119-3. Duties and responsibilities.

The purpose of the Public Works Department is to coordinate all public works activities, including but not limited to the following operations: snow removal, municipal building maintenance, grounds, parks, public shade trees, water supply and distribution, sanitary sewer systems, streets, roads, sidewalks, stormwater systems and engineering.

§ 119-4. Water, sewer and stormwater rates. [Added 8-11-2023⁵

The Town Council shall set water, sewer and stormwater rates based upon the recommendations of the Superintendent of Public Works and the decision of the Town Manager.

§ 119-5. Annual report.

The Superintendent of Public Works shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.

5. Editor's Note: This ordinance also redesignated former § 119-4 as § 119-5.

EAST LONGMEADOW CODE

Chapter 126

RECREATION DEPARTMENT

§ 126-1.	Department head.	§ 126-3.	Duties and responsibilities.
§ 126-2.	Composition.	§ 126-4.	Annual report.

**[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022.
Amendments noted where applicable.]**

§ 126-1. Department head.

The Town Manager shall appoint a Director of Recreation. The Director of Recreation shall be responsible for the supervision and coordination of matters of the Town that are placed under the Director's control by Charter, bylaw, the Town Manager, rules and regulations or by other Town vote.

§ 126-2. Composition.

The Department of Recreation shall consist of the Director of Recreation and include additional employees as required for the efficient operation of the Department.

§ 126-3. Duties and responsibilities.

The duties of the Department of Recreation shall be to provide recreational activities for all residents of all abilities and interests. This includes but is not limited to the following: maintaining fiscally sound business decisions that uphold safety and quality in programming, analyzing national participatory trends to compare demands for recreational activities, being aware of the Town's social and economic factors in determining programs and managing the needs and resources of the community for years to come.

§ 126-4. Annual report.

The Director of Recreation shall annually prepare and submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager.

SCHOOL DEPARTMENT

Chapter 131

SCHOOL DEPARTMENT

§ 131-1.	Department head.	§ 131-2.	Composition.
		§ 131-3.	Duties and responsibilities.

**[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022.
Amendments noted where applicable.]**

§ 131-1. Department head.

The School Committee shall appoint a Superintendent of Schools. The Superintendent of Schools shall be responsible for the supervision and coordination of all school operations of the Town that are placed under the Superintendent's control by Charter, bylaw, state law, rules and regulations or by other Town vote.

§ 131-2. Composition.

The School Department shall be under the direction of a Superintendent of Schools and include additional employees as required for the efficient operation of the Department.

§ 131-3. Duties and responsibilities.

The purpose of the School Department is to offer educational programming for all school-age children residing in East Longmeadow. The Department will coordinate all school activities, including but not limited to the following operations:

- A. Establish educational programming for grades K through 12;
- B. Enroll all school-age children residing in the Town in the appropriate grade level;
- C. Provide early intervention educational programming for identified three- and four-year-old children residing in Town;
- D. Provide specialized programming for school-age children with identified learning disabilities;
- E. Coordinate all athletic, cocurricular and extracurricular programming offered.

Chapter 135

TOWN CLERK

- § 135-1. **Records to be kept and stored.**
- § 135-2. **Minutes of Council meetings.**
- § 135-3. **Reports of multiple-member bodies; results of primaries and elections.**
- § 135-4. **Fees.**
- § 135-5. **Annual report.**
- § 135-6. **Resignations.**
- § 135-7. **Bonds.**
- § 135-8. **Elections.**
- § 135-9. **Annual census; street list.**
- § 135-10. **Records access.**

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.040, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 135-1. Records to be kept and stored.

The Town Clerk shall keep and cause to be permanently bound one or more files of Town reports. The Town Clerk shall furnish all boards and committees with a copy of all votes affecting them. The Town Clerk shall not allow original papers or documents of the Town to be taken from the Clerk's office, except as they remain in the Clerk's custody or by authority of law.

§ 135-2. Minutes of Council meetings.

The Town Clerk shall record suitable minutes of Town Council meeting proceedings and the results of all votes cast at Town Council meetings held during the Clerk's term of office.

§ 135-3. Reports of multiple-member bodies; results of primaries and elections.

The Town Clerk shall keep a file of all reports submitted by all multiple-member bodies of the Town and all documents relating to the affairs of the Town which come into the Clerk's custody. The Town Clerk shall suitably index all such reports and all Town Council meeting votes. The results of all primaries and elections held must also be duly recorded.

§ 135-4. Fees. [Amended 6-15-2021; 4-12-2022; 2-27-2024]

The Town Clerk shall charge fees for the following in amounts set from time to time and available in the Town Clerk's office:

1.	For entering an amendment of a record of the birth of an illegitimate child subsequently legitimized	\$25
2.	For correcting errors in a record of birth	\$25
3.	For furnishing a certificate of a birth	\$15
4.	For filing a certificate of a person conducting business under any title other than the person's real name	\$40

5.	For filing by a person conducting business under any title other than the person's real name of a statement of change of residence, or of discontinuance, retirement or withdrawal from, or of a change of location of such business	\$20
6.	For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the commonwealth	\$20
7.	For correcting errors in a record of death	\$25
8.	For furnishing a certificate of death	\$15
9.	For entering a notice of intention of marriage and issuing certificates thereof	\$40
10.	For entering a certificate of marriage filed by persons married out of the commonwealth	\$40
11.	For issuing a certificate of marriage	\$15
12.	For furnishing an abstract copy of a record of marriage	\$10
13.	For correcting errors in a record of marriage	\$25
14.	For recording a power of attorney	\$5
15.	For recording a certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof	\$20
16.	For recording the name of the owner of a certificate of registration as a physician or osteopath in the commonwealth	\$20
17.	For recording an order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in the number of wires and cable or attachments under the provisions of MGL c. 166, § 22	\$40
18.	For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof, as provided by MGL c. 182, § 2	\$20
19.	For recording a deed or lot or plot in a public burial place or cemetery	\$5
20.	Voter's card	\$5
21.	Dog license	\$10
22.	Dog license (non-spayed/-neutered).	\$20
23.	Dog license renewal (late fee)	\$10
24.	Kennel license	
	1 to 4 dogs	\$30
	5 to 10 dogs	\$60
	More than 10 dogs	\$100

§ 135-5. Annual report.

The Town Clerk shall annually prepare and submit to the Town Manager a report that shall contain:

- A. A copy of every Town Council meeting vote acted upon, showing in detail the number for and against

or whether the vote was by majority or by unanimous vote. The report of every Town Council meeting will also show the opening and closing of the meeting.

- B. A full report of the annual Town Election and every state or special election. **[Amended 4-12-2022]**
- C. A complete list of the elected Town officers, with their salaries or compensation and the expiration of the term of office of each member. **[Amended 4-12-2022]**
- D. A complete list of all appointees for the year and other appointments of the Town Manager, and the expiration of the term of office of each member, where possible.
- E. A statement of dog licenses issued and other fees collected and turned over to the Town. **[Amended 4-12-2022]**
- F. A report of the number of births, marriages and deaths, showing a comparison with the two previous years.

§ 135-6. Resignations.

- A. No resignation of a member of a multiple-member body shall be deemed effective unless and until such resignation is filed with the Town Clerk or such later time certain as may be specified in such resignation.
- B. Upon receipt of a resignation, the Town Clerk shall notify the remaining members of the multiple-member body, if the resignation is received from a multiple-member body; and the Clerk shall further notify the Town Manager, and such notification shall include the effective date of the resignation.

§ 135-7. Bonds.

- A. The Town Clerk shall give bond to the Town for the faithful performance of the Clerk's duties in a form approved by the Commissioner of Revenue, in such sum not less than the amount established by said Commissioner, or which shall be fixed by the Town Manager.
- B. The surety bonds of the Town Collector/Treasurer, Deputy Collector of Taxes and Town Clerk shall be in the custody of the Town Clerk and kept in a fire-rated and waterproof Town vault. **[Amended 4-12-2022]**

§ 135-8. Elections. [Added 4-12-2022]

The Town Clerk shall supervise voter registration, election officers and direct the preparation of ballots, polling places, voting equipment, voting lists and certify nomination papers and initiative petitions. The Town Clerk shall also serve on the Board of Registrars and administer campaign finance laws.

§ 135-9. Annual census; street list. [Added 4-12-2022]

The Town Clerk shall conduct the annual Town census and prepare the street list of residents.

§ 135-10. Records access. [Added 4-12-2022]

The Town Clerk, as the Records Access Officer (RAO), shall respond to requests for access to public records, assist individuals seeking public records in identifying the records requests, assist in the preservation and management of public records and prepare guidelines to enable requestors to make informed requests.

Part III: Multiple-Member Bodies

Chapter 150

MULTIPLE-MEMBER BODIES: GENERAL PROVISIONS

§ 150-1. Filming of meetings.

§ 150-2. Conduct of meetings; reports.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 3, § 3.030, and Ch. 4, § 4.010, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 150-1. Filming of meetings. [Amended 4-12-2022; 8-11-2023]

All open session portions of regularly scheduled meetings of the Town Council, School Committee, Planning Board, Board of Assessors, Board of Library Trustees and East Longmeadow Housing Authority shall be filmed by the East Longmeadow Community Access Television Department and shall be broadcast regularly on community access television. This bylaw is not intended to expand the requirements of the Open Meeting Law⁶ and the failure to film a meeting shall not affect the legality of such a meeting.

§ 150-2. Conduct of meetings; reports.

- A. All meetings of any governmental body within the Town shall conform to the requirements of the Open Meeting Law of the Massachusetts General Laws, as amended.⁷
- B. The minutes of every meeting shall be delivered to the Town Clerk in final typed or electronic form within 30 days of the date of said meeting, but shall be available for public inspection within 10 days of said meeting.
- C. Each multiple-member body, as described in Division 1, Part III, of the Town Code, shall elect a Chair and a Clerk. **[Amended 4-12-2022]**
- D. The Annual Town Report shall be issued in hard copy under the direction of the Town Manager. It shall include reports from all departments, including the School Department and the Town Council.
- E. No multiple-member body of the Town shall receive compensation for its services, except as recommended by the Town Manager and approved by the Town Council.
- F. No Town Councilor shall hold any other Town-appointed position except as a member of an advisory committee created by the Council, or as an ex-officio member of a committee created by the Town Manager, or as permitted by the Charter.

6. Editor's Note: See MGL c. 30A, §§ 18 through 25.

7. Editor's Note: See MGL c. 30A, §§ 18 through 25.

BOARD OF APPEALS

Chapter 155

BOARD OF APPEALS

§ 155-1. Membership; term; appointment.

§ 155-2. Associate members.
§ 155-3. Authority.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.120, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 155-1. Membership; term; appointment.

The Board of Appeals shall be appointed by the Town Manager and consist of five members whose terms shall be three years each, one appointed in one year and two appointed in each of the next succeeding years.

§ 155-2. Associate members.

Two or more associate members may be appointed by the Town Manager (see MGL c. 40A, § 12).

§ 155-3. Authority.

The Board of Appeals shall have the powers provided by the Town of East Longmeadow bylaws and MGL c. 40A, § 14.

EAST LONGMEADOW CODE

Chapter 160

BOARD OF ASSESSORS

§ 160-1.	Membership; term; appointment.	§ 160-3.	Statutory powers and duties.
§ 160-2.	Vacancies.	§ 160-4.	Oath of office; certification.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.070, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 160-1. Membership; term; appointment.

The Board of Assessors shall be appointed by the Town Manager and consist of three members, each serving staggered three-year terms, with one member appointed each year.

§ 160-2. Vacancies.

Vacancies occurring on the Board of Assessors shall be filled by the Town Manager.

§ 160-3. Statutory powers and duties.

Statutory powers and duties of the Board of Assessors are prescribed under MGL c. 59.

§ 160-4. Oath of office; certification. [Amended 6-11-2024]

Appointed Assessors must take an oath of office as prescribed under MGL c. 41, § 29. The Department of Revenue, Division of Local Services, Assessment Administration Course 101 must be taken by all appointed Assessors within one year of appointment.

Chapter 165**BOARD OF HEALTH**

§ 165-1.	Membership; term; appointment.	§ 165-3.	Purpose.
§ 165-2.	Vacancies.	§ 165-4.	Powers and duties.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

§ 165-1. Membership; term; appointment.

The Board of Health shall be appointed by the Town Manager and consist of three members whose terms shall be three years each, with one member being appointed each year.

§ 165-2. Vacancies.

Vacancies on the Board of Health shall be filled by the Town Manager.

§ 165-3. Purpose.

The Board of Health preserves and maintains the Town's public health standards and protects environmental resources through community education, and by promulgating reasonable rules and regulations.

§ 165-4. Powers and duties.

- A. The Board of Health shall have all the powers and duties that the Board of Health may have under the Constitution and laws of the commonwealth, and it shall have such additional powers and duties not inconsistent with said Constitution and laws as may be authorized by the Town Charter or bylaws.
- B. The Board of Health is an advisory, regulatory and adjudicatory multiple-member body of the Town.
- C. The Board of Health reviews and recommends Health Department policies and programs.
- D. The Board of Health shall keep records of:
 - (1) Complaints made to it, and disposition thereof.
 - (2) Nuisances abated and how abated.
 - (3) Unusual sickness of the Town.
 - (4) Violations of the State Sanitary Code.
 - (5) Any other records required by statute.
- E. The Board of Health may grant or revoke permits, grant variances and seek enforcement of any health laws or regulations in the manner provided in such laws and regulations, including noncriminal

disposition procedures authorized under Chapter 1, Article II, of these bylaws.

- F. The Board of Health is hereby authorized and empowered to regulate the storage, collection, transportation and disposal of garbage and rubbish as provided in MGL c. 111, §§ 21, 31A and 31B.

BOARD OF LIBRARY TRUSTEES

Chapter 170

BOARD OF LIBRARY TRUSTEES

§ 170-1.	Membership; term; appointment.	§ 170-2.	Vacancies.
		§ 170-3.	Purpose; powers and duties.

[HISTORY: Adopted by the Town of East Longmeadow as Ch. 4, § 4.100, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 170-1. Membership; term; appointment.

There shall be six Library Trustees appointed by the Town Manager, each serving staggered three-year terms, with two members appointed annually.

§ 170-2. Vacancies.

Vacancies occurring on the Board of Library Trustees shall be filled by appointment by the Town Manager.

§ 170-3. Purpose; powers and duties.

The Board of Library Trustees shall perform any state or federally mandated functions or those established by Town bylaw. The Board of Library Trustees may, upon request of the Town Manager, assist the Town Manager with hiring a Library Director.

EAST LONGMEADOW CODE

Chapter 175

(RESERVED)

[Former Ch. 175, Board of Public Works, adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.080(A), of the 1982 General Bylaws; amended in its entirety 4-12-2022, was repealed 8-11-2023]

CHARTER REVIEW COMMITTEE

Chapter 177

CHARTER REVIEW COMMITTEE

§ 177-1.	Authority to establish.	§ 177-4.	Membership.
§ 177-2.	When established; report.	§ 177-5.	Appointment of members; term.
§ 177-3.	Powers and duties.		

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 1-14-2020 (Ch. 10, § 10.090, of the 1982 General Bylaws). Amendments noted where applicable.]

§ 177-1. Authority to establish.

A special Charter Review Committee, as mandated in Article 9, Section 2 of the Town Charter, shall be periodically established as provided below.

§ 177-2. When established; report.

The Town Council shall establish the Committee in each year ending in zero and no later than July 1 of that year. The Committee must submit a written report to the Town Council on or before March 15 of the following year.

§ 177-3. Powers and duties.

The Committee's charge is as described in Article 9, Section 2 of the Charter.

§ 177-4. Membership.

The Committee shall be comprised of seven registered voters of the Town, with the following restrictions:

- A. No more than two members can be current Town Councilors;
- B. No more than two members can be former Charter Commission members;
- C. No more than two members can be employees of the Town;
- D. At least two members shall be persons who are not current Town Councilors or Town employees nor former Charter Commission members.

§ 177-5. Appointment of members; term.

The Town Council President will appoint Committee members under the authority described in Article 2, Section 3 of the Charter. Each appointment shall expire as of the end of the calendar year in which the Committee's report is submitted.

Chapter 180**COMMISSION FOR PEOPLE WITH DISABILITIES**

§ 180-1.	Membership; appointment; terms.	§ 180-3.	Purpose.
§ 180-2.	Vacancies.	§ 180-4.	Powers and duties.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 12-13-2022.⁸ Amendments noted where applicable.]

§ 180-1. Membership; appointment; terms.

- A. The Commission shall consist of seven members appointed by the Town Manager. The majority of the members shall consist of people with disabilities. One of the members may be a member of the immediate family of a person with a disability. One member shall be either an elected or appointed official of the Town.
- B. Terms.
- (1) The members shall initially serve the following terms:
 - (a) Two members shall serve one-year terms.
 - (b) Two members shall serve two-year terms.
 - (c) Three members shall serve three-year terms.
 - (2) After the initial term, all members shall serve three-year terms.

§ 180-2. Vacancies. [Amended 4-9-2024]

Vacancies on the Commission for People with Disabilities shall be filled by the Town Manager.

§ 180-3. Purpose. [Amended 4-9-2024]

Pursuant to MGL c. 40, § 8J, the purpose of the Commission for People with Disabilities is to coordinate or carry out programs in coordination with programs of the Massachusetts Office on Disability in order to bring about full and equal participation in all aspects of life in the Town for people with disabilities.

§ 180-4. Powers and duties.

- A. The Commission for People with Disabilities shall review and make recommendations about policies, procedures, services and activities of departments and agencies of the Town as they affect people with disabilities. **[Amended 4-9-2024]**
- B. The Commission shall research local problems of people with disabilities and coordinate the activities of other local groups organized to meet the needs of people with disabilities.

8. Editor's Note: The title of this chapter, formerly Commission on Disability, was amended 4-9-2024.

§ 180-4

COMMISSION FOR PEOPLE WITH DISABILITIES

- C. The Commission shall initiate, monitor and promote legislation at the local, state and federal level which advances the equal status of people with disabilities and ensure that appropriate regulations are adopted and enforced pursuant to such legislation.
- D. The Commission shall encourage public awareness of disability issues and provide information, referral, guidance and advice to individuals, businesses, organizations and public agencies in all matters pertaining to disability.
- E. The Commission may receive gifts of property, both real and personal, in the name of the Town, subject to the approval of Town Council; such gifts will be managed and controlled by the Commission.

Chapter 185**COMMUNITY PRESERVATION COMMITTEE**

§ 185-1.	Membership; term; appointment.	§ 185-2.	Purpose.
		§ 185-3.	Recommendations.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 10, § 10.080, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 185-1. Membership; term; appointment.

- A. The Community Preservation Committee shall consist of nine members serving three-year terms. The following boards will each designate a member to sit on this Committee:
- (1) Conservation Commission.
 - (2) Historical Commission.
 - (3) Housing Authority.
 - (4) Planning Board.⁹
 - (5) Recreation Commission.
- B. The Town Manager shall appoint an additional four at-large members. **[Amended 8-11-2023]**

§ 185-2. Purpose. [Amended 8-11-2023]

Pursuant to MGL c. 44B, § 5, the Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation, including the consideration of regional projects for community preservation. The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Recreation Commission, the Planning Board, and the Housing Authority, in conducting such studies. As part of the study, the Committee shall hold one or more public information hearings on the needs, possibilities and resources of the Town regarding community preservation possibilities and resources.

§ 185-3. Recommendations.

- A. The Community Preservation Committee shall make recommendations to the Town Council for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created as provided in MGL c. 44B; provided, however, that funds expended

9. Editor's Note: Former Subsection A(5), Board of Public Works, which immediately followed this subsection, was repealed 8-11-2023. This ordinance also redesignated former Subsection A(6) as Subsection A(5).

pursuant to MGL c. 44B shall not be used for maintenance.

- B. The Community Preservation Committee may include in its recommendation to the Town Council a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose. All recommendations to the Town Council shall include their anticipated costs.
- C. The Community Preservation Committee shall submit to the Town Council at a public hearing the Committee's recommendations for the appropriation from the Community Preservation Fund and such additional non-Community Preservation Fund appropriations as it deems appropriate to carry out the recommendations of the Community Preservation Committee. The Town Council shall vote to approve or veto the appropriation request by a majority vote.

EAST LONGMEADOW CODE

Chapter 187

COMPENSATION REVIEW COMMITTEE

§ 187-1. Membership.

§ 187-2. Powers and duties.

**[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 12-13-2022.
Amendments noted where applicable.]**

§ 187-1. Membership.

The Compensation Review Committee shall consist of five registered voters, and no more than two members can be current Town Councilors. The Town Council President or a selected designee shall sit on the committee as ex-officio.

§ 187-2. Powers and duties.

- A. No multiple-member body of the Town shall receive compensation for its services, except as recommended by the Town Manager and approved by the Town Council after hearing the recommendations made by the Compensation Review Committee. Any compensation shall be appropriated in the budget by a majority vote of the Town Council.
- B. Every five years, starting in 2023, a Compensation Review Committee shall be formed by the Town Council to review compensation of multiple-member bodies. The Compensation Review Committee will be formed in January. A final report recommending the amount of compensation, if any, to each multiple-member body, along with a breakdown of how the compensation will be distributed within the multiple-member body, will be submitted to the Town Manager and president of the Town Council by April 1 of the year in which the review committee is formed. The Compensation Review Committee will be charged with looking at compensation paid to similar bodies in other like-size communities, looking at the impact the board has within the Town, and determining how much, if any, compensation is appropriate.
- C. The Compensation Review Committee will also be charged with looking at the compensation paid to the Town Council as referred to in § 37-3.
- D. Notwithstanding the above, the Town Manager reserves the right to review and set compensation for multiple-member bodies at any time, as set forth in Article 3 of the Charter.

CONSERVATION COMMISSION

Chapter 190

CONSERVATION COMMISSION

- § 190-1. Membership; terms; appointment**
§ 190-2. Powers and duties.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 10, § 10.010, of the 1982 General Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Wetlands protection — See Ch. 424.

§ 190-1. Membership; terms; appointment

The membership of the Conservation Commission consists of seven members serving three-year terms by appointment of the Town Manager.

§ 190-2. Powers and duties. [Added 4-12-2022]

The Conservation Commission's duties and authority shall include, but shall not be limited to, those specified in MGL c. 40, § 8C and MGL c. 131, § 40. See also Chapter 424, Wetlands Protection, of the Town Bylaws.

EAST LONGMEADOW CODE

Chapter 195

COUNCIL ON AGING BOARD

§ 195-1. Membership; appointment.

§ 195-2. Duties.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 10, § 10.020, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 195-1. Membership; appointment.

The Council on Aging Board shall be appointed by the Town Manager and consist of six members 60 years of age or older, representing the elderly; three members of any age, representing the community at large; and the Town Manager and Director of the Council on Aging shall be ex-officio members, without vote.

§ 195-2. Duties.

- A. The Council on Aging Board shall be an advisory and recommending body to the Director of the Council on Aging in matters regarding the Council on Aging and its programs.
- B. The Council on Aging Board shall identify the total needs of the community's elderly population; educate the community and enlist support and participation of all citizens concerning these needs; design, promote or implement services to fill these needs or coordinate presently existing services in the community; and promote and support any other programs which are designed to assist elderly people in the community.

CULTURAL COUNCIL

Chapter 200

CULTURAL COUNCIL

- § 200-1. **Membership; term;
 appointment.**
- § 200-2. **Goals and duties.**

**[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022.
Amendments noted where applicable.]**

§ 200-1. Membership; term; appointment.

The East Longmeadow Cultural Council consists of nine members who are appointed by the Town Manager to serve three-year terms.

§ 200-2. Goals and duties.

The goal of the East Longmeadow Cultural Council is to fund diverse cultural programs for a variety of audiences/participants. The Cultural Council is responsible for making decisions on how it will award the money granted by the Massachusetts Cultural Council in ways that will serve the local cultural needs.

EAST LONGMEADOW CODE

Chapter 225

HISTORICAL COMMISSION

§ 225-1. Membership; terms; appointment.

§ 225-2. Purpose and authority.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 10, § 10.030, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 225-1. Membership; terms; appointment.

The Historical Commission shall consist of seven members serving terms of three years by appointment of the Town Manager.

§ 225-2. Purpose and authority.

The Historical Commission's purpose is the preservation, protection and development of the historical or archeological assets of the Town. See MGL c. 40, § 8D.

HOUSING AUTHORITY

Chapter 230

HOUSING AUTHORITY

§ 230-1. Membership; term; appointment.

§ 230-2. Purpose.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 10, § 10.040, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 230-1. Membership; term; appointment.

The Housing Authority shall consist of four members appointed by the Town Manager serving terms of five years, one expiring each year. The fifth member is appointed by the state to a five-year term.

§ 230-2. Purpose.

The purpose of the East Longmeadow Housing Authority is to provide decent, safe, affordable housing for the low-income, elderly, veterans, disabled and families.

EAST LONGMEADOW CODE

Chapter 245

LOCAL EMERGENCY PLANNING COMMITTEE

§ 245-1.	Membership; term; appointment.	§ 245-2.	Vacancies.
		§ 245-3.	Purpose and duties.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

§ 245-1. Membership; term; appointment.

The Local Emergency Planning Committee shall be appointed by the Town Manager, with each member serving a three-year term.

§ 245-2. Vacancies.

Vacancies occurring on the Local Emergency Planning Committee shall be filled by the Town Manager.

§ 245-3. Purpose and duties.

- A. The Committee is responsible for developing a comprehensive emergency plan (CEMP) for the community and keeping the plan up-to-date.
- B. The Committee shall receive information about accidental releases.
- C. The Committee shall collect, manage and provide public access to information on hazardous chemicals in the community.
- D. The Committee shall educate the public about risks from accidental and routine releases of chemicals, and work with facilities to minimize the risks.

PLANNING BOARD

Chapter 250

PLANNING BOARD

§ 250-1.	Membership; term; appointment.	§ 250-3.	Powers and duties.
§ 250-2.	Vacancies.	§ 250-4.	Special permit granting authority.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.110, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 250-1. Membership; term; appointment.

The Planning Board shall consist of five members appointed by the Town Manager serving terms of five years, one expiring each year.

§ 250-2. Vacancies.

All vacancies will be filled by the Town Manager for the remainder of the term so vacated.

§ 250-3. Powers and duties.

Powers and duties of the Planning Board are prescribed in MGL c. 41, § 70 and § 81B.

§ 250-4. Special permit granting authority.

The Planning Board shall act as the special permit granting authority.

EAST LONGMEADOW CODE

Chapter 255

RECREATION COMMISSION

§ 255-1. Membership; term; appointment.

§ 255-2. Purpose.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow Ch. 10, § 10.070, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 255-1. Membership; term; appointment.

The Recreation Commission shall consist of five members appointed by the Town Manager serving terms of three years.

§ 255-2. Purpose.

The Recreation Commission advises the Director of Recreation on the active and passive recreational needs of the community.

Chapter 260**SCHOOL COMMITTEE**

§ 260-1.	Membership; term.	§ 260-3.	Powers and duties.
§ 260-2.	Vacancies.	§ 260-4.	Annual report.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.090(A), of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 260-1. Membership; term.

There shall be a School Committee consisting of five members nominated and elected at large by the voters for three-year terms to begin on July 1.

§ 260-2. Vacancies.

Vacancies on the School Committee shall be filled by procedures outlined in the Town Charter.

§ 260-3. Powers and duties.

The School Committee shall have all the powers and duties school committees may have under the Constitution and laws of the commonwealth, and it shall have such additional powers and duties not inconsistent with said Constitution and laws as may be authorized by the Town Charter or bylaws. The School Committee will annually submit a budget to the Town Manager.

§ 260-4. Annual report.

The School Committee shall annually submit to the Town Manager a report that shall contain all matters pertaining to the Department as required by the Town Manager. At a minimum the annual report shall contain:

- A. A report of the year's work in the schools, with such recommendations and suggestions regarding educational work as it deems fitting.
- B. The school calendar for the year.
- C. A tabulated statement of membership, attendance and truancy for each school.
- D. A statement of their expenditures and receipts during the year.
- E. A list of teachers.

Part IV: General Legislation

Chapter 305

ALARM SYSTEMS

§ 305-1. Fine for false alarms.

§ 305-2. False alarm defined.

§ 305-3. Enforcement.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 8, § 8.120, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 305-1. Fine for false alarms.

In any calendar year, if the Fire Department responds to a fire alarm which is transmitted to the Department by an electronic fire alarm located at any dwelling or business premises, and which alarm is found to be false, the owner or occupant of said premises shall be liable for a fine in the amount of \$50 for each violation of the above, after the third false alarm in any given calendar year.

§ 305-2. False alarm defined.

For the purposes of this chapter, a "false" alarm shall be defined as the activation of an electronic fire alarm system which results in the response of the Fire Department to the premises, and is found to be for any cause other than a fire on the premises, which requires the services of the Fire Department.

§ 305-3. Enforcement.

This bylaw shall be enforced by the Fire Chief or designee under the provisions of MGL c. 40, § 21D, the Noncriminal Disposition Law.

ALCOHOLIC BEVERAGES

Chapter 310

ALCOHOLIC BEVERAGES

ARTICLE I		ARTICLE II	
Restrictions on Public Consumption		Liquor License Rules, Regulations and Fees	
§ 310-1.	Consumption on public ways prohibited.	§ 310-5.	Compliance with state law required; additional local restrictions.
§ 310-2.	Consumption in public buildings, on public property or on certain private ways prohibited.	§ 310-6.	Violations.
§ 310-3.	Exceptions.	§ 310-7.	Hearings.
§ 310-4.	Enforcement.	§ 310-8.	Penalties.
		§ 310-9.	Fees.
		§ 310-10.	Enforcement.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Restrictions on Public Consumption**[Adopted as Ch. 8, § 8.020, of the 1982 General Bylaws]****§ 310-1. Consumption on public ways prohibited. [Amended 4-12-2022]**

Whoever shall, within the Town, whether that public way is a Town way, county highway or a private way open to the public, or in any other place where the public shall have the right of access, consume intoxicating beverages shall be punished by a fine not exceeding \$100. This section shall also be construed so as to prohibit the consumption of intoxicating beverages by any person while such person is standing, sitting, walking, running or otherwise present within such way or public place as hereinabove defined, or within any vehicle, whether parked or moving, which is within the limits of such public way or place as herein defined.

§ 310-2. Consumption in public buildings, on public property or on certain private ways prohibited. [Amended 4-12-2022]

Whoever shall consume any intoxicating beverages in any public building, or on any public property, including parks, cemeteries, schoolhouses and school grounds, public squares, or in any private way or parking area regulated under the provisions of MGL c. 90, § 18, shall be punished by a fine not exceeding \$100.

§ 310-3. Exceptions. [Amended 4-12-2022]

The foregoing §§ 310-1 and 310-2 shall not apply to any activity duly licensed by the Town Council under the applicable provisions of the Massachusetts General Laws.

§ 310-4. Enforcement. [Amended 3-12-2024]

The East Longmeadow Police Department shall be the enforcing agent of the local licensing authority (LLA), which shall be the Town Council, and it is their duty to arrest any person who violates the provisions of §§ 310-1 and 310-2 and to cause such person to be detained until that person can be taken before a court having jurisdiction over the offense.

ARTICLE II

Liquor License Rules, Regulations and Fees**[Adopted 1-28-2020 (Ch. 6, § 6.050, of the 1982 General Bylaws)]****§ 310-5. Compliance with state law required; additional local restrictions.**

- A. All establishments serving liquor shall abide by all requirements of the Massachusetts General Laws and regulations of the Alcoholic Beverages Control Commission.
- B. In addition, the LLA requires the following: **[Amended 3-12-2024]**
 - (1) Last call for service of alcoholic beverages or drinks shall be 30 minutes before closing.
 - (2) Police shall be contacted promptly in the event of any altercation that becomes physical.

§ 310-6. Violations.

The LLA may, after deliberation and hearing, impose penalties for violation of any applicable regulations and laws, including, but not limited to, the following:

- A. Sale of alcoholic beverages to person(s) under the age of 21; permitting persons(s) under the age of 21 to consume; furnishing or causing to be furnished alcoholic beverages to person(s) under the age of 21;
- B. Absence of manager or substitute manager of record on the licensed premises;
- C. Failure to call police for a physical disturbance on the licensed premises;
- D. Sales of alcoholic beverages to intoxicated person(s);
- E. Failure to comply with last call requirement;
- F. Sale and/or consumption of alcoholic beverages after closing time (whether by the public, by employees of the licensee or friends of the licensee's employees);
- G. Service of alcohol in impermissible areas of the licensed premises;
- H. Consumption of alcohol by employees of the licensee while on duty;
- I. Substitution of brands of alcoholic beverages;
- J. Failure of licensee or employee(s) of the licensee to permit inspection of the premises by the local licensing authority or its agent;
- K. Sale/Possession of alcoholic beverages not permitted by license;
- L. Keg registration violations;
- M. Misrepresentation of material facts on an initial license application or renewal application;
- N. Presence of licensees, managers or employees on the licensed premises while in an intoxicated condition;
- O. Knowing allowance by licensee, manager or employee of the use of licensed premises for the purpose of engaging in or promoting any illegal activity.

§ 310-7. Hearings.

- A. Upon written notification to the LLA from the Police Chief or other law enforcement source that a violation has allegedly occurred on a licensed premises, the LLA will consider whether or not a reasonable basis exists to conduct a violation hearing. If it is determined that a reasonable basis for a violation hearing does not exist, the LLA shall so inform the licensee and reporting source. If it is determined that a reasonable basis for a violation hearing exists, the LLA shall send written notice via United States Postal Service to the licensee, setting forth the alleged violation(s) and a hearing date.
- B. A licensee may be represented by an attorney or other trial person, but need not be.
- C. Hearings shall be conducted informally, without the application of the rules of evidence or the need for testimony under oath.

§ 310-8. Penalties.

- A. Penalties.
 - (1) For a first offense, the LLA may issue up to a five-day liquor license suspension.
 - (2) For a second offense within a twenty-four-month period, the LLA may issue up to a ten-day liquor license suspension.
 - (3) For a third or subsequent offense within a thirty-six-month period, the LLA may authorize revocation of the liquor license.
- B. Notwithstanding the above, the LLA may in its discretion determine on a case-by-case basis whether any such said suspension or revocation should be issued or held in abeyance or served. The LLA may in its discretion issue a letter of warning to be added to the licensee's file.
- C. If a subsequent violation occurs during the period of any suspension or abeyance, the licensee shall serve any period remaining in suspension or abeyance on the violation previously adjudicated and will face an additional penalty for the new violation.
- D. The LLA shall have the authority, in its discretion, to issue a more severe penalty, including but not limited to revocation of a license for a first offense, upon determination after hearing on a particular violation(s) that a licensee constitutes a threat to public health and safety based upon said violation(s).

§ 310-9. Fees. [Added 12-14-2021]

- A. Annual liquor license fees.
 - (1) Wine and malt off premises: \$1,000.
 - (2) All alcohol off premises: \$2,200. **[Amended 2-27-2024]**
 - (3) Wine and malt on premises: \$1,000.
 - (4) All alcohol on premises: \$2,200.
 - (5) Club: \$650.
 - (6) Veterans club: \$650.

(7) Farmer series pouring permit: \$500.

B. One-day liquor license: \$65.

§ 310-10. Enforcement. [Added 3-12-2024]

Any police officer of the Town is an agent of the LLA and authorized to enforce the provisions of this article.

ANIMAL CONTROL

Chapter 315

ANIMAL CONTROL

	ARTICLE I	§ 315-12.	Outdoor confinement of dogs.
	Animal Control		
§ 315-1.	Dogs at large.		ARTICLE II
§ 315-2.	Violations and penalties; impound fees.	§ 315-13.	Removal of Dog Waste
§ 315-3.	License fees and requirements.	§ 315-14.	Removal required.
§ 315-4.	Disposition of fees.		Exception for dogs accompanying handicapped persons.
§ 315-5.	Dog parks.		Violations and penalties.
§ 315-6.	Impounding of dogs at large.	§ 315-15.	Enforcement.
§ 315-7.	Animal Control Officer.	§ 315-16.	
§ 315-8.	Nuisance complaints.		ARTICLE III
§ 315-9.	Bulls; vicious and attack animals.		Animal Inspector
§ 315-10.	Animals on public property.	§ 315-17.	Appointment and term.
§ 315-11.	Animals regulated by Board of Health.	§ 315-18.	Annual report.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 9 of the 1982 General Bylaws. Amendments noted where applicable.]

ARTICLE I
Animal Control

§ 315-1. Dogs at large.

- A. No person owning or keeping a dog in the Town shall allow such animal to roam at large upon the land of another, except if it be on the premises of another person with the knowledge and permission of such other person. Such owner or keeper of an animal in the Town which is not on the premises of the owner or upon the premises of another person with the knowledge and permission of such person shall restrain such animal by a chain or leash not exceeding six feet in length.
- B. The unauthorized presence of any animal on the land of any person other than the owner or keeper of such animal when such animal is not restrained as above mentioned shall be prima facie evidence of a violation of the provisions of this section.

§ 315-2. Violations and penalties; impound fees. [Amended 4-12-2022]

- A. A violation of this Article I, including § 315-8, shall be punishable by a fine of \$25 for the first offense and \$50 for the second and third offenses within a calendar year. The fourth and subsequent offenses shall be punishable by a mandatory hearing and a fine of \$75.
- B. The owner of any dog picked up shall pay a fee of \$25 to the Town before the release of the dog from the pound. The pound fee for animals held in violation of this Animal Control Law shall be \$25.
- C. In addition to the above-described procedures, the provisions of this article may also be enforced by the Animal Control Officer or any police officer of the Town by noncriminal disposition procedure pursuant to Chapter 1, Article II, of the bylaws.

§ 315-3. License fees and requirements. [Amended 4-12-2022; 2-27-2024]

The fee required by MGL c. 140, §§ 137 to 174, inclusive, as amended, for the licensing of dogs within the Town shall be increased by \$10 for any license purchased after the due date; said additional fees shall be retained by the Town. Dogs shall be required to be vaccinated against rabies and proof of same shall be required before licensing, unless the dog is exempt from vaccination in accordance with MGL c. 140, § 145B.

§ 315-4. Disposition of fees.

Pound and other fees for violation of the Animal Control Law shall be collected by the Animal Control Officer and shall be turned over to the Town Collector/Treasurer.

§ 315-5. Dog parks.

The Town Manager or designee may designate times and places on Town property where dogs may be exercised or trained off the leash but under the control and supervision of their masters.

§ 315-6. Impounding of dogs at large.

Any animal found to be at large in violation of this article shall be caught and confined by the Animal Control Officer and/or assistants, who shall notify forthwith the licensed owner or keeper of such animal, giving the owner or keeper of such animal a period of 10 days within which to recover such animal. Animals confined under the authority of this order shall be confined in a place suitable for the care and

detention of animals, or they may be placed in the care of the holder of a kennel license, such place or holder of a kennel license to be designated by the Town Manager or designee. At the end of the ten-day period, any animal not so claimed may be disposed of in the manner provided by law. The owner or keeper of such animal shall be required to pay the reasonable expense of maintaining such animal in confinement, including, but not limited to, the cost of feeding, medical care, medicines and the like. Return of the animal to the licensed owner or keeper shall be dependent upon admission of ownership or the keeping of the dog and the assumption of responsibility by the licensed owner or keeper. The Animal Control Officer shall enter and prosecute a complaint against the owner or keeper of any animal taken into custody under this section; provided that if within the 12 months next preceding this offense the owner or keeper has not been convicted for violation of this section or an animal owned or kept by the owner or keeper has not been taken into custody for violation of this section, the Animal Control Officer may waive prosecution.

§ 315-7. Animal Control Officer.

- A. The Town Manager or designee shall appoint an Animal Control Officer and such assistants as are deemed necessary to administer and enforce this bylaw and the sections of MGL c. 140, as amended, relating to dogs.
- B. The Town Manager or designee may appoint the Animal Control Officer a special police officer or constable.

§ 315-8. Nuisance complaints.

- A. If any person shall make a complaint in writing to the Town Manager or designee that any animal owned or harbored within the Town is a nuisance by reason of vicious disposition, excessive barking or other disturbance, the Town Manager shall take any action as provided in MGL c. 140, §§ 137 to 174, inclusive, or any other chapter, and any amendments thereto. Such disturbance causing a nuisance shall include, but not be limited to, the following:
 - (1) Biting of persons.
 - (2) Running in packs.
 - (3) Breaking or damaging shrubbery or crops and gardens.
 - (4) Chasing cars.
 - (5) Running at large in violation of this bylaw.
- B. Said written complaint to the Town Manager or designee shall include the name and address of the owner and keeper of such animal and the name and address of the person(s) making the complaint.

§ 315-9. Bulls; vicious and attack animals.

No bull or vicious animal shall be kept within the Town unless securely confined within an enclosure adequate to prevent its escape therefrom. The Fire and Police Departments are to be notified of areas where there are animals trained to attack.

§ 315-10. Animals on public property.

No animal shall be driven or ridden on any sidewalk, public park or school grounds under the control of the Town.

§ 315-11. Animals regulated by Board of Health.

Horses, cows, goats, swine, poultry and other animals are regulated by the Board of Health. Copies of the regulations of the Board of Health are available in the Town Clerk's office for a fee.

§ 315-12. Outdoor confinement of dogs. [Added 4-12-2022]

The Town of East Longmeadow prohibits the prolonged confinement of dogs outside. Specific rules and regulations can be found in MGL c. 140, § 174E, as amended.

ARTICLE II
Removal of Dog Waste

§ 315-13. Removal required.

It shall be unlawful for any person owning, keeping, walking, in possession, custody or control of any dog to allow or permit such dog to defecate upon any public or private property unless such person shall remove all feces deposited by such dog before leaving such property.

§ 315-14. Exception for dogs accompanying handicapped persons. [Amended 4-12-2022]

The provisions of this article shall not apply to a dog accompanying any handicapped person who, by reason of a handicap, is physically unable to comply with these requirements.

§ 315-15. Violations and penalties.

- A. Any violation of this article shall constitute an infraction and shall be punishable by a fine of \$20.
- B. This article may also be enforced by the noncriminal disposition procedure set forth in Chapter 1, Article II, of the bylaws. The penalty shall be \$20 for each violation. **[Amended 4-12-2022]**

§ 315-16. Enforcement.

The Animal Control Officer and any police officer of the Town are authorized to enforce the provisions of this article.

ARTICLE III
Animal Inspector

§ 315-17. Appointment and term.

The Town Manager or designee shall appoint the Animal Inspector for one year.

§ 315-18. Annual report.

The Animal Inspector shall make an annual report to the Town Manager that contains the number of inspections made and facts of general interest.¹⁰

10. Editor's Note: Original Sec. 9.025 of the 1982 General Bylaws, Prolonged Confinement of Dogs Outside, which immediately followed this section, was repealed 4-12-2022. See now § 315-12 of this chapter.

EAST LONGMEADOW CODE

Chapter 319

BUILDING CONSTRUCTION

	ARTICLE I	§ 319-3.	Applicability.
	Stretch Energy Code	§ 319-4.	Stretch code.
		§ 319-5.	Enforcement.
§ 319-1.	Definitions.		
§ 319-2.	Purpose.		

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Stretch Energy Code
[Adopted 11-9-2021]

§ 319-1. Definitions.

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

INTERNATIONAL ENERGY CONSERVATION CODE (IECC) — A building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

STRETCH ENERGY CODE — Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the Massachusetts Building Code, the Stretch Energy Code is an appendix to the Massachusetts Building Code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

§ 319-2. Purpose.

The purpose of 780 CMR 115.AA is to provide a more energy-efficient alternative to the Base Energy Code applicable to the relevant sections of the Building Code for new buildings.

§ 319-3. Applicability.

This code applies to residential and commercial buildings, as applicable per 780 CMR.

§ 319-4. Stretch code.

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of East Longmeadow General Bylaws, Chapter 319.

§ 319-5. Enforcement.

The Stretch Code is enforceable by the Building Commissioner and effective as of January 1, 2022.

BUILDINGS, NUMBERING OF

Chapter 321

BUILDINGS, NUMBERING OF

§ 321-1.	Authority to require numbering.	§ 321-2.	Time frame for compliance.
		§ 321-3.	Number specifications; location.

[HISTORY: Adopted by the Town of East Longmeadow as Ch. 4, § 4.020(F), of the 1982 General Bylaws. Amendments noted where applicable.]

§ 321-1. Authority to require numbering. [Amended 4-12-2022]

The IT Director or designee shall require and regulate the numbering of buildings on all public or private ways. The Building Commissioner shall order, in writing, the owners of said buildings to place on their building such numbers required.

§ 321-2. Time frame for compliance.

The owner of the building, upon receipt of such an order, shall comply with said order within 10 days.

§ 321-3. Number specifications; location. [Amended 4-12-2022]

Building numbers shall be a minimum of four inches high with a minimum stroke width of 1/2 inch and shall be visible from the street. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure.

EAST LONGMEADOW CODE

Chapter 330

FEES AND CHARGES

	ARTICLE I	§ 330-8.	Abatement.
	Municipal Charges Lien		
			ARTICLE II
§ 330-1.	Authority.		Agricultural and Horticultural Water Rates
§ 330-2.	Purpose.		
§ 330-3.	Applicability.	§ 330-9.	Establishment of rate;
§ 330-4.	Recording of lien.		reimbursement for changed
§ 330-5.	Collection of lien.		property use.
§ 330-6.	Unpaid liens.	§ 330-10.	Qualification for reduced rate.
§ 330-7.	Release of lien.		

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Municipal Charges Lien

[Adopted as Ch. 8, § 8.140, of the 1982 General Bylaws]

§ 330-1. Authority.

This bylaw is adopted pursuant to the authority of MGL c. 40, §§ 21 and 58.

§ 330-2. Purpose.

The purpose of the establishment of a municipal charges lien is to provide a cost-effective method of collecting a charge and/or fee assessed against an owner of real property in the Town who fails and/or refuses to pay said charge and/or fee when due, by placing a lien upon real estate owned by the property owner.

§ 330-3. Applicability.

The municipal charges lien shall apply to the following municipal charges and/or fees:

- A. Charges or penalties for violations of the Zoning Bylaws,¹¹ including interest and costs to record said liens in the Hampden County Registry of Deeds.
- B. Charges or penalties for violation of the general bylaws, including interest and costs to record said liens in the Hampden County Registry of Deeds.
- C. Fees for licenses and permits and penalties for violations of the rules and regulations of the Board of Health, including interest and costs to record said liens in the Hampden County Registry of Deeds.

§ 330-4. Recording of lien.

The municipal charges lien will take effect upon the recording of a statement of unpaid municipal charges and fees, setting forth the amount due, including recording costs, the address(es) of the land to which the lien is to apply and the name of the assessed owner.

§ 330-5. Collection of lien. [Amended 4-12-2022]

The Collector/Treasurer shall be in charge of collecting the lien.

§ 330-6. Unpaid liens.

- A. If a charge or fee secured by the lien is unpaid when the Assessors are preparing the real estate tax list and warrant, the Collector/Treasurer shall certify the charge or penalty to the Assessors' Department and the Assessors shall add the charge or fee to the next property tax bill to which it relates, and commit it with the warrant to the Collector/Treasurer as part of the tax.
- B. If the property to which the charge or fee relates is tax-exempt, the charge or fee shall be committed as a tax on said property.

11. Editor's Note: See Ch. 450, Zoning.

§ 330-7. Release of lien.

The municipal charge lien may be discharged by filing a certificate from the Collector/Treasurer that all municipal charges or fees, including interest and costs, constituting a lien have been paid or legally abated.

§ 330-8. Abatement.

The Assessors, prior to a charge or fee being certified to the Assessors by the Collector/Treasurer under § 330-6, may abate any charge or fee for justifiable cause, which shall be effective upon the issuing of a written statement setting forth said cause, and filing of said statement with the Collector/Treasurer. The cost of recording any documents required to release a lien in the Hampden County Registry of Deeds shall be the responsibility of the property owner.

ARTICLE II

Agricultural and Horticultural Water Rates

[Adopted as Ch. 4, § 4.080(F), of the 1982 General Bylaws]

§ 330-9. Establishment of rate; reimbursement for changed property use.

The Town Council shall establish a rate for water usage by properties that are certified by the Board of Assessors as being used for agricultural and horticultural uses pursuant to MGL c. 61A, and said water rate shall be set at 75% of the residential water rate; provided, however, if any such property receiving the water rate set forth herein is converted to a nonagricultural or nonhorticultural use, the owner or lessee shall pay to the Collector/Treasurer a sum equal to the difference between said agricultural and horticultural water rate and the residential rate for each year the discounted rate was received by the property prior to the conversion; provided, further, that said repayment shall not be for more than 15 years preceding the conversion.

§ 330-10. Qualification for reduced rate.

To qualify for the water rate reduction, the MGL c. 61A registered applicant must also be an IRS registered farm with 2/3 of its annual income being derived from farming.

(RESERVED)

Chapter 335

(RESERVED)

[Former Ch. 335, Firearms, adopted by the Town Council of the Town of East Longmeadow as Ch. 8, § 8.080 and § 8.110, of the 1982 General Bylaws, was repealed 2-14-2023.]

EAST LONGMEADOW CODE

Chapter 342

HAWKERS AND PEDDLERS

§ 342-1. License required.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 6, § 6.010, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 342-1. License required.

No person shall hawk or peddle any merchandise within the limits of the Town, except as authorized by law, without first applying for a license in the Town Clerk's office. Final approval is given by the State Director of Standards.

LICENSES AND PERMITS

Chapter 354

LICENSES AND PERMITS

ARTICLE I
Indemnification of Town

§ 354-1. Condition of permit or license.

ARTICLE II
Revocation of Municipal Licenses for Violations
of Local or State Laws Related to Premises

§ 354-2. Authority.

§ 354-3. Purpose.

§ 354-4. Definitions.

§ 354-5. Procedure for revocation,
suspension or modification.

§ 354-6. Severability.

ARTICLE III
Revocation of Municipal Licenses for Unpaid
Municipal Taxes and Charges

§ 354-7. Authority.

§ 354-8. Purpose.

§ 354-9. Definitions.

§ 354-10. Procedure for revocation,
suspension or denial.

§ 354-11. Payment agreements.

§ 354-12. Waiver.

§ 354-13. Exempt licenses.

§ 354-14. Severability.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Indemnification of Town

[Adopted as Ch. 4, § 4.020(G), of the 1982 General Bylaws]

§ 354-1. Condition of permit or license.

Any person receiving a permit from the Town shall execute a written agreement and furnish a bond if the Town Manager so demands to indemnify and save harmless the Town against all damage or cost by reason of any claim for damages, or by reason of any process, civil or criminal, arising from the use of said permit or license, and the Town Manager may impose such conditions, terms and limitations as the Manager shall see fit for the safety of the general public.

ARTICLE II

**Revocation of Municipal Licenses for Violations of Local or State Laws Related to Premises
[Adopted 2-13-2018]****§ 354-2. Authority.**

This bylaw is enacted pursuant to the authority of Article 89 of the Amendments to the Constitution of the Commonwealth, the East Longmeadow Home Rule Charter and any other applicable statutes.

§ 354-3. Purpose. [Amended 4-12-2022]

The purpose of this article is to provide a uniform and cost-effective method for ensuring a locally licensed business by the Town is in and remains in compliance with safety, health and other laws, bylaws, rules and regulations applicable to a premises holding licenses issued by the licensing authority allowing the operation of a business in the Town.

§ 354-4. Definitions.

In construing this bylaw the following words shall have the meanings indicated:

LICENSE or LOCALLY ISSUED LICENSE — Any license, permit or written authorization to operate or perform any work or provide any good or service within the Town issued by a licensing authority or an employee or agent thereof.

LICENSING AUTHORITY — Any board, committee, commission, council, department or employee of the Town that issues any license.

§ 354-5. Procedure for revocation, suspension or modification. [Amended 4-12-2022]

- A. Any municipal department head that has determined that a premises to which a license has been issued is in violation or noncompliance with any law, bylaw, rule or regulation enforceable by the department head's department shall, after unsuccessfully taking appropriate actions to bring the premises into compliance, notify the licensing authority of the continuing violation(s) in writing and in detail set forth the basis for the department head's determination of the existence of the violation(s). The notice to the licensing authority shall include a request for the revocation, suspension or modification of said license. Until the licensing authority has held a hearing, as hereinafter set forth, it shall not transfer or modify said license, unless the department head files a written statement with the licensing authority that the premises have been brought into compliance and withdraws the complaint.
- B. The licensing authority may suspend, modify or revoke any license, including renewals and transfers, of any licensee that is the subject of a department head's complaint; provided that written notice is given to the licensee and the department head that a hearing will be held by the licensing authority. Said notice shall be mailed to the licensee by certified mail, and the department head shall be notified by hand-delivered letter from the Town Clerk, indicating the date and location of said hearing at least 14 days before the date of said hearing. The letter shall inform the licensee of the violation(s) to be considered, along with a copy of the department head's complaint, and shall state that the licensee has the right to present evidence as to the existence of the violations and why the license should not be suspended, modified or revoked.
- C. Said department head's detailed statement of the existing violations filed with the original complaint shall be prima facie evidence of the violation and shall be sufficient reason, unless rebutted, for the

revocation, modification or suspension of the license.

- D. Any finding made by the licensing authority with respect to a license revocation, modification or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for an appeal from such revocation, modification or suspension.
- E. Any license modified, revoked or suspended under this bylaw shall not be reissued or renewed until the licensing authority receives a certificate issued by the department head that the party has brought the licensed premises into compliance with the applicable law, bylaw, rule or regulation as of the date of the certificate.
- F. A party shall be given an opportunity to enter into a compliance agreement, thereby allowing the licensing authority to issue certificate setting forth any limitations to the license, and the validity of said license shall be conditioned upon satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for suspension, modification or revocation of said license; provided, however, the party in breach is given a hearing as set forth in Subsection B above.

§ 354-6. Severability.

The invalidation of any section or portion of any section of this bylaw shall not affect the legality or enforceability of the remaining sections or portions.

ARTICLE III

**Revocation of Municipal Licenses for Unpaid Municipal Taxes and Charges
[Adopted 2-13-2018]****§ 354-7. Authority.**

This bylaw is enacted pursuant to the authority of Article 89 of the Amendments to the Constitution of the Commonwealth, the East Longmeadow Home Rule Charter, MGL c. 40, § 57 and any other applicable statutes.

§ 354-8. Purpose. [Amended 4-12-2022]

The purpose of this article is to provide a uniform and cost-effective method for the collection of municipal taxes, fees, assessments, betterments or any other municipal charges or obligations of whatever nature for persons or entities holding licenses issued by a licensing authority or permit granting authority that are not paid when due.

§ 354-9. Definitions.

In construing this bylaw the following words shall have the meanings indicated:

LICENSE or LOCALLY ISSUED LICENSE — Any license, permit or written authorization to operate or perform any work or provide any good or service within the Town issued by a licensing authority or an employee or agent thereof, except any license or permit listed in MGL c. 40, § 57(d).

LICENSING AUTHORITY — Any board, committee, commission, council, department or employee of the Town that issues any license.

TAXES — Any municipal taxes, fees and charges of whatever nature owed to the Town.

§ 354-10. Procedure for revocation, suspension or denial. [Amended 4-12-2022]

- A. The Collector/Treasurer shall annually, and may periodically, furnish to the licensing authorities a list of any person, corporation or business enterprise that has or is requesting a license from the Town (hereinafter referred to as a "party"), that has neglected or refused to pay any taxes, and that such party has not timely filed, or does not have, a pending application for an abatement or appeal of such tax.
- B. The licensing authority may deny, suspend or revoke any license, including renewals and transfers, of any party whose name appears on said list or with respect to any activity, event or other matter which is the subject of such license and which activity, event or other matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by a party whose name appears on said list; provided that written notice is given to the party and the Collector/Treasurer that a hearing will be held by the licensing authority and the notice of said hearing is mailed to the party indicating the date and location; provided that said hearing shall be held more than 14 days after the date of said notice.
- C. Said Collector/Treasurer's list shall be prima facie evidence for denial, revocation or suspension of a license to a party. The Collector/Treasurer shall have the right to intervene in any hearing conducted with respect to a license denial, revocation, suspension or modification.
- D. Any finding made by the licensing authority with respect to a license denial, revocation, modification or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or

introduced in any other proceeding at law, except for an appeal from such denial, revocation or suspension.

- E. Any license denied, revoked or suspended under this bylaw shall not be reissued or renewed until the licensing authority receives a certificate issued by the Collector/Treasurer that the party has paid all outstanding obligations to the Town or that an acceptable agreement has been reached providing for the payment of all outstanding taxes as of the date of the certificate.

§ 354-11. Payment agreements. [Amended 4-12-2022]

A party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue certificate setting forth any limitations to the license, and the validity of said license shall be conditioned upon satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for suspension or revocation of said license; provided, however, the party in breach is given a hearing as set forth in § 354-10B above.

§ 354-12. Waiver. [Amended 4-12-2022]

The licensing authority may waive a denial, revocation or suspension if, at said hearing, it finds there is no business interest, direct or indirect, between the party and the person, corporation or business entity, including its officers or shareholders, if any, or member of such person's immediate family, as defined in MGL c. 268A, § 1, owning the property containing the licensed premises. If a determination is made that there is such a relationship, the licensing authority may order any payments that are due, or that may become due, from the party to the property owner for the lease, rental, use or occupancy of the licensed premises to be paid to the Collector/Treasurer until any monies owed to the Town are paid in full; provided that the property owner is given notice of the hearing to consider such action in conformity with § 354-10B above and has the opportunity to object to the entry of such order, before any such finding and order becomes effective.

§ 354-13. Exempt licenses.

This bylaw shall not be applicable to the licenses listed in MGL c. 40, § 57(d).

§ 354-14. Severability.

The invalidation of any section or portion of any section of this bylaw shall not affect the legality or enforceability of the remaining sections or portions.

EAST LONGMEADOW CODE

Chapter 359

MARIJUANA: PUBLIC USE AND CONSUMPTION

- § 359-1. Restrictions on public use and consumption.**
- § 359-2. Violations and penalties.**

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022. Amendments noted where applicable.]

§ 359-1. Restrictions on public use and consumption.

No person shall smoke, vaporize, ingest or otherwise consume marijuana, medical marijuana or delta-9-tetrahydrocannabinol (THC) while in or upon any public way or any way to which the public has a right of access, street, sidewalk, footway, passageway, stairs, park, playground, recreation area, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the Town of East Longmeadow, or any place to which members of the public have access as invitees or licensees, or private land, building, structure or place without the consent of the owner or person in control thereof.

§ 359-2. Violations and penalties.

This bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, enforcement by criminal indictment or complaint by the East Longmeadow Police Department. The fine for violation of this bylaw shall be \$100 for each offense.

MARIJUANA: PROHIBITED USES AND FACILITIES

Chapter 360

MARIJUANA: PROHIBITED USES AND FACILITIES

§ 360-1. Prohibited facilities.

§ 360-2. Definitions.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 4-12-2022.

Amendments noted where applicable.]

§ 360-1. Prohibited facilities.

The following are prohibited: recreational marijuana facilities (marijuana not medically prescribed by a licensed physician), including all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses.

§ 360-2. Definitions.

In constructing this bylaw, the following words shall have the meanings indicated:

MANUFACTURE — To compound, blend, extract, infuse or otherwise make or prepare a marijuana product.

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

MARIJUANA CULTIVATOR — An entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to marijuana establishments and to transfer marijuana to other establishments, but not to consumers.

MARIJUANA ESTABLISHMENT — A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any type of licensed marijuana-related business.

MARIJUANA PRODUCT MANUFACTURER — An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

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

MARIJUANA RETAILER — An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

MARIJUANA TESTING FACILITY — An entity licensed to test marijuana products, including certification for potency and the presence of contaminants.

EAST LONGMEADOW CODE

Chapter 363

NOISE

§ 363-1. General prohibition.

§ 363-2. Specific prohibitions.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 8, § 8.090, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 363-1. General prohibition.

Except as otherwise provided herein, the creation of any unreasonably loud, disturbing and unnecessary noise in the Town is prohibited.

§ 363-2. Specific prohibitions.

The following acts, among others, are declared to be unreasonably loud, disturbing and unnecessary noises in violation of this bylaw, but said examples shall not be deemed to be exclusive:

- A. Motor vehicles. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion as a danger signal after or as brakes are being applied and deceleration of a vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound, including unmuffled vehicles, and the sounding of such device for an unnecessary and unreasonable period of time.
- B. Musical instruments, musical devices and sound-reproducing equipment. The using or operation of any musical instrument, musical devices and sound-reproducing equipment in such a manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of any person in any dwelling or other type of residence. **[Amended 4-12-2022]**
- C. Churches, schools. The creation of any excessive noise on any street adjacent to any church, school or other institution of learning or adjacent to any institution for the care of the aged or infirm, which unreasonably interferes with their use.
- D. Power equipment. The operation of bulldozers, excavators, rollers or other similar heavy equipment other than between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday, is prohibited. No such equipment shall be operated on Sundays. Emergencies involving the health and welfare of the citizens are exempted from the conditions of this subsection. **[Amended 4-12-2022]**

PARKS AND RECREATION AREAS

Chapter 371

PARKS AND RECREATION AREAS

§ 371-1. Hours of operation.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 8, § 8.050, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 371-1. Hours of operation.

The Town Manager or designee, in collaboration with the Superintendent of Public Works, shall determine the official hours of parks and recreation areas within the Town.

EAST LONGMEADOW CODE

Chapter 373

PETROLEUM PRODUCTS

§ 373-1. License to store inflammables.

§ 373-2. Emergency equipment.

[HISTORY: Adopted by the Town of East Longmeadow as Ch. 4, § 4.020(H) and (I), of the 1982 General Bylaws. Amendments noted where applicable.]

§ 373-1. License to store inflammables. [Amended 4-12-2022]

Fees shall be established by the Town Council for licenses to use land for the keeping, storage or sale of petroleum fluids or compounds, including propane, for resale or other commercial use. The fee for any annual certificate or registration required under MGL c. 148, § 13, shall be 1/2 of the current license fee.

§ 373-2. Emergency equipment.

All wholesale and retail business entities licensed to store or sell petroleum products shall be required to install emergency break-away hose couplings on each pump or similar dispensing device, in accordance with the regulations and specifications adopted by the Fire Chief. The penalty for violating this section shall be a fine of not more than \$100, and each day shall constitute a separate violation.

PROPERTY MAINTENANCE

Chapter 376

PROPERTY MAINTENANCE

§ 376-1. Vegetation or material interfering with vehicular traffic.

§ 376-2. Nuisance vegetation.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 8, § 8.030, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 376-1. Vegetation or material interfering with vehicular traffic.

No person shall erect or maintain upon said person's property a fence, trees, shrubs, bushes, objects, structures or material which interferes unreasonably with the view of travelers upon an abutting way or public way, and any order from the Town Manager or designee for the partial or total removal of the items mentioned in this section shall be complied with forthwith.

§ 376-2. Nuisance vegetation.

- A. No owner or foreclosing mortgagee (hereinafter "owner") shall allow grass, trees, bushes, shrubs or any other vegetation to constitute a nuisance, as determined by the agent of the Board of Health, to the health, safety or appearance of the neighborhood where the property is located.
- B. If an agent of the Board of Health notifies the owner of the existence of a nuisance and said owner fails to correct the situation within 10 days of the date of said notice, the owner is subject to fines as specified in MGL c. 111, § 122. Each day of noncompliance after the 10th day constitutes a separate violation. Unpaid fines shall be assessed against the property and should be a municipal charges lien under Chapter 330, Article I, of these bylaws and enforced as set forth therein. The Town may also correct the nuisance through its employees or an independent contractor.
- C. The cost of correction plus an administrative fee of \$200 shall be assessed against the property.

EAST LONGMEADOW CODE

Chapter 379

PUBLIC ENTERTAINMENT

§ 379-1.	Definition.	§ 379-4.	Action on license.
§ 379-2.	License required.	§ 379-5.	License fee.
§ 379-3.	Application for license.		

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 6, § 6.040, of the 1982 General Bylaws; amended in its entirety 4-12-2022. Subsequent amendments noted where applicable.]

§ 379-1. Definition.

For purposes of this bylaw, the term "outdoor public entertainment" shall mean any outdoor public gathering, such as an event, performance or activity designed to provide amusement or enjoyment. It shall exclude school functions held on school property and Town functions held on Town property.

§ 379-2. License required.

No outdoor public entertainment shall be held within the Town without a license issued by the Town Council.

§ 379-3. Application for license.

An application for such a license shall be submitted to the Town Clerk's office at least 30 days prior to the date on which the public entertainment is held.

§ 379-4. Action on license.

The Town Council, Police Chief, Fire Chief, Building Commissioner and Health Director shall review the license application and shall have the authority to:

- A. Prescribe public safety and health regulations for the outdoor public entertainment.
- B. Prescribe the hours during which the outdoor public entertainment may be held.
- C. Require a bond or other security to secure compensation to the Town or its citizens for damage which may result from the public entertainment.

§ 379-5. License fee.

The fee for a public entertainment license is \$75.

SECONDHAND AND JUNK DEALERS

Chapter 388

SECONDHAND AND JUNK DEALERS

§ 388-1. License required.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 6, § 6.020, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 388-1. License required. [Amended 4-12-2022]

No person shall be a collector of or a dealer in junk, old metals or secondhand articles, or a keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand articles, without first applying for a license from the Town Council.

EAST LONGMEADOW CODE

Chapter 393

SOLICITORS

§ 393-1. Permit required.

§ 393-2. Violations and penalties.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 6, § 6.030, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 393-1. Permit required.

- A. No person shall solicit money on any public way or other public place, or go from house to house for the purpose of soliciting money, or sell any tag, badge or other article of any intrinsic value for the purpose of obtaining money, without first having written permission to do so from the Police Chief or designee.
- B. Every such written permit shall state the following:
 - (1) Name of the organization.
 - (2) Name and address of person in charge of the solicitation.
 - (3) Number of persons involved in soliciting.
 - (4) Exact dates and hours for solicitation.
 - (5) That no soliciting is permitted after dark.

§ 393-2. Violations and penalties. [Amended 4-12-2022]

Failure to register properly with the Police Chief or designee will result in a fine of not more than \$50.

SOLID WASTE

Chapter 395

SOLID WASTE

- § 395-1. Mandatory recycling.**
§ 395-2. Dumping and disposal of refuse.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 4, § 4.030(C), of the 1982 General Bylaws. Amendments noted where applicable.]

§ 395-1. Mandatory recycling.

- A. In order to implement a program of recycling in conjunction with ordinary waste disposal, residents of every household shall separate waste material into the following categories before depositing same for disposal:
- (1) Glass and containers;
 - (2) Paper;
 - (3) Other waste as described in 310 CMR 19.017. **[Amended 4-12-2022]**
- B. If no separation takes place, waste material shall not be accepted for collection at the disposal location.
- C. Any person who violates the provisions of this section shall be fined in accordance with the provisions of Chapter 1, Article I, § 1-2, of these bylaws.

§ 395-2. Dumping and disposal of refuse.

All other current regulations of the Board of Health for dumping and disposal of refuse will remain in effect and copies are available in the Town Clerk's office.

Chapter 402**STORMWATER MANAGEMENT**

§ 402-1.	Definitions.	§ 402-8.	Illicit discharges and connections prohibited.
§ 402-2.	Purpose.	§ 402-9.	Notification of spills.
§ 402-3.	Authority.	§ 402-10.	Enforcement; violations and penalties.
§ 402-4.	Applicability; exemptions; waivers.	§ 402-11.	Transitional provisions.
§ 402-5.	Permit requirements.	§ 402-12.	Stormwater Enterprise Fund.
§ 402-6.	Performance bond.		
§ 402-7.	Certificate of completion.		

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 8, § 8.070, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 402-1. Definitions.

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

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

BEST MANAGEMENT PRACTICES (BMPs) — Structural or biological devices that temporarily store or treat stormwater runoff to reduce flooding, remove pollutants and provide other amenities. They can also be nonstructural practices that reduce pollutants at their source. Examples of BMPs are described in the Massachusetts Department of Environmental Protection's (MassDEP) stormwater design manual: Stormwater Handbook, Volume 2: Chapter 2: Structural BMP Specifications for the Massachusetts Stormwater Handbook (February 2008, MassDEP, as updated or amended). **[Amended 4-12-2022]**

CONSTRUCTION ACTIVITY — Disturbance of the ground by removal of surface cover, grading, excavation, clearing or filling.

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

DISCHARGE OF POLLUTANTS — The addition of a pollutant or combination of pollutants into a municipal separate storm sewer system (MS4) or into the waters of the commonwealth from any source.

GROUNDWATER — Water beneath the surface of the ground.

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

ILLCIT DISCHARGE — Direct or indirect nonstormwater discharge to an MS4, except as specifically exempted in illicit stormwater § 402-8C(4). The term does not include a discharge in compliance with a National Pollutant Discharge and Elimination System (NPDES) stormwater discharge permit or resulting from fire-fighting or other municipal activities, not including construction activities.

INFILTRATION — The downward movement of water from the surface to the subsoil.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — The system of conveyances designed or used for collecting or conveying stormwater, including a road or street with a drainage system, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, drain channel, reservoir, and other drainage owned or operated by the Town of East Longmeadow.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the United States Environmental Protection Agency or jointly with the state that authorizes the discharge of pollutants to waters of the United States.

NONSTORMWATER DISCHARGES — Discharge to the MS4 not composed entirely of stormwater.

PEAK DISCHARGE — The maximum rate of flow during a storm.

PERMEABLE SOILS — Soil materials with a sufficiently rapid infiltration rate so as to greatly reduce or eliminate surface water and stormwater runoff.

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

POLLUTANT — Any element or property of sewage, agricultural, industrial, commercial or residential waste, runoff, leachate, heated effluent or other matter, whether originating at a point or nonpoint source, that is introduced into the MS4 or waters of the commonwealth. Pollutants shall include, but not be limited to: construction site wastes such as demolition debris, litter and sanitary wastes, dredged spoil, solid waste, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, hot fluids, wrecked or discarded equipment, rock, sand, and industrial, municipal, agricultural and residential waste discharged into water. **[Amended 4-12-2022]**

RETENTION — The holding of runoff in a basin without release except by means of evaporation, infiltration or emergency bypass.

RUNOFF — Rainfall, snowmelt or irrigation water flowing over the ground surface.

STORMWATER — Runoff from precipitation or snowmelt.

STORMWATER MANAGEMENT FACILITY — A structural stormwater management measure, including stormwater management basins and filtration or other treatment systems.

TOWN MANAGER OR DESIGNEE — The permitting and enforcement agency.

UNCONTAMINATED GROUNDWATER — Groundwater containing no pollutants.

UNCONTAMINATED WATER — Water containing no pollutants.

WASTEWATER — Sanitary waste or sludge and water used during manufacturing, cleaning or processing of materials that enters the MS4 or waters of the commonwealth.

WATERS OF THE COMMONWEALTH — All waters within the jurisdiction of the commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters and groundwater.

§ 402-2. Purpose.

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

§ 402-3. Authority.

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

§ 402-4. Applicability; exemptions; waivers.

- A. **Applicability.** This bylaw shall apply to activities that result in disturbance of one or more acres (43,560+ square feet) of land. In determining whether an activity is subject to jurisdiction under this bylaw, the Department of Public Works Superintendent or designee and the applicant shall consider the entirety of the project, including any likely future expansion, and not separate phases or segments thereof. The applicant shall not phase or segment a project to evade, defer or curtail review under this bylaw. Except as authorized by the Department of Public Works Superintendent or designee, no person shall perform an activity that results in disturbance of one or more acres of land.
- B. **Exemptions.** The following uses and activities are exempt from compliance with this bylaw:
- (1) Stormwater discharges resulting from land disturbance activities that are subject to an order of conditions issued by the Conservation Commission under the Wetlands Protection Act;
 - (2) An agricultural activity which is in compliance with an approved soil conservation plan prepared or approved by the United States Natural Resources Conservation Service;
 - (3) Logging which is in compliance with a timber management plan approved under the Forest Cutting Practices Act by the Massachusetts Department of Conservation and Recreation;
 - (4) Activities that disturb less than one acre (43,560 square feet) of land; **[Amended 4-12-2022]**
 - (5) Construction of municipal utilities;
 - (6) In-kind repairs to a stormwater treatment system deemed necessary by the East Longmeadow Department of Public Works Superintendent; and
 - (7) An emergency activity that is immediately necessary for the protection of life, property or the environment, as determined by the Department of Public Works Superintendent or designee.
- C. **Waivers.** The Department of Public Works Superintendent or designee may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder upon written findings of fact setting forth the basis for the waiver by the Department of Public Works Superintendent.

§ 402-5. Permit requirements.

- A. **Permit required.** Prior to the approval of a special permit, site plan or waiver thereof or building permit for an activity regulated hereunder, a stormwater management permit must be approved by the

Department of Public Works Superintendent or designee.

- B. Permit fees. The stormwater management permit fee shall be based on the amount of land to be disturbed at the site, and the fee structure shall be established by the Department of Public Works Superintendent by regulation and approval by the Town Council. If, in the judgment of the Department of Public Works Superintendent or designee, consulting services are necessary or appropriate, the applicant shall, prior to a determination on an application, deposit with the Town an amount determined by the Department of Public Works Superintendent or designee to be sufficient to cover the full costs of such services. All such consultants shall be selected by the Department of Public Works Superintendent or designee and paid out of said deposit. The Town will reimburse the applicant for any credits remaining after a consultant has been paid, within 30 days of said payment. In the event the deposit is insufficient to cover consultant services, the outstanding balance is to be paid by the applicant within 30 days of receipt of an invoice for the outstanding balance. **[Amended 4-12-2022]**
- C. Stormwater and erosion control plan. The application for a stormwater management permit shall consist of submittal of a stormwater management and erosion control plan prepared in accordance with the rules and regulations.
- D. Stormwater management performance standards. Projects that require a permit under this bylaw must meet the Massachusetts Stormwater Management Standards and the development and redevelopment requirements of the EPA General Permits for Stormwater Discharges from Small MS4s in Massachusetts. **[Amended 4-12-2022]**

§ 402-6. Performance bond. [Amended 4-12-2022]

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

§ 402-7. Certificate of completion.

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

§ 402-8. Illicit discharges and connections prohibited.

- A. Purpose. The purpose of this section of the bylaw is to regulate illicit connections and discharges to the MS4, to protect East Longmeadow's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment by:

- (1) Preventing pollutants from entering East Longmeadow's MS4;
 - (2) Prohibiting illicit connections and unauthorized discharges to the MS4;
 - (3) Requiring the removal of all such illicit connections;
 - (4) Establishing the legal authority to ensure compliance with the provision of this bylaw through inspection, monitoring and enforcement.
- B. Applicability. This section shall apply to flows entering the MS4.
- C. Prohibited activities.
- (1) Illicit discharges. No person shall dump, discharge, cause or allow to be discharged a pollutant or nonstormwater discharge into MS4s or into waters of the commonwealth.
 - (2) Illicit connections. No person shall construct, use, allow, maintain or continue an illicit connection to an MS4, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
 - (3) Obstruction of storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of an MS4 without prior approval from the Department of Public Works Superintendent or designee.
 - (4) Exemptions. This section shall not apply to the following nonstormwater discharges or flows, provided that the source is not a significant contributor of a pollutant to MS4s:
 - (a) Water line flushing;
 - (b) Flow from potable water sources;
 - (c) Springs;
 - (d) Natural flow from riparian habitats and wetlands;
 - (e) Diverted stream flow;
 - (f) Rising groundwater;
 - (g) Uncontaminated groundwater infiltrating (entering the MS4 from the ground through such means as defective pipes, pipe joints, connections or manholes), or uncontaminated pumped groundwater;
 - (h) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), uncontaminated groundwater from sump pumps, or air conditioning condensation; **[Amended 4-12-2022]**
 - (i) Discharge from landscape irrigation or lawn watering;
 - (j) Water from individual residential car washing;
 - (k) Discharge from dechlorinated swimming pool water (less than one ppm chlorine), provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
 - (l) Discharge from street sweeping;

- (m) Discharge or flow resulting from ice and snow control operations;
- (n) Dye testing, provided verbal notification is given to the Department of Public Works Superintendent or designee prior to the time of the test;
- (o) Discharge or flow resulting from fire-fighting activities;
- (p) Nonstormwater discharge permitted under an NPDES permit, waiver or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver or order and applicable laws and regulations;
- (q) Discharge for which advanced written approval is received from the Department of Public Works Superintendent or designee as necessary to protect public health, safety, welfare and the environment; and
- (r) Incidental discharge (e.g., dust, drops of fluids) from maintenance and normal activities related to allowed uses, which results in de-minimus levels of pollution entering the MS4 or waters of the commonwealth in East Longmeadow. This bylaw does not supersede any other local, state or federal requirements.

§ 402-9. Notification of spills.

Notwithstanding any other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of a known or suspected release of materials at that facility operation which is resulting or may result in illicit discharge of pollutants, that person shall take the necessary steps to ensure containment and cleanup of the release. In the event a release enters the MS4 or waters of the commonwealth in East Longmeadow, the person shall immediately notify the East Longmeadow Department of Public Works Superintendent. Written confirmation of telephone, facsimile or in-person notifications shall be provided to the Department of Public Works Superintendent or designee within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained by said facility owner or operator for at least three years.

§ 402-10. Enforcement; violations and penalties.

- A. Any officer, employee, person or entity observing or having actual knowledge of a violation of this bylaw or a rule or regulation adopted hereunder that the officer, employee, person or entity is responsible for enforcing may, as an alternative to seeking a criminal penalty for violation of this bylaw, give the offender a ticket in a form in compliance with the requirements of and in the manner established in MGL c. 40, § 21D and Chapter 1, Art. II, of the East Longmeadow General Bylaws. The Department of Public Works Superintendent shall designate the person or persons responsible for enforcement.
- B. The penalty for each violation of this stormwater management portion of the bylaw and the rules and regulations adopted hereunder shall be \$200, and each day or part thereof shall constitute a separate violation.
- C. The Department of Public Works Superintendent, in addition to issuing said tickets, may enforce the provisions of this bylaw by injunctive relief if the Superintendent determines that the health, safety or welfare of any resident or member of the public or that the well being of the community is or will

be endangered by the violation(s).

- D. Any permit issued pursuant to this bylaw shall contain language requiring the applicant to pay any and all costs, including attorney fees and expert witness fees, incurred by the Town in seeking court action regarding the enforcement of this bylaw and the rules and regulations adopted hereunder.
- E. The prior provisions of this bylaw notwithstanding, the Department of Public Works Superintendent or designee may enter onto a person's land to inspect any work performed under a permit issued pursuant to this bylaw. The Department of Public Works Superintendent may also enter any property to determine if such property is in violation of this bylaw or rules and regulations if the Superintendent has a good-faith basis to believe an activity requiring a permit is being performed on the property without such a permit.
- F. The Department of Public Works Superintendent may, for cause shown, suspend or terminate a person's connection to the MS4 and any permit issued pursuant to this bylaw.
- (1) Notice of the intent to suspend or terminate a person's connection to the MS4 or a permit shall be given in writing by certified mail to the owner of the property and the permit holder, if different, by delivering, to the owner at the address listed for taxation purposes in the Assessor's office, and the permit holder at the address listed in the application, a copy of the notice of hearing delivered at least 10 business days before said hearing date and shall, in addition, be mailed by first class mail, postage prepaid, at least 14 days before said hearing. **[Amended 4-12-2022]**
 - (2) The notice shall contain the:
 - (a) Name and address of the owner of the property;
 - (b) The name and address of the permit holder if different than the owner;
 - (c) The action contemplated;
 - (d) A statement of violations believed to exist; and
 - (e) A statement that the owner and permit holder may present evidence regarding alleged violations.
 - (3) If the Department of Public Works Superintendent or designee determines in writing that the public health, safety or welfare requires immediate action, the Superintendent may suspend or terminate MS4 service and any permit immediately. However, in such a case, notice as set forth above shall be delivered and mailed to the owner and permit holder, if different, informing them that they have 15 days from the date of the suspension or termination to appeal said action of the Department of Public Works Superintendent.

§ 402-11. Transitional provisions.

Property owners shall comply with the illicit discharges sections of this bylaw, but such property owners shall in no case have more than six months from the effective date of the bylaw to comply with its provisions, unless good cause is shown for the failure to comply with the bylaw during that period.

§ 402-12. Stormwater Enterprise Fund. [Added 4-23-2019]

- A. Purpose. The stormwater management program is a state mandate designed to promote the health and

safety of the public, to protect property from flooding and the damage caused by stormwater runoff, and to protect and manage water quality by controlling the level of pollutants in stormwater runoff and the flow of water as conveyed by man-made and by natural stormwater management systems and facilities.

- B. Division established. There is hereby established within the Department of Public Works a utility known as the "Stormwater Division" under the day-to-day supervision of the Superintendent of Public Works.
- C. Administration. The Department of Public Works shall administer the stormwater management programs of the Town through the Stormwater Division. It shall be funded by revenue collected through the stormwater fee and such other funds as may, from time to time, be appropriated or obtained through other sources, including but not limited to grants and low-interest loans.
- D. Authority. This section is adopted in accordance with the authority granted by Amendment Article 89 to Amendment Article 2 of the Massachusetts Constitution, MGL c. 83, §§ 1 through 24, and such other powers as are granted to cities and towns in the General Laws.
- E. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

CREDIT — A reduction in the amount of a stormwater fee charged to a particular property.

DIRECT COSTS — The costs incurred in the operation, salaries and maintenance of the stormwater system as reflected in the Stormwater Enterprise Fund budget.

DWELLING UNIT — The individual, private premises contained in any building intended, whether occupied or not, as the residence for one household, regardless of the number of individuals in the household. A building may contain more than one dwelling unit.

GENERAL LAWS — The General Laws of the Commonwealth of Massachusetts.

IMPERVIOUS SURFACE — Those areas which prevent or impede the infiltration of stormwater into the soil in the manner in which it entered the soil in natural conditions, prior to development. Common impervious surfaces include, but are not limited to, rooftops, buildings or structures, sidewalks, walkways, patio areas, swimming pools, decks, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

INDIRECT COSTS — The costs incurred in the operation and maintenance of the stormwater system, including health insurance, property and casualty insurance, utility expenses, life insurance and retirement. Another example of an indirect cost could be the value of time spent by general fund employees in the Collector's office processing enterprise fund user payments.

LARGE RESIDENTIAL PROPERTY — Improved property containing apartments, or condominiums with four or more dwelling units and rooming and boarding houses. Large residential properties shall not include improved property containing structures used primarily for nonresidential purposes (i.e., hotels, motels, retirement centers, nursing homes or assisted-living homes or properties designated as "mixed use" properties by the Board of Assessors).

NONRESIDENTIAL PROPERTY — Property that is not small residential property as defined herein, including, but not limited to, such property as commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, large residential property, storage

buildings and storage areas, parking lots, roadways, driveways, parks, recreation properties, tennis courts, swimming pools, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses, water and wastewater treatment plants, hotels, motels, retirement centers, nursing homes or assisted-living homes, properties designated as "mixed use" properties by the Board of Assessors, and any other form of use not otherwise mentioned which is not a residential property.

PERVIOUS SURFACE — Those areas that allow the unimpeded infiltration of stormwater into the soil. Common pervious surfaces include, but are not limited to, lawn area, forest land, agricultural lands, meadows and other undeveloped land. In determining utility fee calculations, all land on a parcel of property not defined as impervious land will be considered to be pervious.

PROPERTY ASSOCIATION — A condominium, cooperative, or other form of ownership, whether residential, commercial or multiple-use, in which fees are divided among multiple record title owners by instrument recorded in the Hampden Registry of Deeds or Hampden Land Court.

SMALL RESIDENTIAL PROPERTY — Improved property containing one, two or three dwelling units. Small residential properties shall not include improved property containing structures used primarily for nonresidential purposes (i.e., hotels, motels, retirement centers, nursing homes or assisted-living homes or properties designated as "mixed use" properties by the Board of Assessors).

STORMWATER — The surface water runoff from precipitation.

STORMWATER FEE — The user fee imposed pursuant to this section by the Town of East Longmeadow for providing stormwater management.

- F. Fee established; billing frequency; deposit to enterprise fund account.
- (1) Pursuant to MGL c. 83, § 16, the Town hereby establishes a charge for the use of the stormwater management of the Town, to be known as the "stormwater fee."
 - (2) The stormwater fee is imposed on each parcel of residential property and each parcel of nonresidential property, whether occupied or not, as referred to in Subsection G. The stormwater fee shall be billed at least annually, but not more frequently than in four quarterly increments, as determined by the Town Manager. The fee shall be billed to the record title owner of the property. The billing shall be consolidated in the same bill as is sent to said property owner for other services provided by the Town supported by fees, including water service and sanitary sewer use. If the property does not receive a water/sewer bill from the Town, a bill for only the stormwater fee will be sent. Payment shall be due 30 days after the issue date of the bill for the stormwater fee.
 - (3) Receipts generated from the stormwater fee shall be deposited to an enterprise fund account to be known as the "stormwater management account" set up in accordance with the authority granted by MGL c. 44, § 53F 1/2. The funds deposited to this account shall be used to fund the stormwater management program of the Town.
- G. Rates.
- (1) The Superintendent of Public Works shall recommend an annual budget for stormwater management services to the Town Manager. The Town Manager shall include a proposed annual budget for the stormwater management in the proposed operating budget submitted to the Town Council in accordance with the Charter of the Town of East Longmeadow. The budget submitted by the Superintendent and proposed by the Town Manager shall include rates in an amount sufficient to provide for a balanced operating and capital improvement budget for the

stormwater management services.

- (2) A user fee based on property type or land use code (LUC) shall be imposed with respect to each nonexempt/exempt property in the Town:
 - (a) Single-family homes (LUC 101).
 - (b) Two-family homes (LUC 104).
 - (c) Three-family homes (LUC 105).
 - (d) Two-family homes on single parcel (LUC 109).
 - (e) Residential condos (LUC 102).
 - (f) Four- to eight-unit apartments (LUC 111).
 - (g) Mixed-use parcels (LUC 013).
 - (h) Exempt parcels (LUC 900) currently are being charged for Town utilities.
 - (i) Mixed-use commercial/residential (LUC 031).
 - (j) Apartment >8 (LUC 112), congregate living facilities (LUC 125), Commercial and industrial with LUC 300s and 400s, commercial condos (LUC 343) and Fields at Chestnut (per building).

Agricultural land and vacant residential land will not be subjected to this fee.

- (3) The Town Council shall have the authority to set and modify the user fee rates so that the total revenue generated by said charges, and any secondary sources of revenue, shall be sufficient to fund the Town's stormwater program.

H. Scope of responsibility for stormwater management systems and facilities.

- (1) The Town shall be responsible for all costs to operate, maintain, improve and access those stormwater management systems and facilities which are located:
 - (a) Within public road rights-of-way.
 - (b) On private property but within easements granted to, and accepted by, the Town of East Longmeadow, or which are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or such other lawful means to allow for operation, maintenance, improvement and access to the stormwater management system facilities.
 - (c) On public land which is owned by the Town and/or land of another governmental entity as to which the Town has agreements providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon.
- (2) Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the Town, and for which the Town lacks a lawful right of entry, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by state and federal laws and regulations.

I. Purposes of fund. The stormwater management account shall only be used for the direct and indirect

costs of the Stormwater Division to provide stormwater management services as defined in Subsection H, including without limitation the direct and indirect costs of the following:

- (1) Acquisition by gift, purchase or condemnation of real and personal property, and interests therein, necessary to construct, operate and maintain stormwater management systems and facilities;
- (2) Administration and implementation of the stormwater management programs, including the cost of labor attributable to the stormwater management program and the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;
- (3) Engineering and design, debt service and related financing expenses, construction of new facilities and enlargement or improvement of existing facilities;
- (4) Operation and maintenance of the stormwater systems, including catch basin cleaning, ditch maintenance, street sweeping and the purchase of equipment for use in the operation and maintenance of stormwater systems;
- (5) Capital projects for stormwater management;
- (6) Illicit discharge detection and elimination;
- (7) Monitoring, surveillance and inspection of stormwater control devices;
- (8) Water quality monitoring and water quality programs;
- (9) Retrofitting developed areas for pollution control;
- (10) Inspection and enforcement activities;
- (11) Billing and related administrative tasks; and
- (12) Other activities which are determined to be reasonably necessary by the Superintendent of Public Works, including those related to regulatory compliance.

J. Liability for fee; exemptions.

- (1) The Town finds that all real property in the Town contributes to runoff and either uses or benefits from the maintenance of the stormwater system. Therefore, except as provided in this subsection or otherwise provided by law, no public property, including public property funded by taxpayers of the Town of East Longmeadow, or private property located in the Town of East Longmeadow shall be exempt from the stormwater fee charges.
- (2) Notwithstanding the foregoing, the Town establishes exemptions to the stormwater fee as follows:
 - (a) Public streets, highways and rights-of-way. However, maintenance buildings and/or other improved property used for road maintenance purposes shall not be exempt from stormwater fee charges. All other state, federal and county properties are subject to the user fee charges on the same basis as private properties.

K. Fee credits.

- (1) The Town Manager shall develop and recommend a proposed Stormwater Management Credit

Policy ("Credit Policy"). The Credit Policy as recommended by the Town Manager shall be submitted to the Town Council for approval. Upon approval, the Credit Policy will define potential credits or adjustments such as for stormwater improvements, undeveloped land with protected status, multiple undeveloped parcels under single ownership, seniors, low income, educational programs and others. The Credit Policy shall be available for inspection by the public at the Department of Public Works and on the Town website.

- (2) The Superintendent of Public Works is authorized to grant credits to property owners to be applied against the stormwater fee based on the technical and procedural criteria set forth in the Credit Policy.
- (3) Any credit allowed against the stormwater fee shall be conditioned on continuing compliance with the Town's design and performance standards and/or upon continuing provision of the controls, systems, facilities, services and activities upon which the credit is based. The Superintendent of Public Works may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Credit Policy or this section.
- (4) In order to obtain a credit, the property owner must make application to the Town on forms provided by the Department of Public Works for such purpose; the application shall be fully completed in accordance with the procedures outlined in the Credit Policy.
- (5) The Superintendent of Public Works shall have 30 days from the date an application for credit is deemed complete and accepted to either grant the credit in whole, grant the credit in part or deny the credit. If the Superintendent fails to act by the end of that period, he/she will be deemed to have granted the credit.

L. Fee billing, delinquencies, collections and abatements.

- (1) Failure of the Town to send a bill for stormwater fees shall not relieve the property owner of record from the obligation to pay for such utility. If a property is unbilled, or if no bill is sent for a particular parcel of land, the Town may back-bill for the fees as applicable for a period not to exceed one year of charges, but no late fees or delinquency charges of any kind shall be charged or recovered from any property owner so back-billed.
- (2) Stormwater fee bills shall be managed by the Department of Public Works. The Town Treasurer/Collector will manage collection of fees. The East Longmeadow Finance Department shall keep records of all paid and unpaid stormwater fee bills and maintain financial records for the Department.
- (3) If a bill for stormwater fees is not paid in full by the 30th day from the date the bill is issued, interest at the rate of 12% per annum shall accrue on any unpaid balance. Interest shall accrue beginning the day after a bill is due.
- (4) At any time after interest begins to accrue on an unpaid account, the East Longmeadow Town Collector may serve on the party assessed a statement of the amount due, including interest, with a demand for payment. A charge as set forth in Chapter 300, Section 2-319 Licenses and Permits, Unpaid Fees, shall be made for such demand. If the amount due remains unpaid 14 days after mailing of said demand, the East Longmeadow Town Collector shall commit the amount to the Board of Assessors for inclusion on the next annual property tax bill. Upon inclusion of the unpaid amount on an annual property tax bill, a lien on the property shall exist in the amount due, which lien shall have priority over all other liens except municipal liens and mortgages of record existing prior to the recording of a notice of lien.

- (5) In the event that a property owner believes the stormwater fee is improperly calculated or is otherwise incorrect, the property owner may, within 30 days from the date of issuance of the stormwater fee bill, and after payment of the bill in full, apply to the Department of Public Works for abatement. The application for abatement shall be supported by such information as is necessary for a reasonable person to conclude that it is more likely than not that the billing is in error. The Department of Public Works shall have 60 days to consider the request for abatement and render a written decision, which may deny the abatement, grant the abatement in full or grant the abatement in part. If the Superintendent fails to act by the end of that period, he/she will be deemed to have granted the abatement.
- (6) Abatements that are offered by the Town of East Longmeadow per MGL c. 59, § 5 may also be requested from the Department of Public Works.

M. Appeals; hearings.

- (1) In the event that a property owner is aggrieved by a written decision from the Department of Public Works denying an application for abatement, in whole or in part, or denying an application for a credit, in whole or in part, the property owner shall have 30 days from the date of the written decision to file a notice of appeal with the Department of Public Works. The notice of appeal shall be in writing and shall specify all grounds for appeal. Upon the filing of the notice of appeal with the Department of Public Works, the Department shall forthwith transmit to the Town Manager all documents constituting the record upon which the particular decision was made. The Town Manager shall set a date for hearing which shall be within 90 days of the date of the filing of the appeal, and a notice of hearing, setting forth the place, date and time of hearing, shall be sent to the property owner no less than 10 days prior to the hearing date. The Town Manager shall preside over the hearing, and shall render a written decision within 30 days of the conclusion of the hearing, either affirming the action of the Department or reversing that action. If reversing the denial of an abatement, the decision shall specify the sum to be abated, which shall not exceed the amounts paid. If reversing the denial of a credit, the decision shall specify the amount to be credited prospectively against future charges.
- (2) In the event that a property owner fails to pay the stormwater fee as charged and the Town utilizes the process set forth in MGL c. 83, §§ 16A through 16F to collect the unpaid charges, the property owner shall have the right to seek an abatement by filing an application for abatement with the Department of Public Works in accordance with the remedy specified in MGL c. 83, § 16E, with a copy delivered to the Board of Assessors. The application for abatement shall conform to the requirements for a notice of appeal as set forth in Subsection M(1) above, and the process for a hearing before the Town Manager, including the applicable time limits, shall be as set forth therein. In the event that the Town Manager denies the abatement, in whole or in part, he/she shall, in his/her written decision, include a statement notifying the property owner of the right to seek a review of the decision by the filing of an appeal with the Appellate Tax Board of the Commonwealth of Massachusetts within three months of the date of the decision of the Town Manager. As the right to Appellate Tax Board review under this Subsection M(2) is derived from applicable sections of the General Laws as contained in Chapters 59 and 83 thereof; to the extent that the terms of this section conflict with the terms specified there, the terms specified in the General Laws control.

STREETS AND SIDEWALKS

Chapter 407

STREETS AND SIDEWALKS

	ARTICLE I	§ 407-7.	Violations and penalties.
	Prohibited Deposits; Loitering		
§ 407-1.	Prohibited deposits.		ARTICLE IV
§ 407-2.	Loitering.		Obstructions and Excavations
§ 407-3.	Violations and penalties.	§ 407-8.	Placement of staging or materials prohibited.
	ARTICLE II	§ 407-9.	Permit required for obstructions and excavations; railings or barricades.
	Removing Snow and Ice from Sidewalks		
§ 407-4.	Clearing sidewalks of ice and snow.		ARTICLE V
§ 407-5.	Enforcement; violations and penalties.		Water Discharges
	ARTICLE III	§ 407-10.	Discharges prohibited.
	Dumping or Disposal of Snow and Ice from Outside Town	§ 407-11.	Abatement of violations.
§ 407-6.	Dumping of snow and ice containing salt or chemicals prohibited.		ARTICLE VI
			Sales Near School Property
		§ 407-12.	Sale of food items.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Prohibited Deposits; Loitering

[Adopted as Ch. 8, § 8.010, of the 1982 General Bylaws; amended in its entirety 4-12-2022]

§ 407-1. Prohibited deposits.

No person shall throw or leave in or upon any street, court, square, lane, road, public square, public enclosure, and/or body of water or vacant land within the limits of the Town any filth, rubbish or other substance.

§ 407-2. Loitering.

No person shall, in violation of MGL c. 272, § 59, or any amendments thereto, linger, continue to sit, stand or occupy any part of the public street, public place, public building or any property not belonging to that person or under that person's control, so as to obstruct or impede the free passage of any other person, after being instructed or directed by a police officer to move on.

§ 407-3. Violations and penalties.

The penalty for any violation of the foregoing sections shall be a fine of \$100.

ARTICLE II

Removing Snow and Ice from Sidewalks

[Adopted as Ch. 8, § 8.040, of the 1982 General Bylaws]

§ 407-4. Clearing sidewalks of ice and snow.

Residents on property or owners of property where there exists a sidewalk in front of or abutting a traveled way constructed of concrete, cement, brick, stone or other hard matter lying between the property lines and the traveled way, designated by the Town Manager or designee under Town control, shall clear said walks of ice and snow within 24 hours after the snow ceases to fall. Should the sidewalks become covered with ice that cannot be readily removed, the abutters or residents shall be required to place sand or salt or other material thereon to render said walks safe for pedestrians.

§ 407-5. Enforcement; violations and penalties. [Added 4-12-2022]

- A. Police officers are authorized to issue citations of \$50 per day for violations of this bylaw.
- B. If sidewalks are not cleared within 72 hours, the Department of Public Works may clear the snow or ice and charge the owner for the costs of said removal.

ARTICLE III

Dumping or Disposal of Snow and Ice from Outside Town
[Adopted as Ch. 8, § 8.060, of the 1982 General Bylaws]

§ 407-6. Dumping of snow and ice containing salt or chemicals prohibited.

The dumping or disposal, from outside the Town, of snow or ice containing salt or other chemical substance is hereby prohibited.

§ 407-7. Violations and penalties. [Amended 4-12-2022]

Violators of this article shall be fined \$100 for each offense.

ARTICLE IV

Obstructions and Excavations**[Adopted as Ch. 4, § 4.020(E) and § 4.080(B) and (C), of the 1982 General Bylaws]****§ 407-8. Placement of staging or materials prohibited.**

No person shall erect in or upon any street or sidewalk in the Town any staging or place thereon any material of any kind in such manner as to obstruct or impede the free use of such street or sidewalk for public travel, without a written permit from the Department of Public Works Superintendent or designee, and no person shall place any material upon any street, sidewalk or tree belt in the Town which may damage or injure any person, animal or vehicle traveling thereon.

§ 407-9. Permit required for obstructions and excavations; railings or barricades. [Amended 4-12-2022]

- A. No person or persons, except employees of the Department of Public Works or their agents, shall break or dig up or obstruct any street or sidewalk or excavate within any public way without a permit from the Department of Public Works, which may require said person to furnish a bond if the Department of Public Works Superintendent so demands, to indemnify and save harmless the Town against all damages or costs by reason of any claims of damages or by reason of any process, civil or criminal, on account of the existence of such obstruction or excavation, and the Department of Public Works may impose such conditions, terms and limitations as it deems necessary. All work shall be in accordance with the Department of Public Works' specifications. The Department of Public Works shall notify the Police Department and the Fire Department of any such permit in a timely manner.
- B. Any person licensed or permitted to obstruct any street or break or dig the ground of the same shall put up and keep at all times a suitable railing or barricade around the parts of the sidewalk or street so obstructed or dug up, so long as the same shall be unsafe or inconvenient for traveling. The person so licensed or permitted shall also keep enough lighted warnings at or near the parts of the street so obstructed or dug up, from twilight through the whole night, as shall be sufficient to warn travelers.

ARTICLE V

Water Discharges

[Adopted as Ch. 4, § 4.080(D), of the 1982 General Bylaws]

§ 407-10. Discharges prohibited.

No person shall permit water from the eaves or lead pipes of any building, owned or cared for by said person, to be discharged upon or run on the public sidewalk or shall suffer any building to shed water on, or make or permit any drain, sluice, gully or conduit upon said person's land to discharge water upon a sidewalk, tree belt or traveled way within a public way.

§ 407-11. Abatement of violations.

When said person is notified of violating this bylaw by the Department of Public Works, said person shall, within 10 days, abate said violation. If the violator fails to abate the situation within said time frame, the Department of Public Works Superintendent, with the approval of the Town Manager, shall take reasonable means to abate the violation, which may include, but not limited to, the issuance of tickets pursuant to the noncriminal disposition procedure authorized under Chapter 1, Article II, of these bylaws in addition to or in place of any criminal or civil actions.

ARTICLE VI

Sales Near School Property

[Adopted as Ch. 4, § 4.090(B), of the 1982 General Bylaws; amended in its entirety 4-12-2022]

§ 407-12. Sale of food items.

No person shall, except for school cafeteria personnel, offer for sale, sell or cause to be sold any articles of food, or any articles suitable for or intended for human consumption, within the limits of the public ways and within 100 yards from the nearest boundary of any school grounds between the hours of 7:00 a.m. and 4:00 p.m. on days when the public schools are in session.

Chapter 416**VEHICLES AND TRAFFIC**

§ 416-1.	Parking ban.	§ 416-3.	Off-street parking.
§ 416-2.	Removal of vehicles from streets and ways.	§ 416-4.	Fire lanes.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 7 of the 1982 General Bylaws. Amendments noted where applicable.]

§ 416-1. Parking ban.

It shall be unlawful for the driver of any vehicle, other than acting in an emergency, to park said vehicle on any street when the Town Manager or designee has declared a parking ban.

§ 416-2. Removal of vehicles from streets and ways.

- A. The Department of Public Works Superintendent or designee, for the purpose of removing or plowing snow or removing ice from any street or way, may declare a severe weather emergency. **[Amended 4-12-2022]**
- B. When such emergency is declared by the Department of Public Works Superintendent or designee, the Police Department may be notified as to vehicles parked on streets and ways that hinder the removal of snow or ice. Vehicles ordered for removal shall be towed to a convenient storage facility according to a policy directed by the Police Chief. Vehicles removed under this section shall be subject to a fine of \$30 for each offense in addition to any reasonable costs of publishing or sending any notices. The Department of Public Works, Police Department or the Town of East Longmeadow shall not be responsible for any fees incurred for removal and storage of vehicles legally towed in violation of such declared emergency. **[Amended 4-12-2022]**
- C. The Police Chief shall keep or cause to be kept a record of each vehicle removed under this bylaw. Such record shall describe each vehicle, its registration number and the location of the storage facility. The Police Chief shall, within 48 hours, send the owner on record with the Massachusetts Registry of Motor Vehicles, by mail, in writing or other means, notice as to the location of the removed vehicle. **[Amended 4-12-2022]**
- D. If the owner of the removed vehicle is unknown, the Police Chief shall, within 48 hours, cause to be published in a newspaper of general circulation in the Town the description and registration number, if any, of the removed vehicle and the location of the storage facility. If, after a reasonable time, the owner of the removed vehicle remains unknown and reasonable effort has been made to locate the lawful owner, said vehicle will be disposed of according to Massachusetts General Laws, to satisfy removal, storage and administrative charges. The remaining balance of such disposal shall be put into the general fund of the Town.
- E. Before any person shall be permitted to reclaim a vehicle removed under this section, the person shall:
 - (1) Furnish evidence to the Police Department of the person's identity and ownership of the

removed vehicle.

- (2) Pay the reasonable vehicle removal charges, the maximum being established by the Office of the Massachusetts Attorney General, and any reasonable daily storage charges, together with the cost of publishing or sending any notices required by this section.¹²

§ 416-3. Off-street parking.

Any person or persons proposing to construct off-street parking of more than 1,000 square feet, which will have access to and from any street or way, shall first submit a plan showing the proposed work to the Department of Public Works Superintendent or designee and obtain the Superintendent's approval prior to issuance of any building permit.

§ 416-4. Fire lanes. [Amended 4-12-2022]

- A. The Fire Chief or designee may designate fire lanes within the limits of any private way, parking area or driveway for the access of fire apparatus, ambulances or other emergency vehicles to multiple-family dwellings, stores, schools, health-care facilities, elderly housing complexes and places of public assembly.
- B. The owner of record of any area designated as a fire lane shall provide and install signs that shall read "Fire Lane - No Parking - Loading or Unloading - Violators Can Be Subject To a Fine of \$100." The signs shall be 12 inches wide and 18 inches high. They shall be installed at a height of six feet six inches from ground level to the bottom of the sign. Location of the signs shall be approved by the Fire Chief or designee prior to installation.
- C. It shall be unlawful to obstruct or block any area designated as a fire lane with a vehicle or by any other means.
- D. The registered owner of any vehicle that obstructs, blocks or occupies any area designated as a fire lane shall be punished by a fine not to exceed \$100 for each offense.

12. Editor's Note: Original § 7.030 of the 1982 General Bylaws, Handicapped parking, which immediately followed this section, was repealed 4-12-2022.

WATER

Chapter 421

WATER

ARTICLE I
Water Emergencies

§ 421-2.
§ 421-3.

Violations and penalties.
Applicability of state law.

§ 421-1. Authority to declare emergency.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Water Emergencies

[Adopted as Ch. 4, § 4.080(E), of the 1982 General Bylaws]

§ 421-1. Authority to declare emergency. [Amended 4-12-2022]

The Town Manager or designee is authorized and empowered to declare a state of water emergency as may be necessary from time to time, in order to conserve water resources of the Town, and ban or restrict the use of water for certain uses.

§ 421-2. Violations and penalties. [Amended 4-12-2022]

Any person who, upon approval of the foregoing restrictions for a state of water emergency, by the Department of Environmental Protection of the Commonwealth of Massachusetts, shall violate the ban or restrictions shall be subject to a fine in an amount of \$100 for each violation, and each day in which a violation occurs will be considered a separate violation.

§ 421-3. Applicability of state law.

This bylaw shall be subject to the provision of MGL c. 21G, and the regulations adopted thereunder.

Chapter 424**WETLANDS PROTECTION**

§ 424-1.	Purpose.	§ 424-8.	Burden of proof.
§ 424-2.	Jurisdiction.	§ 424-9.	Definitions.
§ 424-3.	Exceptions.	§ 424-10.	Security.
§ 424-4.	Applications for permits and requests for determinations.	§ 424-11.	Enforcement; violations and penalties.
§ 424-5.	Notice and hearing.	§ 424-12.	Appeals.
§ 424-6.	Permits, determinations and conditions.	§ 424-13.	Relation to Wetlands Protection Act.
§ 424-7.	Preacquisition violations.	§ 424-14.	Severability.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as Ch. 10, § 10.012, of the 1982 General Bylaws. Amendments noted where applicable.]

§ 424-1. Purpose.

The purpose of this bylaw is to protect the wetlands, related water resources and adjoining land areas of the Town of East Longmeadow by controlling activities found by the Conservation Commission (hereinafter "Commission") likely to have a significant or cumulative effect upon the following wetland values: Protection of public or private water supply and groundwater, protection of fisheries, flood control, sedimentation and erosion control, serving as a drainage area for stormwater runoff, prevention of water pollution, protection of water quality and the provision for and protection of wildlife habitat (collectively "the interests protected by this bylaw").

§ 424-2. Jurisdiction.

Except as permitted by the Commission or as provided in this bylaw, no person shall remove, fill, dredge, build upon or alter the following resource areas: upon or within 100 feet of any bank, bordering freshwater wetland, flat, marsh, wet meadow, bog swamp, isolated wetland or temporary wetland, or upon or within 100 feet of any estuary, creek, river, stream, pond or lake, or upon or within 100 feet of any land under said waters or upon or within 100 feet of any bordering or isolated land subject to flooding, or within 100 feet of the 100-year flood line. The jurisdiction of the Commission over any temporary wetland and the 100-foot buffer around such wetland shall exist only if any such temporary wetland is found by a qualified wildlife expert to be vital to the survival of any animal species that uses such wetland exclusively for its reproductive cycle.

§ 424-3. Exceptions.

- A. The permit and application required by this bylaw shall not be required for maintaining, repairing or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sanitary sewer and storm sewer, telephone, telegraph and other telecommunication services, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work

conforms to performance standards and design specifications in regulations adopted by the Commission.

- B. This bylaw shall not apply to any emergency project as defined in the Wetlands Protection Act, MGL c. 131, § 40 (hereinafter "the Wetlands Protection Act") and the regulations pursuant thereto or to any mosquito control project authorized by any laws of the commonwealth.
- C. The Commission may exempt by regulation the application of this bylaw to work performed for normal maintenance or improvement of land actively devoted to agricultural use at the time of the application, provided that such regulations are consistent with the provision applying to agricultural exemptions in the regulations promulgated under the Wetlands Protection Act.

§ 424-4. Applications for permits and requests for determinations.

- A. Written applications shall be filed with the Commission to perform activities regulated by this bylaw affecting resource areas protected by this bylaw. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects upon the environment. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.
- B. The Commission may accept as the application and plans under this bylaw the notice of intent and plans filed under the Wetlands Protection Act.
- C. Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may in writing request a determination from the Commission. Such a request for determination shall contain data and plans specified by the regulations of the Commission. The Commission may in an appropriate case accept such data and plans as are submitted in compliance with the Wetlands Protection Act. Any resource area found by the Commission to meet the definitions contained in this bylaw shall be subject to the protection of this bylaw.

§ 424-5. Notice and hearing.

- A. Any person filing a notice of intent with the Commission shall complete the filing in accordance with 310 CMR 10.00. The Commission reserves the right to ask for any additional information it deems necessary to evaluate a project.
- B. The Commission shall hold a public hearing on a notice of intent within 21 days of its receipt. The East Longmeadow Conservation Commission may request an extension of 21 days; such extension must be agreed upon by the applicant in writing. If the Commission deems necessary, copies of the application shall be sent by hand delivery to the Town Manager, the Planning Board, Department of Public Works Superintendent, the Building Commissioner and the Board of Health. The Commission shall provide written notice of the hearing, at the expense of the applicant, five working days prior to the hearing in a newspaper of general circulation in the community.
- C. Any person filing a notice of intent with the Commission shall give written notice thereof, by certified mail (return receipt requested) or hand delivery, to abutters of the land to their mailing addresses shown on the most recent applicable tax list of the Assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line, including any in another municipality or across a body of water. The notice to abutters shall enclose a copy of the notice of intent with the plans, or shall state where copies may be examined and obtained by abutters free of charge. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission.

- D. The Commission shall issue its decision in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.
- E. The Commission may combine its hearing under this bylaw with a hearing conducted under the Wetlands Protection Act.
- F. The Commission shall have the authority to continue the hearing to a date and time certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required by the applicant, deemed necessary by the Commission in its discretion, or comments and recommendations of boards and officials listed in Subsection B.
- G. The Commission shall adopt by regulation a procedure providing for the coordination of its activities with those of other Town departments which also assert or may thereafter assert jurisdiction over the same parcel of land.

§ 424-6. Permits, determinations and conditions.

- A. If the Commission, after a public hearing, determines that the activities which are the subject of the application are likely to have a significant or cumulative effect upon the interests protected by this bylaw and are within the jurisdiction established by this bylaw, the Commission, within 21 days after the close of the hearing, shall issue or deny a permit for the activities requested. If the Commission issues a permit it shall impose conditions which the Commission deems necessary or desirable to protect these interests, and all activities shall be performed in accordance with those conditions.
- B. If the Commission determines that the activities, which are subject to the application, are not likely to have a significant or cumulative effect upon the interests protected by this bylaw, the Commission shall issue a permit without conditions within 21 days after the public hearing.
- C. Failure by the Commission to take any action within 45 days after the close of a hearing at which the applicant has produced all the required information shall be deemed to be finding by the Commission that, in the case of a request for determination, the area is not subject to this bylaw or, in the case of an application, the activities which are the subject of the application will not have a significant or cumulative impact upon the interests protected by this bylaw. Such procedure shall apply only to areas of Commission jurisdiction that exceed that established under the Wetlands Protection Act.
- D. The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the interests protected by this bylaw; and where no conditions are adequate to protect those values. Due consideration shall be given by the Commission to any demonstrated hardship on the applicant by reason of denial, as presented at public hearing.
- E. A permit shall expire three years from the date of issuance, and all work shall be completed prior to expiration. The Commission may extend a permit for an additional one-year period.
- F. The Commission may revoke or modify a permit issued under this bylaw after notice to the holder of the permit, notice to the public, abutters, and Town boards pursuant to § 424-5, and public hearing, for two or more violations of a notice of intent and order of conditions.
- G. The Commission may combine the permit or other action on an application issued under the bylaw

with the order of conditions issued under the Wetlands Protection Act.

- H. No work proposed in any application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the Registry of Deeds, or, if the land affected thereby is registered land, in the Registry Section of the Land Court for the district wherein the land lies, by the holder of the permit or, if provided in regulations of the Commission, by the Town of East Longmeadow and until the holder of the permit certifies in writing to the Commission that the permit has been so recorded or that the Town of East Longmeadow has recorded said permit.

§ 424-7. Preacquisition violations.

Any person who purchases, inherits or otherwise acquires real estate upon which work has been performed in violation of the provisions of this bylaw or in violation of any order issued pursuant to this bylaw shall forthwith comply with any such order or restore such land to its conditions prior to any such violation; provided, however, that unless the violation is found by the Commission, after notice and hearing, to pose a substantial and material threat to the interests protected by this bylaw, no action, civil or criminal, shall be brought against such person unless such action is commenced within three years of following the recording of the deed or the date of the death by which such real estate was acquired by such person and the order of conditions which is being violated or any enforcement order relating to the violation was appropriately recorded.

§ 424-8. Burden of proof. [Amended 4-12-2022]

In general, the applicant shall have the burden of proving by a preponderance of credible evidence that the work proposed in the application will not harm the interests protected by this bylaw. As to activities which may impact isolated wetlands and temporary wetlands which are not also subject to the Commission's jurisdiction under the Wetlands Protection Act, the Commission shall not require that the applicant prove that the proposed alteration will not have cumulative effect on the interests protected by this bylaw, but shall require only that the applicant demonstrate that the proposed activity will not have a significant effect on the interests protected by this bylaw.

§ 424-9. Definitions.

- A. The following definitions shall apply in the interpretation and implementation of this bylaw:

ALTER — Includes, without limitation, the following actions when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- (1) Removal, excavation or dredging of soil, sand, gravel or aggregate material of any kind;
- (2) Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns of surface and subsurface water or flood retention characteristics;
- (3) Drainage or other disturbance of water level of water table;
- (4) Dumping, discharging or filling with any material or in any manner which may degrade water quality or interfere with any of the interests protected by this bylaw;
- (5) Driving of piles, erection of buildings or structures of any kind;
- (6) Placing of obstructions, whether or not they interfere with the flow of water;

- (7) Destruction of plant life, including cutting of trees;
- (8) Changing of water temperature, biochemical oxygen demand or other physical or chemical characteristics of the water.

APPLICANT — Person giving notice of intention to build, remove, fill, dredge or alter or making a request for determination.

BANKS; BORDERING FRESHWATER WETLAND; FLAT; MARSH; WET MEADOW; BOG; SWAMP; ESTUARY; CREEK; RIVER; POND; LAKE; AND BORDERING AND ISOLATED LAND SUBJECT TO FLOODING — Unless otherwise defined in this bylaw, shall have the same meaning as in the Wetlands Protection Act and the regulations thereunder.

CUMULATIVE EFFECT — An activity has a cumulative effect on the interests protected by this bylaw if such activity, added to or in conjunction with similar activity which has occurred or has been proposed and which affects the same resource area, has a measurable impact on a resource area covered by this bylaw and tends to reduce the capacity of that resource area to support or sustain the interests protected by this bylaw. The applicant shall have the burden of proving by a preponderance of credible evidence that the activity has no cumulative effect on the values protected by this bylaw.

ISOLATED WETLANDS — Areas of wetland vegetation (as defined in the definition of "banks, bordering freshwater wetland, flat, marsh, wet meadow, bog, swamp, estuary, creek, river, pond, lake and bordering and isolated land subject to flooding") which are subject to flooding and consist of isolated depressions or closed basins which serve as a ponding area for run off or high groundwater and which remain wet on a year-round basis except for extended dry periods. Such areas must be at least 400 square feet in area and may include kettle holes and bogs.

PERSON — Shall include any individual, group of individuals, associations, partnership, corporation, company, business organization, trust, estate, the commonwealth or political subdivision thereof to the extent subject to Town bylaws, administrative agencies, public or quasi-public corporations or bodies, the Town of East Longmeadow, and any other legal entity, its legal representatives, agents or assigns.

SIGNIFICANT EFFECT — An activity has a significant effect on the interests protected by this bylaw if such activity has a measurable impact on a resource covered by this bylaw and tends to reduce the capacity of that resource area to support or sustain the interests protected by this bylaw.

TEMPORARY WETLANDS — Those areas of at least 400 square feet in areas which are periodically flooded on a purely seasonal basis by high groundwater or runoff and include vernal and autumnal ponds. Prior to exercising jurisdiction over any temporary wetlands which is not also subject to the Commission's jurisdiction under the Wetlands Protection Act, the Commission shall publish the location of such areas on a map, after notice and hearing. No such areas not already under the Commission's jurisdiction under the Wetlands Protection Act shall be subject to the Commission's jurisdiction unless a qualified wildlife professional has determined that the area is vital to the survival of a species of animal which uses that area exclusively in its reproductive process.

- B. Other definitions. The Commission may adopt additional definitions not inconsistent with § 424-9 in its regulations promulgated pursuant to § 424-8 of this bylaw.

§ 424-10. Security.

- A. As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by a proper bond or a

deposit of money or negotiable securities in an amount determined by the Commission to be sufficient and payable to the Town of East Longmeadow.

- B. In addition or in the alternative, the Commission may accept as security a conservation restriction, easement or other covenant running with the land, executed and properly recorded (or registered, in case of registered land) by the owner of record to the benefit of the Town of East Longmeadow.

§ 424-11. Enforcement; violations and penalties.

- A. After notice to the landowner, the Commission, its agents, officers and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examination, surveys or sampling as the Commission deems necessary.
- B. Any person who violates any provision of this bylaw or any conditions of a permit issued pursuant to it shall be punished by a fine of \$300. Each day or portion thereof during which a violation continues shall constitute a separate offense. **[Amended 4-12-2022]**
- C. If the Town of East Longmeadow has adopted a comprehensive "ticketing" program based on MGL c. 40, § 21D, the Commission shall adopt such program through its regulations. If such a program has not been adopted, the Commission may thereafter elect to enforce this bylaw pursuant to MGL c. 40, § 21D, and the Chair of the Commission or the Town Conservation Enforcement Officer, if one has been appointed, may enforce this bylaw under the provision of that section. **[Amended 4-12-2022]**
- D. Upon petition of the Commission, the Town Manager and Town Attorney may take such legal action as may be necessary to enforce this bylaw and permits issued pursuant to it.

§ 424-12. Appeals.

A decision of the Commission may be appealed by any person aggrieved thereby in the following manner:

- A. Such person may, within 10 days of the decision, request that the matter be settled through a mediation process conducted by a disinterested environmental professional who is mutually agreed upon by the Commission and the aggrieved party. If no such professional can be agreed upon, then one shall be appointed by the Chair of the Conservation Law Foundation. Once the aggrieved party and the Commission agree to such procedure, the results thereof shall be binding on both parties. An applicant whose application involves a total parcel size of less than two acres (including all upland areas not under the jurisdiction of the Commission) and an abutter to the property which is the subject of the application may require that the Commission agree to such procedure. Such professional shall render a decision within 30 days of the commencement of the mediation proceedings unless the professional requests additional information not in the control of either party. The mediator shall determine how the costs of the proceeding will be allocated between the parties. The decision of the mediator shall constitute a final decision which may be enforced in any court of competent jurisdiction, with the costs of such enforcement procedures to be borne by the party who has refused to comply with such order. Such procedures shall comply with the rules of the American Arbitration Association to the extent not otherwise agreed upon; or
- B. The decision shall be reviewable in the Superior Court in an action filed within 60 days thereof in accordance with MGL c. 249, § 4, provided that no such appeal may commence prior to a final decision by the Department of Environmental Protection on any matter which is subject both to this bylaw and the Wetlands Protection Act and which has been appealed to that Department.

§ 424-13. Relation to Wetlands Protection Act.

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act and regulations thereunder.

§ 424-14. Severability.

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any order of conditions which has previously become final.

ZONING

Chapter 450

ZONING

ARTICLE I Purpose		ARTICLE V Special Use Regulations	
§ 450-1.0.	Title; purpose.	§ 450-5.0.	Industrial Garden Park District.
ARTICLE II Zoning Districts		§ 450-5.1.	Elderly Residential District.
§ 450-2.0.	Types of districts.	§ 450-5.2.	Planned business development.
§ 450-2.1.	District locations and boundaries.	§ 450-5.3.	Planned unit residential developments.
ARTICLE III Use Regulations		§ 450-5.3A.	Planned Adult Residential District.
§ 450-3.0.	Applicability of use regulations.	§ 450-5.3B.	Mixed-Use Village District.
§ 450-3.1.	Prohibited uses.	§ 450-5.4.	Golf Recreational District.
§ 450-3.2.	Dimensional and density regulations.	§ 450-5.5.	Wireless/Telecommunications service facilities and towers.
§ 450-3.3.	Additional use, dimensional and density regulations.	§ 450-5.6.	Off-street parking.
§ 450-3.4.	Existing buildings, structures and uses.	§ 450-5.7.	Car service activities.
§ 450-3.5.	Nonconforming structures and uses.	§ 450-5.8.	Signs.
		§ 450-5.9.	Swimming pools.
		§ 450-5.10.	Churches and buildings for educational purposes.
		ARTICLE VI Medical Marijuana Treatment Centers; Registered Marijuana Dispensaries	
ARTICLE IV Floodplain Overlay District Regulations		§ 450-6.0.	Purpose.
§ 450-4.0.	(Reserved)	§ 450-6.1.	Applicability.
§ 450-4.1.	Purpose.	§ 450-6.2.	Eligible locations for RMDs.
§ 450-4.2.	Floodplain District boundaries.	§ 450-6.3.	General requirements and conditions for all RMDs.
§ 450-4.3.	Base flood elevation and floodway data.	§ 450-6.4.	Additional requirements and conditions for all RMDs.
§ 450-4.4.	Development regulations.	ARTICLE VII Administration and Enforcement	
§ 450-4.5.	Applicability of state regulations.	§ 450-7.0.	Zoning Board of Appeals.
§ 450-4.6.	Permitted uses.	§ 450-7.1.	Enforcement.
§ 450-4.7.	Compliance with other statutes.	§ 450-7.2.	Amendments.
		§ 450-7.3.	Severability.

EAST LONGMEADOW CODE

§ 450-7.4.	Repeal of previous bylaws.	§ 450-9.6.	Administration.
§ 450-7.5.	Previous permits.	§ 450-9.7.	Standards for review.
		§ 450-9.8.	Sewer and water capacity.
	ARTICLE VIII Special Permits		ARTICLE X Ground-Mounted Photovoltaic Installations
§ 450-8.1.	General provisions.	§ 450-10.1.	Purpose.
§ 450-8.2.	Special permit procedures.	§ 450-10.2.	Applicability; site plan review; design standards for small-scale installations.
§ 450-8.3.	Special permit criteria.	§ 450-10.3.	Definitions.
§ 450-8.4.	Earth removal operations.	§ 450-10.4.	General requirements for solar photovoltaic installations.
§ 450-8.5.	Family home day-care uses.	§ 450-10.5.	Compliance with laws, bylaws and regulations.
§ 450-8.6.	Hospitals, sanitariums, medical clinics, convalescent homes, assisted-living and nursing homes, congregate elderly and handicapped housing.	§ 450-10.6.	Building permits and inspections.
§ 450-8.7.	Used car lots.	§ 450-10.7.	Fees.
§ 450-8.8.	Home-based trade.	§ 450-10.8.	Site plan review and approval.
§ 450-8.9.	Massage therapist facilities.	§ 450-10.9.	Plans and maps.
§ 450-8.10.	Registered marijuana dispensaries (RMDs).	§ 450-10.10.	Utility notification.
§ 450-8.11.	Retail sales in Industrial Garden Park District.	§ 450-10.11.	Area, dimensional and density requirements.
§ 450-8.12.	Adult uses.	§ 450-10.12.	Buffer strips.
§ 450-8.13.	Nonconforming structures or uses in all districts.	§ 450-10.13.	Appurtenant structures.
§ 450-8.14.	Floodplain District.	§ 450-10.14.	Design and performance standards.
§ 450-8.15.	Scientific research and/or development.	§ 450-10.15.	Safety and environmental standards.
	ARTICLE IX Site Plan Review	§ 450-10.16.	Monitoring and maintenance.
§ 450-9.1.	Purpose.	§ 450-10.17.	Abandonment or decommissioning.
§ 450-9.2.	Design review.		ARTICLE XI Definitions
§ 450-9.3.	Projects requiring site plan review.		
§ 450-9.4.	Contents of site plan.	§ 450-11.1.	Interpretation and word usage.
§ 450-9.5.	Review procedure.	§ 450-11.2.	Terms defined.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow as amended 3-19-2018.¹³ Amendments noted where applicable.]

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

ARTICLE I

Purpose

§ 450-1.0. Title; purpose.

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

ARTICLE II
Zoning Districts

§ 450-2.0. Types of districts.

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

A. Residence Districts:

AA - Residence AA

A - Residence A

B - Residence B

C - Residence C

ER - Elderly Residential

B. Commercial Districts:

COM - Commercial District

C. Business Districts:

BUS - Business District

D. Industrial Districts:

I - Industrial District

IGP - Industrial Garden Park District

E. Recreational Districts:

GR - Golf Recreational District

F. Conservation Districts:

FP - Floodplain District

G. Planned Unit Residential Districts:

PUR - Planned Unit Residential District

H. Planned Adult Residential Districts:

PAR - Planned Adult Residential District

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

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

of this bylaw, the originals of which shall be on file with the Town Clerk.

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

ARTICLE III
Use Regulations

§ 450-3.0. Applicability of use regulations.

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

- A. Use designations. The restrictions and controls intended to regulate development in each district are set forth in Table 3-1, East Longmeadow Schedule of Use Regulations.¹⁴ The following notations apply to the Schedule of Use Regulations: [**Amended 11-14-2023**]

Y Yes - designates uses allowed by right in the district indicated. Site plan review is required for all uses as prescribed in Article IX of this Zoning Bylaw. (**NOTE: Subdivisions are covered by the Town of East Longmeadow Subdivision Rules and Regulations.)

N No - designates uses prohibited in the district indicated.

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

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

- C. Exemptions.

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

§ 450-3.1. Prohibited uses.

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

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

- (1) Industrial uses.

Acetylene gas, cyanide compound or oxygen manufacture

Asphalt manufacture or refining

Chlorine or bleaching powder manufacture

Creosote manufacture

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

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

(2) General uses.

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

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

§ 450-3.2. Dimensional and density regulations.

All permitted uses allowed by special permit shall be in conformity with the dimensional and density regulations set forth in Table 3-2, Table of Dimensional Regulations.¹⁵

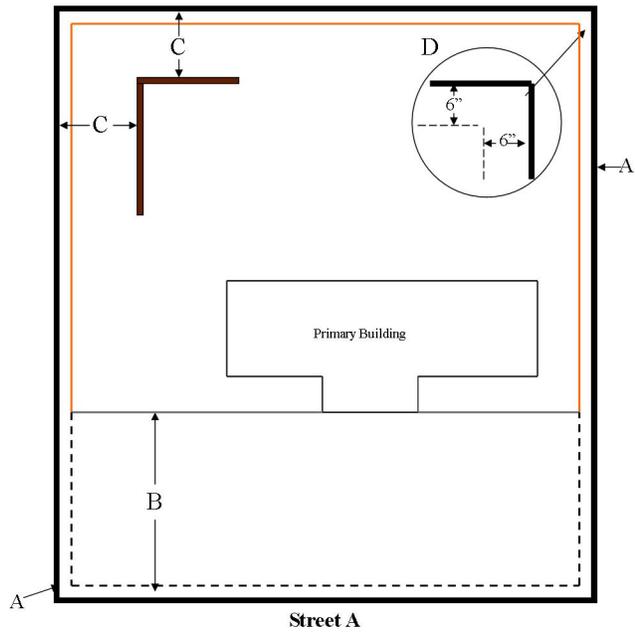
§ 450-3.3. Additional use, dimensional and density regulations.

A. General provisions.

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

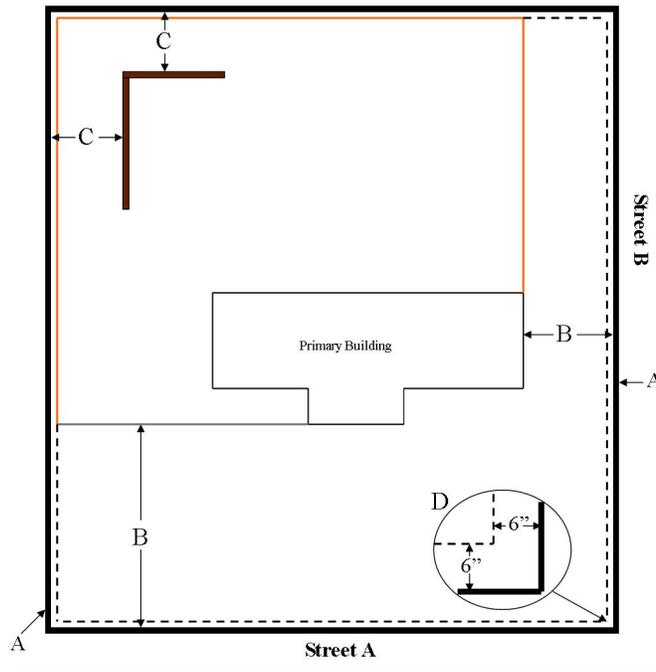
15. Editor's Note: The Table of Dimensional Regulations is included as an attachment to this chapter.

Fence Diagram A - Standard Lot Depiction



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

Fence Diagram B - Corner Lot Depiction



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

- (c) All other fences must be at least six inches from any lot line.
 - (d) Walls in Residence Districts, except retaining walls, shall be erected not less than three feet from any lot line.
 - (e) Fence requirements for swimming pools. Fences surrounding swimming pools shall conform to the setback, side yard, and rear yard requirements for a principal building for the district in which the pool is constructed. [See Subsection B(4), Setback.] For additional criteria for pool fencing, see § 450-5.9E, Safety devices. **[Amended 4-12-2022]**
 - (f) Fences in Industrial Garden Park District: see § 450-5.0H. Fences screening outside storage in the Industrial Garden Park District: see § 450-5.0D. **[Amended 4-12-2022]**
- (3) Lights. Lights, floodlights, spotlights or other illuminating devices shall be so directed as to not constitute a hazard or distraction to vehicular traffic, and, further, shall not be objectionable to any residential area.
 - (4) Vision clearance. Between the lines of streets intersecting at an angle of less than 135° and a line joining points on such lines 35 feet distant from the point of intersection, no building or structure may be erected and no vegetation maintained between a height of two feet and eight feet above the plane through their curb grades.
 - (5) Preparation and service of food and drink. The preparation and/or service of food and drink in any manner is expressly prohibited, with the exception of those establishments in which the

entire process of service takes place within the primary building. In no case shall the operation of what is commonly known as a drive-in, drive-through or drive-up restaurant be permitted. Drive-up window service is prohibited.

- (6) Means of entry or exit. No entrances, exits, driveways or any other means of effective entry or exit into any public way shall be hereafter constructed or used without the approval of the Department of Public Works.
- (7) Waste disposal areas. The operation of a public waste disposal area by the Town under the supervision of the Board of Health shall not constitute a violation of any of the provisions of this Zoning Bylaw, provided that the location is assigned by the Board of Health in accordance with statutory provisions and provided that the only type of waste disposal used therein is the sanitary landfill and cover method; that no burning of refuse or other nuisance shall be permitted; and that such disposal area is operated in strict accordance with Board of Health regulations.
- (8) Unregistered vehicles in districts where residential uses are allowed.
 - (a) The keeping of more than one unregistered or inoperable vehicle, assembled or disassembled, and in sight of all abutters and public ways, for more than 30 days on any premises shall not be permitted. The condition of said unregistered vehicle shall not pose a safety or health issue. All other unregistered vehicles on residential parcels must be stored in an enclosed building, out of sight of all abutters and public ways. The use of a tarp or similar material to satisfy the out-of-sight requirement is prohibited.
 - (b) The keeping of unregistered truck trailers or the like, either assembled or disassembled, on a parcel is prohibited for all residential uses, except the aforementioned will be exempt when used for agriculture or farm business. See definitions of "agriculture," "farm business" and "vehicle" in Article XI of the East Longmeadow Zoning Bylaw.
- (9) Recreational vehicles. Recreational vehicles, or trailers for the purpose of carrying recreational equipment, may be kept or stored on any lot where the principal use of said lot is residential in nature. Any such recreational vehicle or trailer shall be kept in the side or rear yard and/or at least to the rear of the setback line of the primary building. Recreational vehicles shall not be used for living quarters.

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

- (1) Accessory buildings in residential areas.
 - (a) Accessory uses customarily incidental to any use or building permitted herein are permitted, provided that such use shall not be offensive nor dangerous to life by reason of health or fire; and further provided that such accessory use shall not include any business, industry, trailer camp, manufacturing or commercial use or other activity conducted for gain, other than what is specifically set forth in § 450-8.8 for home-based trade together with a special permit. **[Amended 4-12-2022]**
 - (b) Not more than one house trailer may be located on any lot. Such trailer may not be used for living quarters. Such trailer shall conform to accessory building setback, side yard and rear yard requirements of the district in which it is located.
 - (c) An accessory building shall not be used for residence purposes.

- (2) Private garages. A garage or storage space for private motor vehicles shall be permitted only as an accessory use and shall be subject to all the applicable provisions of this bylaw pertaining to accessory buildings.
- (3) Lot coverage. No principal building shall be erected or altered so as to cover more than 25% of the area of the lot on which it is located. No principal building shall be erected so as to cover less than 7% of the lot area in which it is located in Residence District C. In the event that the lot area in Residence District C exceeds the minimum lot area, the minimum lot coverage shall be no greater than that required for a minimum-sized lot expressed in square feet.
- (4) Setback.
 - (a) Accessory structure setback shall be the setback of the district of the primary building, and the setback, side yard and rear yard requirements must be met for that district in which the accessory structure is constructed. Any accessory structure which shall be constructed within the side yard and/or rear yard in the district in which it is constructed shall be erected in such a manner that no portion of this accessory building shall be closer to the street line or lines than the maximum rear setback of the primary building, plus 10 feet, in which event an accessory building may be constructed within five feet of the side lot line or rear yard line. Notwithstanding the foregoing, fencing for neighborhood swimming pools shall conform to the setback, side yard and rear yard requirements for a principal building for the district in which such pool is constructed. **[Amended 4-12-2022]**
 - (b) No part of any building or other structure, including porches, breezeways, or other structures attached to the primary building, shall be erected so as to be nearer to the street line than the nearest building located within 250 feet of either side of the lot facing the same street and located within the same area or district, but in no case will the required setback in this subsection exceed 60 feet. In the event of a primary structure having been erected prior to this Zoning Bylaw under conditions which allowed its erection with less than the setback requirements of this bylaw, the next building erected adjacent to this lot shall have its setback determined by the following formula: the setback of the existing dwelling added to the setback required in this district, and the result divided by two. The purpose of this shall be to average the required setback with that setback of the existing building. Such formula shall be applied within 250 feet of either side of an existing primary structure which does not conform to the setback requirements in the district in which it is located.

C. Commercial District.

- (1) Buffer strip requirements. Twelve-foot side yards shall be required for a commercial building or structure, except that when the property abuts a residence or a residential district, a side yard of 25 feet is required. The first 12 1/2 feet of such rear or side yard nearest to the residence or residential district shall be left as a wooded buffer or, if none exists, shall be landscaped by providing trees, shrubs or fencing to provide a practical buffer between the two properties and/or districts. The establishment of this buffer strip shall be an integral part of any required parking plan. Sufficient space and facilities shall be provided for loading and unloading of materials, equipment and merchandise on the premises and entirely off the traveled way. Proper access to the rear of buildings for fire control and general safety shall be provided.
- (2) Lot coverage. In the case of a single-story building, the building area shall not exceed 40% of the lot area and a minimum of 24% of the lot area shall be left as landscaped open space; in the case of a two-story building, the building area shall not exceed 30% of the lot area and a

minimum of 16% of the lot area shall be left as landscaped open space. Plot plans must be submitted to the Planning Department for approval of parking provisions in all cases, and to the Department of Public Works Superintendent in accordance with the General Bylaw of the Town of East Longmeadow, Chapter 416, Vehicles and Traffic, § 416-3, and Chapter 450, Off-street parking, § 450-5.6, where applicable. **[Amended 4-12-2022; 11-14-2023]**

D. Business Districts.

- (1) Buffer strip requirements. No specific side yards shall be required for a business building or structure, except that when the property abuts a residence or a residential district, a side yard or rear yard of 25 feet is required. The first 12 1/2 feet of such rear or side yard nearest to the residence or residential district shall be left as a wooded buffer or, if none exists, shall be landscaped by providing trees, shrubs or fencing to provide a practical buffer between the two properties and/or districts. The establishment of this buffer strip shall be an integral part of any required parking plan. Sufficient space and facilities shall be provided for loading and unloading of materials, equipment and merchandise on the premises and entirely off the traveled way. Proper access to the rear of buildings for fire control and general safety shall be provided.
- (2) Lot coverage. Building area shall not exceed 25% of the lot area. Plot plans must be submitted to the Planning Department for approval of parking provisions in all cases, and to the Department of Public Works Superintendent in accordance with the General Bylaw of the Town of East Longmeadow, Chapter 416, Vehicles and Traffic, § 416-3, and Chapter 450, Off-street parking, § 450-5.6, where applicable. **[Amended 4-12-2022; 11-14-2023]**
- (3) Limitation on size of buildings in Business Districts.
 - (a) The floor area of any building used for retail sales purposes within a Business District shall not exceed 65,000 square feet.
 - [1] The floor area is to be calculated using all areas accessible to the general public (i.e., mezzanines and basements), the first floor and all stories above the first floor, and the area of all portions of the site outside the exterior walls of the building used for the display, storage or sale of goods, wares, merchandise or services.
 - [2] All floor areas within 1,500 feet of one another shall be aggregated in determining the maximum of 65,000 square feet only if:
 - [a] The buildings are being used for the sale of goods, wares, merchandise or services for retail or storing inventory for sale; and
 - [b] The floor areas combined are normally operated as a single retail building or retail outlet for sales purposes; and
 - [c] The floor space is operated or controlled by a common owner.
 - (b) For purposes of this subsection, "common owner" shall mean any legal entity where an owner, member of the Board of Directors, partner, officer, member of a limited-liability company or other legal entity has ownership or management rights in each retail business.

E. Industrial District.

- (1) Buffer strip requirements. When abutting a Residence District, the rear yard and/or the side yard shall be 50 feet. The 25 feet of such rear or side yard nearest to the Residence District shall be

left as a natural wooded buffer or, if none exists, shall be landscaped by providing trees, shrubs or fencing to provide a practical buffer between the two districts. The establishment of this buffer strip shall be an integral part of any required parking plan. For commercial, business or industrial uses, facilities shall be provided for loading and unloading all materials, equipment and merchandise on the premises, and entirely off the traveled way.

- (2) Lot coverage. Plot plans must be submitted to the Planning Department for approval of parking provisions in all cases, and to the Department of Public Works Superintendent in accordance with the General Bylaw of the Town of East Longmeadow, Chapter 416, Vehicles and Traffic, § 416-3, and Chapter 450, Off-street parking, § 450-5.6, where applicable. Building area shall not exceed 60% of the lot area. **[Amended 4-12-2022; 11-14-2023]**
- (3) Limitation on size of buildings in Industrial Districts.
 - (a) The floor area of any building used for retail sales purposes within an Industrial District shall not exceed 65,000 square feet.
 - [1] The floor area is to be calculated using all areas accessible to the general public (i.e., mezzanines and basements), the first floor and all stories above the first floor, and the area of all portions of the site outside the exterior walls of the building used for the display, storage or sale of goods, wares, merchandise or services.
 - [2] All floor areas within 1,500 feet of one another shall be aggregated in determining the maximum of 65,000 square feet only if:
 - [a] The buildings are being used for the sale of goods, wares, merchandise or services for retail or storing inventory for sale; and
 - [b] The floor areas combined are normally operated as a single retail building or retail outlet for sales purposes; and
 - [c] The floor space is operated or controlled by a common owner.
 - (b) For purposes of this subsection, "common owner" shall mean any legal entity where an owner, member of the Board of Directors, partner, officer, member of a limited-liability company or other legal entity has ownership or management rights in each retail business.

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

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

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

This bylaw shall not apply to buildings or structures, nor to the existing use of any buildings or structures, or of land, lawfully in existence or lawfully begun prior to the adoption of this bylaw, or to a building or special permit issued before the first publication of notice of the public hearing on such bylaw required by

MGL c. 40A, § 5, but shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, except where alteration, reconstruction, extension or structural change to a single- or two-family residential structure does not increase the nonconforming nature of said structure.

§ 450-3.5. Nonconforming structures and uses.

A. General provisions.

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

B. Nonconforming lots in Residence Districts.

- (1) Where an adequate potable water supply and safe permanent sewage disposal can be assured, a lot having less than the required lot area and/or lot frontage in the applicable district may be used for a permitted use, provided:
 - (a) Said lot has been shown or described separately on a duly recorded plan or deed or was so assessed by the Town Assessors prior to the date of the adoption of the 1962 Zoning Bylaw;
 - (b) Any structure built thereon shall conform to the setback, side yard, minimum and maximum lot coverage, and secondary setback requirements of the 1962 Zoning Bylaw.

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

of the 1962 Zoning Bylaw; except that in case of such lot, any structure erected thereon must be in compliance with the setback, side yard, rear yard, minimum lot coverage and secondary setback requirements of the 1962 Zoning Bylaw.

ARTICLE IV
Floodplain Overlay District Regulations

§ 450-4.0. (Reserved)**§ 450-4.1. Purpose.**

The purpose of the Floodplain District is to:

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

§ 450-4.2. Floodplain District boundaries.

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

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

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

§ 450-4.4. Development regulations.

The following requirements apply in the Floodplain District:

- A. Any construction, development or grading of any nature or description within the Floodplain District shall not be commenced until an application for a special permit has been approved by the special

permit granting authority.

B. Application to the special permit granting authority for a special permit shall be accompanied by a plan which shall show the following:

- (1) Boundaries and dimensions of the area involved.
- (2) The location, dimensions and mean sea level of the lowest floor, including basement, of existing and proposed buildings and structures thereon, and the elevation to which the structure has been floodproofed.
- (3) All plans shall show the two-foot contour intervals, and contours shall be delineated within 200 feet of the proposed construction.
- (4) Whenever there is any alteration or relocation of a watercourse, abutters, neighboring communities and the Massachusetts Department of Conservation and Recreation shall be notified prior to the commencement of such activity. Submit copies of said notification to the Federal Emergency Management Agency.
- (5) Notifications of the events as listed in Subsection B(4) above must be sent to all adjacent communities at the addresses listed below, which are accurate at the time of the writing of this bylaw:

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

NFIP Program Specialist
Federal Emergency Management Agency, Region
99 High Street, 6th Floor
Boston, MA 02110

- (6) Proof that all permits required by federal or state law, including Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1341, have been or are in the process of being obtained. [**Amended 4-12-2022**]
 - (7) Any other information as is deemed necessary by the special permit granting authority to indicate the complete physical characteristics of the area and the proposed construction and/or grading thereof.
- C. Plans shall be prepared by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts and shall show and make adequate provisions for the following:
- (1) The protection, preservation and maintenance of the water table and water recharge areas.
 - (2) The preservation and maintenance of the natural stream channel plus sufficient width of overbank areas for the passage of 100-year flood flows so as not to increase the 100-year floodwater surface elevation at any point within the community.
 - (3) The retention of existing floodwater storage capacity.
 - (4) Prevention of flotation, collapse and movement of structures.

- (5) Prevention of flood damage to public utilities, including sewer, water, gas and electric.
- (6) Located within the Floodplain District are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
 - (a) Encroachment, including fill, new construction, any alteration or addition and other development shall be prohibited within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge as specified in 44 CFR 60.3(d)(3);
 - (b) If Subsection C(6)(a) above is satisfied, all new construction and any alteration or addition shall comply with all provisions of § 450-4.4; and
 - (c) Within 14 days after receipt of the application by the special permit granting authority, the special permit granting authority shall transmit copies thereof, together with copies of the accompanying plan, to the Board of Health, Engineering Department and the Conservation Commission or any other agency. Such agencies shall investigate the application and report in writing their recommendation to the special permit granting authority. The special permit granting authority shall not take final action on such application until it has received a written report from the above agencies or until 45 days have elapsed without receipt of said reports.

D. All subdivision proposals shall be reviewed to ensure that:

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

§ 450-4.5. Applicability of state regulations.

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

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

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

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

§ 450-4.7. Compliance with other statutes.

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

ARTICLE V
Special Use Regulations

§ 450-5.0. Industrial Garden Park District.

- A. General provisions. In addition to restrictions appearing elsewhere in the Zoning Bylaw, no use of the Industrial Garden Park District land is permitted which is objectionable by reason of noise, odor, vibration, smoke, hazardous nature of the operation or any other reason which may render the use or occupancy of the land and buildings objectionable.
- B. Industrial Garden Park District subdivision. Subdivision within the Industrial Garden Park District shall conform to the Subdivision Control Law as adopted by the Town of East Longmeadow, and shall further conform to the rules and regulations of the Planning Board for the submission of subdivisions. **[Amended 4-12-2022]**
- C. Exterior construction. The exterior facing of the front elevation and side walls of any building in the Industrial Garden Park District shall be finished with brick, glass brick, aluminum or stainless steel, or any architectural siding or other materials of equal attractiveness and durability.
- D. Rubbish and trash. All rubbish and/or trash, scrap or other waste material incident to the uses of the principal building shall be stored within a structure compatible with Subsection C, unless such material is stored behind the rear line of the building, and provided such material is not placed closer to the side lot lines than the required setbacks of the principal building; and further provided such material shall not be stored within 50 feet of the rear lot line. **[Amended 4-12-2022]**
- E. Outside storage. Outside storage shall be in an area enclosed by an opaque fence, or site-obscuring landscaping, either of which shall be not less than six feet nor more than 10 feet high.
- F. Fuel storage. All fuel storage tanks shall be below ground and below the mean grade level of the lot on which the storage is required, or totally enclosed within the principal building.
- G. Landscaping. Except for land utilized for reasonable access driveways, a strip of lawn or other natural landscaping shall be provided along the full frontage of all streets. Such landscaped strip shall extend a depth of not less than 50 feet from the street line, except that such strip shall have a depth of not less than 100 feet if a loading or unloading door or platform is constructed facing said street. Trees spaced not more than 50 feet apart shall be provided on said landscaped strip so as to screen a loading or unloading door or platform if such is constructed facing said street in accordance with setbacks and yard regulations for this district.
- H. Fences. No fence shall be more than one-quarter solid, except when used for outside storage, Subsection E.
- I. Additional dimensional and density requirements. The 25 feet of a rear or side yard nearest to a Residence District shall be left as a natural wooded buffer or, if none exists, shall be landscaped by providing trees, shrubs or fencing to provide a practical buffer between the two districts. The establishment of this buffer strip shall be an integral part of any required parking plan. Facilities must be provided for loading and unloading all equipment and merchandise on the premises, entirely off the traveled way. No loading or unloading door or platform may face a street unless said door or platform shall be back from said street 300 feet or more, and this requirement shall also apply to nonconforming lots under Subsection B. **[Amended 4-12-2022]**

§ 450-5.1. Elderly Residential District.

- A. Dwellings for the aged, including multiple dwelling units and including accessory meeting rooms, dining and garage facilities, shall be permitted in the Elderly Residential District only upon site plan review as specified in Article IX of the East Longmeadow Zoning Bylaw and in accordance with additional requirements specified herein. **[Amended 4-12-2022]**
- B. Application procedure. **[Amended 4-12-2022]**
- (1) A site plan shall be submitted to the Planning Board for review, and such plan must be approved by said Board before a building permit shall be issued. In review of such plan, the following standards shall be met:
 - (a) The proposed uses should complement and be in harmony with the existing and probable future character of the neighborhood.
 - (b) Main and accessory buildings shall be located in relation to one another and in relation to other structures in the vicinity to provide efficient pedestrian and vehicular access and circulation, and to create harmonious appearance.
 - (c) The plan shall provide, within the site, efficient traffic circulation, and adequate parking (amount, location and access). The plan of development shall not create excessive traffic load or circulation problems on existing adjacent or nearby streets.
 - (d) Sufficient domestic water and sanitary sewage disposal facilities shall be available.
 - (e) The site shall be lighted and landscaped.
 - (f) The development shall be designed so as to protect adjacent property and the neighborhood in general from detrimental effect.
 - (2) The Planning Board may require any additional information needed to permit a thorough review.
- C. Additional requirements. The following standards shall be used as additional requirements in the Elderly Residential District:
- (1) Permitted uses.
 - (a) Within the Elderly Residential District, no building or other structure shall be erected, altered or used and no land shall be used or occupied for any purpose except for dwellings for the aged.
 - (b) No unit shall be leased unless the tenant or tenants is/are 62 years of age or more.
 - (2) Additional dimensional and density requirements.
 - (a) Lots must have a minimum frontage of 200 feet on one street and an area of not less than five acres.
 - (b) No radio, television antenna or other aerial devices which are mounted on an existing man-made structure other than an antenna structure shall increase the overall height of such man-made structure by more than 20 feet, and in all cases they shall be stayed in such a manner as to assure stability.
 - (c) Buildings other than accessory garages or carports shall not be erected or altered so as to cover more than 25% of the lot area.

- (d) Not more than 25 living units per acre may be erected or created by alteration on any lot. There shall be a maximum of 200 units on any one lot. There shall be a minimum of eight units for each principal building.
 - (e) That portion of front yards, and that portion of side and rear yards (if abutting Residence Districts) within 25 feet of any lot line, shall be landscaped, and parking shall be prohibited within such landscaped area.
- (3) Vehicular access. Vehicular access to a public way or ways must be provided at a minimum of two locations not less than 100 feet apart.

§ 450-5.2. Planned business development.

- A. Planned business development by special permit with site plan review. Planned business development shall be permitted in the Business (BUS) and Industrial (I) Districts only upon issuance of a special permit with site plan review by the Planning Board.
- B. Definition. As used in this section, the following terms shall have the meanings indicated:
- PLANNED BUSINESS DEVELOPMENT — A development constructed on a lot or lots under joint development or in contiguous ownership at the time of application, planned, developed, operated and maintained as a single entity containing one or more structures to accommodate retail, personal service or business with common parking areas. Commercial buildings with more than one use per structure are planned business developments.
- C. Permitted uses. Uses permitted by special permit with site plan review in a planned business development shall be limited to the following uses:
- (1) Retail uses, especially shopping centers;
 - (2) Personal service uses; and
 - (3) Business uses.
- D. Dimensional and density regulations.
- (1) All uses in a planned business development shall be in conformity with the dimensional and density regulations set forth in the Table of Dimensional and Density Regulations.¹⁶ In addition, a twelve-foot-wide landscaped buffer strip is required in the front yard and shall include a sidewalk constructed not less than three feet from the property line. Sidewalks shall be four feet wide and constructed of bituminous concrete or cement concrete. **[Amended 4-12-2022]**
 - (2) Uses shall be contained in one continuous building, except that groupings of buildings may be allowed by the Planning Board where such groupings are consistent with the safety of the users and of the overall intent of this section; the development shall be served by one common parking area and one exit and entrance along the frontage. Any additional structures added to the development after construction of the initial planned business development plan shall require a special permit from the Planning Board to ensure that adequate landscaping, parking, internal circulation systems and pedestrian access are maintained.
 - (3) High-volume traffic-generating uses, uses that have a trip generation rate of 700 vehicles per day or more, are restricted to a total of only 20% of the total gross floor area of all structures in

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

the development. These uses include, but are not limited to, convenience markets and automatic teller bank machines. Unless the applicant provides data from existing uses, the Institute for Transportation Engineers' publication, Trip Generation, shall be used to calculate the number of vehicle trips per day for proposed uses. Building permits for additional high-volume traffic generators will not be issued once the 20% threshold has been reached.

- (4) Where a planned business development consists of continuous parcels in joint ownership, it may be developed under a similar site plan with setbacks and yard requirements governing the boundaries of the entire parcel so developed.
- E. Additional planned business development requirements. In addition to the special permit and site plan review requirements in Articles VIII and IX of this bylaw, any planned business development must conform to the following:
- (1) The proposed uses should complement and be in harmony with the existing and probable future character of the neighborhood.
 - (2) Main and accessory buildings shall be located in relation to one another and in relation to other structures in the vicinity to provide efficient pedestrian and vehicular access and circulation, and to create harmonious appearance.
 - (3) The site plan shall provide, within the site, efficient traffic circulation and adequate parking (amount, location and access). The planned business development shall not create excessive traffic load or circulation problems on existing adjacent or nearby streets.
 - (4) The Planning Board shall require a detailed traffic study for high-volume traffic-generating uses with a trip generation rate over 700 vehicles/day (based on Institute of Transportation Engineers rates found in Trip Generation); for the construction of a new planned business development (PBD) structure of more than 25,000 square feet in gross floor area; and for any external enlargement that brings the PBD total to 25,000 square feet of gross floor area for all structures. The Planning Board may waive any or all requirements for a traffic study for external enlargements of less than 2,000 square feet of gross floor area in excess of the 25,000 square feet gross floor area threshold. The traffic impact statement shall contain: **[Amended 4-12-2022]**
 - (a) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak-hour traffic levels.
 - (b) The proposed traffic flow pattern for both vehicular and pedestrian access shall be described and related to the site plan, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.
 - (c) Traffic flow patterns at the site, including entrances and egresses, loading and unloading areas, and curb cuts on-site and within 100 feet of the site.
 - (d) A detailed assessment of the traffic safety impacts of the proposed project or use on the carrying capacity of any adjacent highway or road, including the projected number of motor vehicle trips to enter or depart from the site estimated for daily-hour and peak-hour traffic levels, road capacities and impacts on intersection. Existing daily- and peak-hour traffic levels and road capacities shall also be given.
 - (e) An internal traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.

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

areas can be shared by an adequate access road. The area of the shared parking area shall not be less than the sum of the requirements of the individual planned business developments computed in accordance with the specifications of this section.

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

§ 450-5.3. Planned unit residential developments.

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

- A. General description. "Planned unit residential development" shall mean a development containing a mixture of residential uses and building types, including single-family dwellings, townhouses or multifamily dwellings, and open space. A planned unit residential development may be allowed by special permit to exceed the normal density requirements for the district to the extent authorized by this bylaw, provided that standards for the permanent protection of open space and other standards specified herein are met.
- B. Purposes. The purposes of this Planned Unit Residential Development Bylaw are to allow a number of uses as outlined in Table 3-1,¹⁷ including planned unit residential development, and to:
 - (1) Allow for greater variety and flexibility in the development housing types;
 - (2) Promote the permanent preservation of open space;
 - (3) Facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner;
 - (4) Maintain and replicate the traditional New England rural character and land use pattern in which small villages are adjacent to common open space.
- C. Uses allowed by special permit. In a planned unit residential development, the following uses are permitted:
 - (1) Single-family dwellings.
 - (2) Townhouses (a single-family dwelling connected by one or more common walls); however, there shall be no more than six and no less than two townhouses per structure.
 - (3) Multifamily dwellings (including garden units), not exceeding six units per building.

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

- (4) Recreational uses and open space, including community buildings.
- D. Density and dimensional regulations. See Table 3-2.¹⁸
- E. Utility requirements. All structures which require plumbing shall be connected to a public sanitary sewer and public water system.
- F. Parking and circulation requirements.
- (1) Parking shall be provided as set forth in § 450-5.6G of this bylaw. **[Amended 4-12-2022]**
 - (2) There shall be an adequate, safe and convenient arrangement of pedestrian circulation, facilities, roadways, driveways and parking.
- G. Landscaping and buffer area requirements.
- (1) A coordinated landscape design for the entire project area, including landscaping of structures, parking areas, driveways and walkways, shall be submitted for approval by the Planning Board.
 - (2) Whenever possible, existing trees and vegetative cover shall be conserved and integrated into the landscape design.
 - (3) All residential structures and accessory uses within the development shall be set back from the boundaries of the zoning district by a buffer strip of at least 50 feet in width, which shall include trees and shrubbery.
- H. Common open space requirements.
- (1) All land not devoted to dwellings, accessory uses, roads or other development shall be set aside as common land for recreation, conservation or agricultural uses which preserve the land in essentially its natural condition. At least 2,000 square feet per dwelling unit must be usable open space for active and passive recreation. Such space shall not include parking space, roadway, sidewalk area, building footprints or wetlands as determined by the Conservation Commission. Usable open space shall be defined to include such facilities as open space available for gardens, hiking/jogging trails, tennis courts or similar facilities.
 - (2) Further subdivision of common open land or its use for other than recreation, conservation or agriculture, except for easements for underground utilities, shall be prohibited.
 - (3) Structures or buildings accessory to recreation, conservation or agricultural uses may be erected but shall not exceed 5% coverage of such common open land.
 - (4) Open space subject to a restriction recorded and enforceable by the Town.
- I. Community association.
- (1) An owners' association shall be established, requiring membership of each lot or unit owner in the planned unit development. The association shall be responsible for the permanent maintenance of all communal water and sewerage systems, common open space, recreational and thoroughfare facilities. An association agreement or covenant shall be submitted with the special permit/site plan review application guaranteeing continuing maintenance of such common utilities, land and facilities and assessing each unit a share of maintenance expenses.

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

Such agreement shall be subject to the review and approval of Town Counsel and the Planning Board as part of the site plan review.

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

J. Procedures and preapplication review.

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

§ 450-5.3A. Planned Adult Residential District.

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

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

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

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

B. Purposes. The purposes of this Planned Adult Residential District Bylaw are to allow a number of uses as outlined in Table 3-1,¹⁹ and to:

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

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

- C. Uses allowed. Table 3-1 establishes the uses permitted in a planned adult residential development, which shall specifically include the following uses:
- (1) Single-family dwellings.
 - (2) Townhouses (a single-family dwelling connected by one or more common walls); however, there shall be no more than five and no less than two townhouses per structure.
 - (3) Multifamily dwellings (including garden units), not exceeding five units per building.
 - (4) Parking, recreation and accessory structures limited to the use of the residents of the planned adult residential development.
- D. Density and dimensional regulations. See Table 3-2.²⁰
- E. Utility requirements. All structures which require plumbing shall be connected to a public sanitary sewer and public water system.
- F. Parking and circulation requirements.
- (1) Parking shall be provided as set forth in § 450-5.6G of this bylaw. **[Amended 4-12-2022]**
 - (2) There shall be an adequate, safe and convenient arrangement of pedestrian circulation, roadways, driveways and parking areas.
- G. Landscaping and perimeter buffer area requirements.
- (1) A coordinated landscape design for the entire project area, including landscaping for structures, parking areas, driveways and walkways, shall be submitted for approval by the Planning Board.
 - (2) Whenever possible, existing trees and vegetative cover shall be conserved and integrated into the landscape design.
 - (3) All residential structures and accessory structures within the development shall be set back from the boundaries of the zoning district by a buffer strip of at least 50 feet in width in the front yard, side yards and rear yards. Existing trees and vegetation shall be preserved as much as possible. New landscape plantings, earth mounds and such shall be required if little existing vegetation exists in order to visually buffer the development from adjacent uses.
- H. Coverage and common open space requirements.
- (1) All land not devoted to dwellings, accessory uses, roads or other development shall be common land for recreation, conservation, agricultural or aesthetic purposes. Within the planned adult residential development, open space shall be integrated within and around the development.
 - (2) Further subdivision of common open land or its use for other than recreation, conservation or agriculture, except for easements for underground utilities, shall be prohibited.
 - (3) Structures or buildings accessory to recreation, conservation, storage or agricultural uses may be erected, but shall not exceed 5% coverage of such common open land.
 - (4) Open space shall be subject to a restriction recorded and enforceable by the Town. **[Amended 4-12-2022]**

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

I. Community association.

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

J. Procedure and pre-application review.

- (1) Applicants for planned adult residential development shall follow the site plan review procedures specified in Article IX.
- (2) To promote better communication and to avoid misunderstanding, applicants are encouraged to submit a preliminary plan for review by the Planning Board. Such preliminary plans shall comply with the Town's Subdivision Control Regulations.
- (3) A subdivision review site plan shall be submitted to the Planning Board. Following approval of the site plan, a definitive plan shall be submitted to the Planning Board consistent with its Subdivision Regulations and in substantial conformity with the subdivision review site plan.

K. Additional provisions. No planned adult residential development shall be permitted unless it is in compliance with the following provisions:

- (1) Each dwelling unit in a planned adult residential development shall be occupied by:
 - (a) At least one person who is 55 years of age or older;
 - (b) A spouse of an occupant pursuant to Subsection K(1)(a) above;
 - (c) An occupant pursuant to Subsection K(1)(b) above who survives his or her spouse;
 - (d) An occupant pursuant to Subsection K(1)(b) above whose spouse has entered into a long-term continuing-care facility; or
 - (e) A paid caregiver providing care to an owner/occupant who is at least 55 years of age or older.
- (2) In no event may a dwelling unit be occupied by more than three residents; provided, however, that if any unit is occupied by three residents one of said three residents may be a person 21 or older; provided, further, said person's primary responsibility is providing care to an owner/occupant of said unit.

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

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

- A. General description. "Mixed-use village development" shall mean a development consisting of a mixture of residential, commercial and business uses and building types, including single-family dwellings, townhouses, multifamily dwellings with or without attached business or commercial spaces, business and commercial buildings, recreation facility and open space.
- B. Purpose. The purpose of this Mixed-Use Village District Bylaw is to allow a number of uses as outlined in Table 3-1²¹ in a single development and to:
 - (1) Allow for greater variety and flexibility in the development of housing types integrated with business and commercial uses;
 - (2) Reduce vehicle trip miles by providing services within walking distance of residential units;
 - (3) Provide additional housing with a designated percentage of affordable housing as further defined in Subsection M herein; and
 - (4) Promote the preservation of open space.
- C. In a mixed-use village development the following uses are permitted:
 - (1) Single-family dwellings.
 - (2) Townhouses. See Article XI, Definitions.
 - (3) Multifamily dwellings. See Article XI, Definitions.
 - (4) Business and commercial uses compatible with and supportive of residential uses as listed in the East Longmeadow Schedule of Use Regulations Table 3-1.²²
 - (5) Recreational facility and open space, including community buildings.
- D. Business and commercial uses. Commercial, business, and accessory uses within the Mixed-Use Village District, as provided for in the East Longmeadow Schedule of Use Regulations Table 3-1,²³ shall be allowed as follows:
 - (1) Total gross floor area devoted to commercial and business use(s) shall not be less than 20% nor exceed 30% of the total gross floor area of the mixed-use village development. Any phasing of a development shall include the required minimum ratio of nonresidential to residential uses.
 - (2) Allowed uses less than 10,000 square feet may occur without restriction except for uses requiring a special permit. One single use with up to a maximum of 25,000 square feet is allowed in the project. In addition, two uses up to a maximum of 15,000 square feet each may be allowed in the project.
 - (3) Signage. All signs permitted in the Mixed-Use Village District are subject to § 450-5.8, Signs,

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

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

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

as it relates to the Business District, East Longmeadow Zoning Bylaw.

E. Density and dimensional regulations.

- (1) The minimum parcel size for a Mixed-Use Village District shall be 40 acres.
- (2) The maximum density of housing units shall be 12 per acre, based on the area of the entire development.
- (3) Dimensions and setbacks: Refer to East Longmeadow Dimension and Density Regulations Table 3-2.²⁴
- (4) The maximum height of structures within a Mixed-Use Village District shall reflect the zone and the surrounding context where the district is to be created. Such height requirements are as follows and as further defined in Subsection L(1), Development regulations, within this bylaw:
 - (a) All Residential Zones: maximum height up to 35 feet.
 - (b) Commercial and Business Zones: maximum height up to 40 feet.
 - (c) Golf Recreational Zone: maximum height up to 35 feet.
 - (d) Industrial and Industrial Garden Park Zones: maximum height up to 50 feet.
- (5) Building setbacks from parcel boundaries shall be:
 - (a) Front setback: 100 feet.
 - (b) Side setback: 50 feet.
 - (c) Rear setback: 50 feet.
- (6) Lot coverage:
 - (a) Maximum 60% impervious (which includes the building structure coverage).
 - (b) Maximum 40% building coverage.
 - (c) Minimum 40% green space, 20% of which shall be open space. See Article XI, Definitions.
- (7) Area of landscaped buffer. Buffer areas shall be landscaped to provide a visual screening of the development.
 - (a) Minimum rear: 25 feet.
 - (b) Minimum side: 25 feet.
 - (c) Minimum front: 25 feet.

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

G. Parking and circulation requirements. Parking shall be in accordance with the Town of East

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

Longmeadow Parking Specifications, East Longmeadow Zoning Bylaw, § 45-5.6.

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

- (2) Such agreements shall provide that in the event that the community association fails to maintain the common facilities in reasonable order and condition in accordance with the agreement, the Town may, after notice to the association and public hearing, enter upon such land and maintain it in order to preserve the taxable values of the properties within the development and to prevent the common land from becoming a public nuisance. The association agreement shall also provide that the cost of such maintenance by the Town shall be assessed against the properties within the development.
- J. Procedures and preapplication review.
- (1) Applicants for mixed-use village development shall follow the special permit procedures specified in Article VIII and the site plan review procedures specified in Article IX within the East Longmeadow Zoning Bylaws.
 - (2) Applicants are encouraged to submit a preliminary plan for review by the Planning Board prior to the application for a special permit.
- K. Additional provisions.
- (1) All roads in the development shall meet the minimum requirements for public roads as established by the Department of Public Works; however, the Planning Board may grant waivers from the requirements for width of right-of-way and pavement, with the exception that sidewalks shall not be waived.
 - (2) A bus stop for regional bus, rapid-transit bus, shuttle bus and/or ride services shall be provided for public or private transport.
 - (3) A development impact study shall be provided by the developer and reviewed by the Town at the developer's expense.
 - (4) A traffic study shall not be waived.
 - (5) The proposed development shall be subject to the provisions of a host community agreement (HCA) negotiated by the East Longmeadow Town Manager and approved by the East Longmeadow Town Council. This agreement shall address impact issues, such as, but not limited to, traffic mitigation, affordable housing as further outlined in Subsection M herein, school enrollment, public safety, peer review, as some examples.
- L. Development regulations for the Mixed-Use Village District. Development, redevelopment and reuse will generally be deemed consistent with the purposes of the Mixed-Use Village District when the Planning Board has determined that the proposed project meets the following objectives:
- (1) In the spirit and the context of creating a mixed-use village development, heights of new buildings shall approximate those of adjacent and existing buildings. Diverse roof styles and heights are encouraged and should complement the surrounding developed environment. Flat rooflines are to be discouraged as they are not in keeping with New England architecture.
 - (2) Mixed-use village development will be consistent with the zoning bylaws of the Town of East Longmeadow.
 - (3) The Mixed-use village development will provide for quality development consistent with the character of building types, streetscapes and other community features traditionally found within the Town of East Longmeadow.

- (4) The mixed-use village development will have adequate water, drainage and sewerage systems or provide upgrades to existing systems for its needs and usage to satisfy Town of East Longmeadow requirements.
- (5) The commercial and business uses of the mixed-use village development shall be planned and designed in an integrated manner to complement the residential uses, and help foster vibrant, workable, livable, and attractive neighborhoods consistent with the Town of East Longmeadow's Zoning Bylaw and this section.
- (6) Site development; location of buildings and structures. A lot in the Mixed-Use Village District may contain more than one structure with a principal use. The Planning Board may grant approval for multiple structures on one lot only upon making a determination that the proposed development contains the correct percentage of commercial, business and residential uses.
- (7) Residential condominiums and townhouses shall not exceed three bedrooms. Residential apartments shall consist of a mix of one- and two-bedroom units.

M. Affordable housing. Affordable housing units are units which may only be rented or purchased by eligible households whose annual incomes, adjusted for family size, do not exceed the limits for maximum annual income for low-income households or households (80% of the median income for East Longmeadow, as calculated by the U.S. Department of Housing and Urban Development or any successor agency), and are eligible and countable for the purpose of the commonwealth's MGL Chapter 40B Subsidized Housing Inventory (SHI), or its successor.

- (1) Mixed-Use Village District projects, anticipating that 100 residential units or greater are to be developed, shall include affordable housing at a ratio of 10% affordable units, according to the following schedule:

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

- (2) Affordable housing units shall be integrated with the rest of the mixed-use village development as to desirability of location and access to amenities. Affordable housing units shall be comparable in design, appearance, construction and quality of materials with other market-rate units within the development. Interior features and mechanical systems of affordable units shall conform to the same specifications that apply to market-rate units within the development.
- (3) To the extent possible, local preference will be used. To the extent permitted by the Fair Housing Act, this special permit will address housing preference as it relates to municipal employees, East Longmeadow residents and employees of East Longmeadow businesses.

§ 450-5.4. Golf Recreational District.

- A. Uses. In any Golf Recreational District, as indicated on the Zoning Districts Map identified in § 450-2.1 of this bylaw, no building or other structure shall be erected, altered or used, and no land shall be used or occupied for any purpose, except one or more of the uses permitted in Table 3-1.²⁵ **[Amended 4-12-2022]**
- B. Swimming pools. Any swimming pool permitted as an accessory use shall be subject to the provisions of § 450-5.9, Swimming pools, of these bylaws.
- C. Lighting. For golf course uses, exterior artificial lighting shall be restricted to the lighting of signs in accordance with § 450-5.8 of this Zoning Bylaw, and to the lighting of walks, driveways, parking areas and garden areas necessary for the operation thereof and public safety. Any such lighting shall be shaded and directed in such a manner so as not to constitute a nuisance. For golf course uses, artificial lighting of a golf course, practice golf area, basketball or tennis area or swimming pool is specifically prohibited. **[Amended 4-12-2022]**

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

- A. Purpose and intent.
 - (1) It is the express purpose of this bylaw to establish regulations for the placement of wireless telecommunication towers, antennas and ancillary facilities. It is the intent of this bylaw to minimize the visual and environmental impacts of said facilities on the community; to encourage the location of towers on municipally owned properties, not to include parks or schools; to preserve the character and appearance of the community while simultaneously allowing adequate wireless services to be developed; to protect the residential, scenic, historic, environmental and natural or man-made resources of the community; to encourage joint use of new and existing tower sites, buildings and utility poles as a primary option rather than new construction of towers; and to preserve property values and regulate the location of towers so that they minimize negative impacts on the general safety, health, welfare and quality of life of the community.
 - (2) This bylaw is intended to be used in conjunction with other regulations that may be adopted by the Town, including historic district regulations, site plan review, special permit and other local bylaws designed to encourage appropriate land use, environmental protection and the provision of adequate infrastructure development in East Longmeadow.
 - (3) The bylaw enables the review and approval of wireless service facilities by the Town's special permit granting authority (hereinafter referred to as "SPGA"), in keeping with the Town's existing bylaws and historic development patterns.
- B. Consistency with federal law. This bylaw is intended to be consistent with the Telecommunications Act of 1996, as amended, and applicable FCC regulations in that it does not prohibit or have the effect of prohibiting the provisions of wireless services and is not intended to be used to unreasonably discriminate among providers of functionally equivalent wireless services.
- C. Definitions. The following definitions pertain to this bylaw as described below:
 - ACT — The Telecommunications Act of 1996, as amended.
 - ALTERNATIVE TOWER STRUCTURE — Man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that are compatible with the natural setting and

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

surrounding structures, and camouflage or conceal the presence of antennas and/or towers. This term shall also include any antenna or antenna array attached to the alternative tower structure.

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

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

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

CARRIER — A company that provides wireless services.

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

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

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

FAA — Federal Aviation Administration.

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

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

FCC — Federal Communications Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. District regulations.

(1) Use regulations.

- (a) No newly constructed wireless services facility shall locate in any residential district or on Town-owned residential property.
- (b) Wireless services facilities shall comply with the Massachusetts Building Code (780 CMR), as amended, and shall require a building permit in all cases.
- (c) A wireless services facility may locate on any existing monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure. Such installations shall not require a special permit and site plan approval by the Planning Board.
- (d) A wireless services facility involving construction of one or more ground or building (roof or side) mounts shall require a special permit. Such facilities may locate by special permit in designated districts within the Town, provided that the proposed use does not project more than 10 feet above the height of an existing building.

(2) Location. If possible, wireless service facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those structures and to minimize adverse visual impacts associated with clustering of towers, provided that: 1) a tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless reconstruction as a monopole is proposed; 2) an existing tower may be modified or rebuilt to a taller height, not to exceed the maximum tower height established by this bylaw, with approval from the SPGA; and 3) all antenna mounts installed on existing towers shall, to the extent technically feasible, match both antenna type and type of the existing antenna mounts. **[Amended 4-12-2022]**

- (a) An applicant proposing a wireless communications facility shall have the burden to prove all avenues have been exhausted and that there are no feasible preexisting structures, buildings or towers upon which to locate due to technical, topographical or other unique circumstances. Further, the applicant shall submit documentation of the legal right to install and use the proposed facility mount and shall demonstrate to the satisfaction of the SPGA that the applicant has endeavored to minimize the visual and aesthetic impacts of the proposed facility on the community.
- (b) Wireless services facilities shall not be located in wetlands.
- (c) No hazardous waste shall be discharged on the site of any wireless services facility.

(3) Co-location.

- (a) Licensed carriers shall share wireless service facilities and sites where possible and appropriate, thereby reducing the number of wireless service facilities that are stand-alone

facilities.

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

E. Dimensional requirements.

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

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

F. Special permit criteria.

- (1) The SPGA shall consider the following factors when determining whether to grant a special permit:
 - (a) Proximity of the facility to residential structures, residential district boundaries, school boundaries, churches, libraries, public parks and conservation areas.
 - (b) Nature of the uses on the adjacent and nearby properties.
 - (c) Surrounding topography, tree coverage and foliage.
 - (d) (Reserved)
 - (e) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, including stealth designs, which are encouraged.
 - (f) Availability of suitable existing towers, alternative tower structures, other structures or alternative technologies not requiring the use of towers or structures.
 - (g) Availability of proposed tower to other potential carriers.

- (h) Adequacy of the setback or design of the facility to ensure the safety of persons or property in the event of collapse.
 - (i) No special permit will be granted for a tower to be built on speculation. If the applicant is not simultaneously installing a wireless services facilities on the tower, it shall provide a copy of its existing lease/contract with a wireless services facilities provider. Said provider shall provide all necessary data to comply with the terms of this bylaw, as part of the application for a wireless services facility and/or tower, before a special permit will be considered.
- (2) Design standards.
- (a) All towers shall be designed and constructed to withstand wind gusts and substantial winds of at least 100 miles per hour at the maximum height necessary (determined by the independent consultants) to accommodate the anticipated and future use.
 - (b) Only freestanding monopoles, with associated antennas and/or panels, shall be allowed as specified in this bylaw. Lattice-style towers and facilities requiring guy wires and/or three or more legs for support are prohibited.
 - (c) The area around the tower and communication equipment shelter(s) shall be completely fenced and gated to control access to the facility and for security and shall be compatible with the scenic character of the Town and of abutting properties. The fence shall be at least eight feet in height. Use of barbed or razor wire is prohibited.
- (3) Camouflage by existing buildings, structures or vegetation.
- (a) Tower(s) shall minimize, to the greatest extent possible, adverse visual impacts on the neighborhood. The SPGA has the authority to impose reasonable conditions to ensure this result.
 - (b) If there are no feasible preexisting structures, buildings or towers, the wireless services facilities and towers shall be so designed as to be camouflaged to the greatest extent possible, including but not limited to use of compatible building materials and colors, screening, landscaping and placement within trees.
 - (c) An applicant proposing a wireless communications facility shall demonstrate to the satisfaction of the SPGA that the applicant has endeavored to minimize the visual and aesthetic impacts of the proposed facility on residential abutters; and that the facility must be located at the proposed site due to technical, topographical or other unique circumstances.
 - (d) Existing on-site vegetation shall be preserved to the maximum extent possible. Clearing of land shall be performed in a manner which will maximize preservation of natural beauty and conservation of natural resources and which will minimize marring and scarring of the landscape or silting of streams or wetlands.
 - (e) A landscape buffer at least 10 feet wide of evergreen shrubs shall be provided on the outside of the fenced area. The shrubs shall mature to a height equivalent to the fence height and be planted at a height of at least six feet and planted in staggered double rows five feet on center. All landscape plantings must be continually maintained by the applicant or its successor.

(4) Lighting and signage.

(a) No wireless services facility and/or tower(s) installed shall exceed the maximum height limitation established by the Federal Aviation Administration for required night lighting. Night lighting of towers shall be prohibited unless required by the Federal Aviation Administration. Lighting of buildings and the ground may be provided to ensure a safe and secure facility. All lighting shall be designed, shielded and installed to prevent undue impact on surrounding properties.

(b) Signs.

[1] There shall be no signs except for the following:

[a] A sign identifying the facility, the owner and operator and an emergency telephone number where the owner can be reached on a 24-hour basis;

[b] A no-trespassing sign;

[c] A sign displaying the FCC registration number;

[d] Any signs necessary to warn of danger; and

[e] No sign shall exceed four square feet.

[2] All signs shall comply with the requirements of the East Longmeadow Zoning Bylaw. Advertising of any kind is strictly prohibited at the site.

(5) Modifications. A modification of a wireless service facility may be considered equivalent to an application for a new wireless service facility and will require a special permit when one or more of the following events occur:

(a) The applicant and/or co-applicant wants to change the number of facilities permitted on the site;

(b) There is a change in technology used for the wireless service facility that requires a change in types or sizes of antennas; or

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

G. Monitoring and maintenance.

(1) The facility owner/operator shall present a maintenance and monitoring plan to the SPGA demonstrating responsibility for the site.

(2) There shall be a minimum of one parking space for each carrier, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment.

(3) Traffic associated with the tower and accessory facilities and structures shall not adversely affect abutting ways.

(4) The wireless service facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.

H. Abandonment or discontinuation of use.

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

I. Site plan review.

- (1) Antennas.
 - (a) The design of antennas, and telecommunications support facilities shall use materials, colors, textures, screening and landscaping that create compatibility with the natural setting and surrounding structures;
 - (b) The mass of antennas or an antenna on a tower shall not exceed 450 cubic feet per user, with no one dimension exceeding 14 feet per user.
- (2) Tower color. Towers shall be finished in a neutral color to reduce visual obtrusiveness, subject to any applicable standards of the FAA.

J. Provisions of independent consultants.

- (1) Upon submission of an application for any special permit under this bylaw, the applicant shall pay a review fee for the employment of independent consultants. These consultants shall each be qualified professionals with a record of service to municipalities in one or more of the following:
 - (a) Telecommunications engineering;
 - (b) Structural engineering; monitoring of electromagnetic fields;
 - (c) Other relevant fields of experience as determined by the SPGA.
- (2) The SPGA shall select an independent consultant from a main list of qualified candidates based on recommendations from the Board of Health, Conservation Commission, Department of Public Works and Pioneer Valley Planning Commission. Said list shall be reviewed and updated

from time to time.

- K. Exempted wireless telecommunication uses. The following are exempt from the restrictions and requirements of this bylaw:
- (1) Police;
 - (2) Fire;
 - (3) Ambulance and other emergency dispatch;
 - (4) Citizen's band radio; and
 - (5) Amateur radio equipment and towers used in accordance with the terms of any amateur radio service license issued by the FCC, provided that:
 - (a) The tower is not used or licensed for any commercial purpose; and
 - (b) The tower shall be removed upon loss or termination of said FCC license.
- L. Insurance. Towers and wireless service facilities shall be insured by the owner against damage to persons and property. The owner shall provide a certificate of insurance to the SPGA on an annual basis. For towers and facilities located on property owned by the Town of East Longmeadow, the Town of East Longmeadow shall be an additional named insured.
- M. Noncompliance; violations; enforcement; and attorney fees. Upon determination that the applicant and/or owner has failed to comply with this bylaw, or is in violation of any portion of this bylaw, and the Town of East Longmeadow takes any action to enforce this bylaw, the owner/applicant shall be liable for and responsible to pay to the Town of East Longmeadow all costs, expenses and reasonable attorney's fees for such action taken by the SPGA. Failure to pay said costs and attorney's fees within 30 days of receipt of notice to pay same shall be grounds for the revocation of any special permit issued in accordance with this bylaw.

§ 450-5.6. Off-street parking.

- A. Parking plan.
- (1) Uses requiring a parking plan. A parking plan shall be submitted at the time of any application for a building permit for the erection, alteration or enlargement of any building other than a single-family dwelling. No building permit for the erection, alteration or enlargement of any building may be issued without approval of said parking plan by the Planning Director. In the case of alteration or enlargement, these standards shall apply only to the altered or enlarged area. **[Amended 11-14-2023]**
 - (2) A parking plan shall be submitted to the Planning Department at the time of any application for the certificate of occupancy required in § 450-7.1 of the Zoning Bylaw. No such certificate of occupancy may be issued without approval of said parking plan by the Planning Director. **[Amended 11-14-2023]**
 - (3) Parking plans shall show means of vehicular access and interior circulation. The proposed property use and proposed building square footage shall be indicated on the plan. Any required landscaping shall be indicated on the plan.
 - (4) Upon submission of a parking plan to the Planning Director, egress, access and drainage for the

site must be approved by the Town Engineer. **[Amended 11-14-2023]**

- (5) In granting a special permit for any use, the special permit granting authority may require off-street parking spaces, standards or conditions in addition to those set forth in this bylaw, if it deems necessary for the use.
- (6) The Planning Board may grant waivers to the parking requirements outlined in this section of the Zoning Bylaw. A request for waiver (Form W) must be submitted for any and all requirements. **[Added 11-14-2023]**

B. Parking specifications.

- (1) In all districts, any and all parking spaces located on any lot shall be restricted to the use of the business allowed on the site by its employees, customers and other persons normally visiting the premises at any one time. There shall be no commuter parking nor shall any business enter into any type of agreement for commuter and/or satellite parking for businesses or activities not located on the site.
- (2) All new structures and alterations or enlargements on existing structures shall be provided with off-street parking spaces in accordance with the following specifications:
 - (a) Specifications for parking layout shall be in accordance with Town of East Longmeadow Parking Standards. The standards shall include, and are not limited to, the following:**[Amended 11-14-2023]**
 - [1] All parking areas must meet the minimum parking dimensions in Diagram 5.6-1,²⁶ except the handicapped parking requirements in Subsection H shall supersede where appropriate.
 - [2] Each off-street parking space shall contain, exclusive of approved access lanes, not less than 180 square feet when located in a parking lot and not less than 160 square feet when located in a garage or other building. For planned business developments, retail outlets and other similar uses, there shall be a minimum of 300 square feet of total paved area for each car parking space required.
 - [3] Parking spaces at a 90° angle are encouraged. Extra width at the end of parking stalls is desirable. Additional driveway width is necessary for main or through circulation aisles. (See Diagram 5.6-2 for a dimensional illustration.²⁷)
 - [4] Any required landscaping shall be indicated on the parking plan for approval. (See Diagram 5.6-2 for a dimensional illustration.)
 - [5] Parking aisles must be adjusted as necessary to accommodate the size of the trucks serving the facility. (See Diagram 5.6-2 for a dimensional illustration.)
 - [6] Parking stall markings, directional arrows and other traffic signs shall be delineated by at least four-inch painted lines or by other suitable means and shall be permanently maintained.
 - [7] One driveway per parcel shall be permitted as matter of right. Two driveways for

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

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

business, commercial and industrial uses are generally desirable and shall be clearly marked as an entrance and as an exit.

- (b) Drainage. Drainage facilities for each parking area should be designed and constructed to contain stormwater run-off on the premises, and stormwater should not be distributed on a public way. **[Amended 4-12-2022]**
 - (c) Surfacing. All off-street parking facilities shall be surfaced in accordance with the Town of East Longmeadow Department of Public Works (DPW) standards and specifications. The access driveways and parking areas for all business, commercial and industrial uses shall be surfaced with bituminous or cement material, according to established DPW standards and specifications. **[Amended 4-12-2022]**
- C. Joint-use parking. Joint use of off-street parking facilities is permitted, provided that the parking area is contiguous or within the same parcel of land to be occupied by a joint user's principal building and its accessory building(s). The area of such facilities shall not be less than the sum of the requirements of the various users computed in accordance with the specifications of this section.
- D. Off-premises parking.
- (1) The use of off-premises parking facilities to meet the requirements of this section may be permitted in the Industrial District if access, egress and travel to and from the same, consistent with § 450-5.6, are provided.
 - (2) A proposal to use such facilities must be approved in writing by the Planning Board and Town Engineer.
 - (3) Any termination or reduction of use of such off-premises parking facilities so that minimum required parking spaces are not available in accordance with Subsection G (entries for "manufacturing and industrial establishment" and "warehouse or wholesale storage facility") hereof will constitute further use of the principal premises and buildings and constitute a violation of the Zoning Bylaw.
- E. Multipurpose building. In the case of a building or structure to be devoted to more than one kind of use, the off-street parking spaces provided shall equal the total number which would be required in Subsection G, as if the uses were to be conducted in separate buildings.
- F. Additional parking specifications for business, commercial and industrial uses.
- (1) Landscaping. There shall be 12% of the total parking and circulation area devoted to landscaping within the boundaries of the parking lot. In addition, there shall be at least a ten-foot landscaped buffer along the street lines, except to provide openings for reasonable access to the site. Such landscaping shall include, but not necessarily be limited to, the planting of grass, ground cover, flower beds, shrubs, hedges or trees. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance and free of refuse and debris. All plantings shall be arranged and maintained so as not to obscure the vision of traffic.
 - (2) Lighting. Any outdoor lighting fixture newly installed or replaced shall be shielded so that it does not produce a strong, direct light beyond the property boundaries.
- G. Minimum required parking spaces. In addition to parking requirements for specific uses found elsewhere in this bylaw, the following minimum required spaces shall be provided for the uses shown: **[Amended 4-12-2022]**

Use	Required Spaces
Each single-family dwelling	1 parking space or garage
A project for the aged permitted under the Table of Use Regulations, Subsection B(3) ²⁸	Parking spaces for 75% of the number of units
Fraternity, sorority house or dormitory	1 parking space for each 4 persons residing on the premises
Hospital or sanitarium	1 parking space for every 2 beds, plus 1 parking space for every 2 employees on any 1 shift
Nursing home	1 parking space for every 3 beds, plus 1 parking space for every 2 employees on any 1 shift
Retail outlets and other similar uses	6 parking spaces for each 1,000 square feet of floor area. For upper floor or basement area used for office or sales purposes, additional parking shall be provided, amounting to 5 spaces per 1,000 square feet of such space.
Restaurants, clubs or similar facilities serving food or beverages (even when in conjunction with retail stores and the like)	1 parking space for each 3 seats
Theaters	1 parking space for each 3 seats
Professional and commercial offices	5 parking spaces for each 1,000 square feet of gross floor area on all floors, but in no case fewer than 10 spaces
Manufacturing or industrial establishment	1 parking space for every 2 employees on combined employment of the 2 largest shifts, plus space for visitor parking, company vehicles based at the facility and off-street parking
Churches	1 parking space for each 6 seats
Elderly residential permitted under § 450-5.1	Parking spaces for 75% of the number of units plus 1 parking space per person for 1/4 of the maximum total capacity of dining rooms, banquet rooms and meeting rooms available for non-tenants
Planned residential unit developments	2 parking spaces per dwelling unit, which may include garages
Planned adult residential developments	2 parking spaces per dwelling unit, which may include garages
Gas/Service station	3 parking spaces per service bay, but not less than 1 parking space per 100 square feet of gross floor area

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

Use	Required Spaces
Warehouse or wholesale storage facility	1 parking space for 3,000 square feet of gross floor area and/or lot area in such use
Used car lot	1 parking space for each employee; 1 parking space for each company vehicle; and 1 parking space for every 8 spaces devoted to sale or storage of cars

H. Handicapped parking.

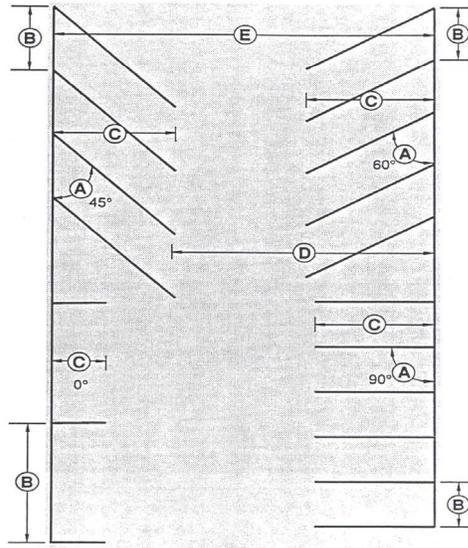
- (1) All parking areas shall provide handicapped-accessible parking spaces, as required by the Federal Americans with Disabilities Act (ADA), and as specified in Diagram 5.6-3,²⁹ except for the following uses, which are specifically exempted in ADA requirements:
 - (a) Owner-occupied residential dwellings with no more than four units;
 - (b) Single-family homes sold or rented without the use of a broker;
 - (c) Housing operated by religious organizations and private clubs that limit occupancy to members.
- (2) Accessible spaces shall be eight feet zero inches wide, with an adjacent access aisle five feet zero inches wide, and shall be marked with signs and pavement paint. One in every eight accessible spaces, but not less than one, shall have an access aisle eight feet zero inches (rather than five feet zero inches), and shall be signed "van accessible". **[Amended 4-12-2022]**

I. Review procedure. **[Amended 11-14-2023]**

- (1) The Planning Director will either:
 - (a) Approve the parking plan based on the determination that the proposed parking plan meets all of the requirements of § 450-5.6.
 - (b) Deny the parking plan based on a determination that either:
 - [1] Insufficient information was submitted with the parking plan in order to adequately review the proposal; or
 - [2] The project does not meet the requirements of § 450-5.6.
 - (c) Refer the parking plan to the Planning Board subject to conditions, modifications and reasonable restrictions necessary to ensure compliance with the requirements of § 450-5.6. If the proposed parking plan includes an expansion of any parking lot by 10 or more parking spaces or conversion of any use resulting in the addition of 10 or more required parking spaces, the Planning Board must review the parking plan as part of the site plan review in conformance with Article IX.
- (2) The concurring vote of a majority (3/5) of the membership of the Planning Board shall be required for a decision on a parking plan. The Planning Board shall render a decision within 60 days from the date the parking plan was referred to the Planning Board by the Planning Director and shall file its written decision with the Department of Public Works and the Town Clerk.

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

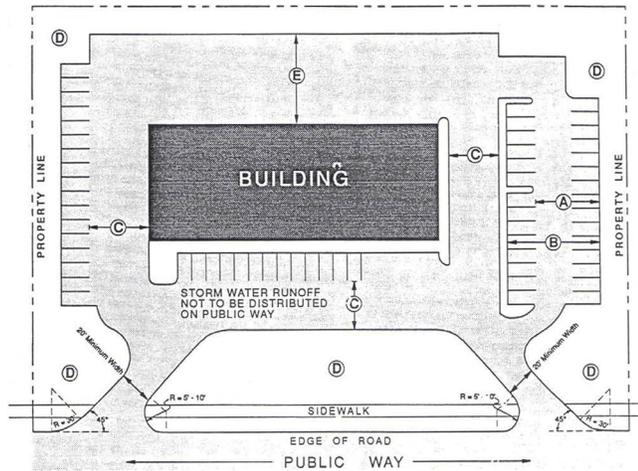
Diagram 5.6-1 Minimum Parking Dimensions



Minimum Dimensions

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

Diagram 5.6-2 Dimensional Illustration of Parking Area

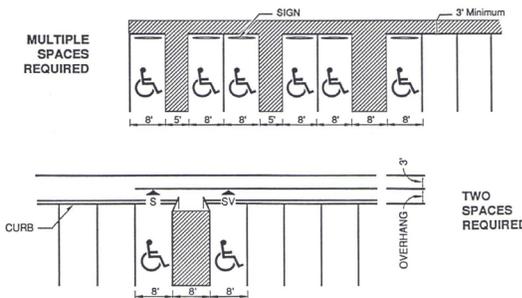


- A. Lot Width for One R.O.W. and Driveway
- B. Lot Width for Two R.O.W.s and Driveway
- C. 90° Parking is Encouraged, Extra Width on End Stalls is Desirable, Additional Driveway Width is Necessary for Main or Thru Circulation Aisles
- D. Landscaping Required by the Zoning By-Law Shall Be Indicated on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

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

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

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



§ 450-5.7. Car service activities.

A. Public garages, automobile repair shops, storage battery service stations, gasoline filling stations, greasing stations or any of their appurtenances or accessory uses shall hereafter be erected not less than 100 feet from any Residence District. Such building shall have no entrances or exits for motor vehicles within a radius of 300 feet measured from the nearest point of such entrances or exits in any direction to the property of any school, library, church, playground, public building, park, recreation center, social or community center or any institution for the sick, handicapped or feeble. No public garages, automobile repair shops, greasing stations, storage battery service stations, gasoline filling stations or any of their appurtenances or accessory uses shall be placed so that their entrances or exits constitute a potential traffic hazard, and such entrances or exits to public ways of the Town of East Longmeadow shall be approved by the Department of Public Works as to locations and construction, and approved by the Planning Board as to their conformity with the intent and purpose of this bylaw. A plot plan for any such use as described herein shall require the approval signatures of the Town Manager, the Department of Public Works and the Planning Board prior to the issuance of a building permit or the occupancy or use of land for any of the purposes described in this subsection. **[Amended 4-12-2022]**

B. Gasoline filling station.

- (1) Gasoline filling stations shall be permitted by right in the Business (BUS) and Industrial (I) Districts.
- (2) Additional general requirements. The following standards shall be used as additional standards for all gasoline filling stations:
 - (a) Not more than 30,000 gallons of gasoline may be stored on the premises, with an additional allowable maximum storage of not more than 30,000 gallons of other types of

motor fuel.

- (b) Other types of motor fuel may be stored on the premises, with a maximum storage of 15,000 gallons each of two types of fuel.
- (c) All fuel must be stored underground, and only nonpressurized (working pressure less than one pound per square inch gauge at the vent) storage will be allowed.
- (d) An enclosed greasing station for not more than three motor vehicles shall be permitted.

C. Car washing facilities.

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

§ 450-5.8. Signs.

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

- (1) No exterior or ground sign shall be created, placed, erected, altered or enlarged until a building permit has been issued by the Building Commissioner, subject only to the exceptions in Subsection B(2), (4) and (5) below.
- (2) No sign shall incorporate or be lighted by flashing or blinking lights, light-emitting diode (LED) displays or be designed to attract attention by a change in light intensity or direction, or by repeated mechanical, electrical or computerized motion. All illumination shall have either a source of light from within or exterior to the sign, and such exterior lighting shall be limited to white in color. No changeable and/or graphic display is allowed on any sign. These restrictions do not apply to digital clocks and thermometers.
- (3) See Definitions, Article XI, including but not limited to the following: "ground sign"; "sign"; "sign, area of."

B. Residential districts. No sign shall be permitted in a residential district except:

- (1) A professional nameplate having an area of not more than 144 square inches, in connection with permitted uses.
- (2) A real estate sign having an area of not more than 10 square feet, advertising the sale, rental or lease of the premises on which it is placed.

- (3) A church and/or school sign, 20 square feet maximum area.
 - (4) A contractor's lawn sign as outlined in Subsection J.
 - (5) Temporary lawn signs for tag sales, elections or other nonprofit social events as outlined in Subsections J and K below.
- C. Commercial District. Signs shall only be permitted in a Commercial (COM) District subject to the following conditions:
- (1) Location and size. All permitted signs shall be attached to a primary building. Attached signs may not exceed five feet in height nor 30 square feet in area, shall not project toward the street more than two feet and shall not extend vertically above the parapet or ridge line, subject only to the following exceptions:
 - (a) One ground sign not to exceed 15 square feet in area nor exceeding 10 feet above ground, which sign shall comply with the setback and side yard requirements for a primary building; or
 - (b) A sign for a building directory of occupants or tenants, not to exceed 40 square feet.
 - (2) Number.
 - (a) There shall not be more than one attached building sign per building occupant/commercial use.
 - (b) A commercial building housing more than one occupant/commercial use is entitled to only one ground sign or one tenant directory sign.
 - (3) Construction. No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of 1/4 of an inch. The material of the sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and of the intermediary surface to the wall of the building shall be subject to the approval of the Building Commissioner for the purpose of protecting safety of the public.
 - (4) Illumination. Signs may be illuminated, but shall be nonflashing, nonmoving, and nonanimated. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property; restrictions that pertain to movement do not apply to digital clocks and thermometers.
 - (5) Signs must identify or otherwise relate to the primary building or tenants in such building, and may not be used for other purposes; except that on vacant lots, nonilluminated real estate signs having an area of not more than 20 square feet advertising the sale, rental or lease of the premises on which such signs are located are permitted.
 - (6) Plans for all signs shall be submitted to the Building Commissioner for approval. **[Amended 4-12-2022]**
- D. Business District. Signs shall only be permitted in the Business (BUS) District subject to the

following conditions:

- (1) Location. All permitted signs shall be attached to a primary building and shall not extend vertically above the parapet or ridgeline, subject to the following conditions:
 - (a) A sign attached to a building shall be securely affixed to one of the walls or a roof of the building. If affixed to a wall, it shall be parallel with and not project more than 12 inches from the face of such wall and shall not project beyond the face of any other wall of the building. If affixed to the roof, it shall be parallel with the front wall of the building and shall not project beyond the face of any wall of the building. No sign, whether affixed to a wall or roof of a building, shall project above the highest line of the main roof of the building. **[Amended 4-12-2022]**
- (2) Size. A sign attached to a building shall not be more in area than three square feet per linear foot of building front. A sign on the exterior wall of the first floor of a building may extend across the full width of the store wall, unless the store occupies the entire first floor of a detached building, in which event the sign may extend across not more than 3/4 of the width of the wall. The width of signs of stores occupying other than the first floor of a building shall not exceed three feet. No sign shall exceed 100 square feet in area.
- (3) Number.
 - (a) Exterior wall signs. There shall not be more than one exterior wall sign for each business, except that if the business has a direct customer entrance in a wall other than the business front, there may be a second sign affixed to such wall, and if the store has a wall other than the store front with outside wall fronting on a street, there may be a second sign affixed to such wall, whether or not such wall contains an entrance to the store; provided, however, that no store shall have more than two secondary signs, in any event. The area of the secondary sign or signs shall not exceed 50% of the maximum permissible area of the sign on the storefront. In addition to the foregoing sign or signs, there may be one directory of the occupants or tenants of the building affixed to the exterior wall of the building at each entrance to the building. Such directory shall not exceed an area determined on the basis of 1/2 square foot for each occupant or tenant of the building.
 - (b) Ground signs. Only one ground sign is allowed, subject to the following conditions:
 - [1] This sign shall be placed so as to comply with the setback and side yard requirements for a primary building. The top of the sign shall not be more than 20 feet above the mean grade level of the building on the lot on which the sign is placed. Such sign shall not contain more than 50 square feet.
 - [2] During the construction of a building, a ground sign may be erected on the premises identifying the building, the owner, the contractors, the architects or the engineers, but such sign shall not exceed 35 square feet in surface area. Such sign shall be removed promptly after the completion of the building.
 - [3] A building housing more than one business is entitled to only one ground sign per the requirements set forth in Subsection D(3)(b)[1] above. Businesses sharing a common wall are considered to be housed in the same building.
 - (c) The total area, in aggregate, of all signs, including ground sign, shall not exceed 100 square feet per business use.

- (4) Construction. No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of 1/4 of an inch. The material of the sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and of the intermediary surface to the wall of the building shall be subject to the approval of the Building Commissioner for the purpose of protecting the safety of the public.
 - (5) Illumination. Moving and flashing signs are prohibited. No red or green lights shall be used on any sign if, in the opinion of the Building Commissioner, such lights would create a driving hazard. No sign may be illuminated between 12:00 midnight and 6:00 a.m. except signs identifying police or fire stations and such other signs as the Planning Board may specifically authorize to be illuminated at other hours, if the Board finds that the nature of the use of the premises is such that such illumination should be permitted in the public interest. The provisions of this subsection shall apply not only to exterior signs but also to interior signs that are designed or placed so as to shine through windows or doors of the building. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property. These restrictions do not apply to digital clocks and thermometers.
 - (6) Signs must identify or otherwise relate to the primary building or tenants in such building, and may not be used for other purposes; except that on vacant lots, nonilluminated real estate signs having an area of not more than 20 square feet advertising the sale, rental or lease of the premises on which such signs are located are permitted;
 - (7) Gasoline and/or compressed natural gas (CNG) filling and/or electric charging stations and garages. Gasoline and/or CNG filling and/or electric charging stations and garages are limited to the following signs. They may, if they elect to do so, divide the one exterior sign affixed to the front wall of the building, to which they are entitled as hereinabove provided, into separate signs affixed to and parallel to such wall and indicating the separate operations or departments of the business; provided, however, that the total of the area of the separate signs shall not exceed the maximum area permitted under this bylaw for a single exterior sign on such wall. In addition, one sign conforming with the terms of Subsection D(3)(b), standing, indicating the company whose gasoline is being sold, may be erected of such type, in such location, and in such manner as the Planning Board may permit. The standard type of gasoline pump bearing thereon, in usual size and form, the name or type of gasoline and the price thereof shall not be deemed to be in violation of this bylaw. Temporary or movable signs of any and every type are specifically prohibited.
 - (8) Window signs. Signs painted or placed on the inside of the glass of a window shall be permitted, provided that the aggregate area of such signs does not exceed 30% of the area of the window glass.
- E. Industrial District. Signs shall only be permitted in an Industrial (I) District subject to the following conditions: **[Amended 4-12-2022]**
- (1) Signs must identify or otherwise relate to the primary use of the building or tenants in such building and may not be used for other purposes (except that on vacant lots, nonilluminated real

estate signs having an area not more than 35 square feet advertising the sale, rental or lease of the premises on which such signs are located is permitted).

- (2) One ground sign shall be permitted and shall conform to the setback, side yard and rear yard for the Industrial (I) District. The top of the sign shall not be more than 20 feet above mean grade of the building lot on which the sign is placed. Such sign shall not contain more than 50 square feet.
- (3) Signs may be illuminated, but shall be nonflashing, nonmoving and nonanimated. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property.
- (4) No sign shall have a square footage in excess of 5% of the square footage of the front elevation of the primary building, but in no case shall the square footage of the sign be required to be less than 100 square feet.
- (5) No sign shall project more than five feet above the roof level of the primary building.
- (6) Construction. No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of 1/4 of an inch. The material of the sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and of the intermediary surface to the wall of the building shall be subject to the approval of the Building Commissioner for the purpose of protecting the safety of the public.
- (7) Gasoline and/or compressed natural gas (CNG) filling and/or electric charging stations and garages. Gasoline and/or compressed natural gas (CNG) filling and/or electric charging stations and garages are limited to the following signs. They may, if they elect to do so, divide the one exterior sign affixed to the front wall of the building, to which they are entitled as hereinabove provided, into separate signs, affixed to and parallel to such wall and indicating the separate operations or departments of the business; provided, however, that the total of the area of the separate signs shall not exceed the maximum area permitted under this bylaw for a single exterior sign on such wall. In addition, one sign conforming with the terms of Subsection D(3)(b), standing, indicating the company whose gasoline is being sold, may be erected of such type, in such location and in such manner as the Planning Board may permit. The standard type of gasoline pump bearing thereon, in usual size and form, the name or type of gasoline and the price thereof shall not be deemed to be in violation of this bylaw. Temporary or movable signs of any and every type are specifically prohibited.

F. Industrial Garden Park District. Signs shall only be permitted in an Industrial Garden Park (IGP) District subject to the following conditions:

- (1) Signs must identify or otherwise relate to the primary use of the building or tenants in such building and may not be used for other purposes (except that on vacant lots, nonilluminated real estate signs advertising the sale of the lot on which they are located, and having an area of not more than 20 square feet, are permitted).

- (2) One ground sign shall be allowed to be placed no closer than 10 feet to the front property line. The top of the sign shall not be more than 20 feet above the mean grade level of the building on the lot on which the sign is placed. Such sign shall not contain more than 50 square feet and shall be used only to identify or otherwise relate to the primary use of the building or tenants in such a building and no other purpose. One freestanding sign, not exceeding an area of four square feet, located no nearer than 10 feet to any street or entrance drive curb, shall be permitted at each entrance drive into a site. Such signs shall not exceed an area of four square feet on any one side and a height of 10 feet to the top of the sign, measured from the pavement grade of the adjacent entrance drive.
 - (3) Signs may be illuminated, but shall be nonflashing, nonmoving and nonanimated. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property.
 - (4) No sign shall have a square footage in excess of 5% of the square footage of the front elevation of the primary building, but in no case shall the square footage of the sign be more than 100 square feet.
 - (5) No sign shall project more than five feet above the roof level of the primary building.
 - (6) Construction. No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of 1/4 of an inch. The material of the sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and of the intermediary surface to the wall of the building shall be subject to the approval of the Building Commissioner for the purpose of protecting the safety of the public.
- G. Golf Recreational District. Signs shall only be permitted in a Golf Recreational District (GRD) District subject to the following conditions:
- (1) For a residential use, the provision of Subsection B shall apply.
 - (2) For other golf recreational uses, the following provisions shall apply:
 - (a) Only one ground sign is allowed, subject to the following conditions: This sign shall be placed so as to provide a setback and side yard of not less than 50 feet. The top of the sign shall not be more than 15 feet above the grade level below the sign. Such sign shall not be more than five feet from the base of the actual sign to the top of the actual sign, and shall not contain more than 50 square feet.
 - (b) Signs attached to the primary building may not project toward the street more than two feet, may not exceed five feet in height from the base of the sign to the top of the sign, and may not exceed 50 square feet. The top of such sign shall not extend above the parapet or ridgeline.
 - (c) Signs may be illuminated, but shall be nonflashing, nonmoving and nonanimated. If lighting is provided, the source of light shall be either from within or exterior to the sign

and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property.

- (d) Signs must identify or otherwise relate to the primary building or tenants of such building or the use to which such building is placed, and shall not be used for other purposes.
- (e) Plans for all signs shall be submitted to the Building Commissioner for approval. **[Amended 4-12-2022]**

H. Nonconforming signs.

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

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

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

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

- (1) Election signs. Election signs shall be those signs pertaining to a candidate for election or a ballot question. Such signs shall be removed within two days after the election or vote. Each sign shall not exceed six square feet in size.
- (2) Message signs shall be those signs displaying a political, religious or other noncommercial free speech message other than that allowed under Subsection B. Each sign shall not exceed six square feet in size.
- (3) No political sign of any sort shall be placed on Town property.
- (4) Other nonprofit message signs, including tag sales, shall not exceed six square feet in area and must contain a date of the event. Such signs shall be displayed not more than two weeks prior to the event and must be removed within two days after the event.
- (5) Temporary banners of any size are not permitted unless approved by the Building

Commissioner. [Amended 4-12-2022]

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

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

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

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

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

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

B. Restrictions and exceptions.

- (1) The family pool and neighborhood pool, in accordance with the Table of Use Regulations, Subsection G(6) and (7),³⁰ are the only pools permitted in Residence Districts. All swimming pools shall conform to the accessory building setback, side yard and rear yard requirements of the district in which located, except that fencing around neighborhood pools shall conform to the principal building's setback, side yard and rear yard requirements of the district in which they are located.
- (2) Exception. The following special exception may be granted by the Board of Appeals after a public hearing and subject to the approval of the abutting landowners:
 - (a) A neighborhood pool shall be operated under a set of bylaws which include safety rules, limited guest privileges, as well as regulations to keep the use of said pool from becoming objectionable to the abutters and neighbors or a general nuisance.
 - (b) The fence surrounding the pool shall be not less than six feet in height and in all other respects shall conform to the regulations set down under Subsection E, Safety devices. Such fence shall conform to the setback, side yard and rear yard requirements for a primary building for the district in which the pool is located.
 - (c) Sufficient provisions shall be made on the property in which the pool is located for off-street parking for all members or their guests.
 - (d) It shall also be required that neighborhood pools whose organizations decide at any time to disband shall be completely filled in before such organization is disbanded. Any of the membership in such organization can be or will be held responsible personally for the fulfillment of this requirement should the organization disband without satisfactory completion of this requirement.

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

- C. Board of Health construction permit and approval. Before work is commenced on the construction of a swimming pool, neighborhood pool or family pool or on any alteration, addition, remodeling or other improvement to a swimming pool, neighborhood pool or family pool, an application for a permit to construct or erect, and the plans and specifications and pertinent explanatory data for same shall be submitted to the Board of Health for its approval; and no part of the work shall be commenced until the Board of Health has granted such approval by a written permit to construct and has further evidenced its approval by a suitable endorsement upon such plans and specifications. Such plans and specifications shall conform to the provisions of Article VI of the State Sanitary Code.
- D. Lighting. Artificial lighting of the pool shall be shaded and directed in such a manner as to limit the lighting to the actual area of the pool, and shall in no way constitute a nuisance.
- E. Safety devices. All swimming pools, neighborhood pools, family pools, wading pools, fish ponds or other bodies of water which constitute an obvious hazard and which are artificial or semi-artificial in their nature and which contain more than 18 inches of water in depth at any point shall be enclosed by a fence sufficient to make such body of water inaccessible to small children. Such enclosure, including gates, must not be less than four feet above the underlying ground. All gates must be self-closing and self-latching with latches placed four feet above the underlying ground or otherwise made inaccessible from the outside to small children. Such fence shall be constructed in such a manner that no holes or gaps exist larger than four inches in any dimension, except through the doors or gates. If a picket fence is used, the minor dimension shall not be more than four inches. No fence shall be built in such a manner so as to render it easy to climb. A dwelling or accessory building may be used as part of such enclosure. In addition, the wall of the container or receptacle or other structure may be considered to be part of the enclosure if it is completely above the underlying ground adjacent to the swimming pool, family pool or wading pool. If it is not completely above the underlying ground, fencing or other additional obstruction shall be provided that will give protection equal to the wall of the container. In cases where access to the pool is through ladders, stairs, steps or other such structures, provision must be made to obstruct or otherwise prohibit entry into the pool by use of such structures, when the pool is not in use. These requirements shall be applicable to all swimming pools, neighborhood pools or family pools hereafter constructed, other than indoor pools, and shall apply to all outdoor pools. No person in possession of land within the Town having a swimming pool, neighborhood pool or family pool having a depth in excess of 18 inches shall fail to provide and maintain such fence or wall as herein provided. The Board of Health shall allow a reasonable period within which to comply with the requirements of this subsection.
- F. Permit. No person shall operate or maintain a swimming pool, neighborhood pool or family pool until a permit therefor shall have been issued by the Board of Health, which permit shall be valid unless revoked. All permits shall be in writing and shall state the conditions thereof. The Board of Health is hereby authorized to promulgate rules and regulations for the construction, operation and maintenance of swimming pools, neighborhood pools and family pools for the protection and promotion of the public health, safety, morals and public welfare. Any permit granted by the Board of Health hereunder may be revoked by it for failure to comply with its rules and regulations promulgated hereunder or whenever, in the determination of the Board of Health, further operation under such permit creates a menace to the health, safety or morals of the users of the swimming pool, neighborhood pool or family pool. No appeal under this subsection shall entitle the permit holder to continue the operation of the swimming pool, neighborhood pool or family pool pending action under an appeal.
- G. Inspection. The Board of Health may inspect or cause to be inspected all swimming pools, neighborhood pools or family pools within the Town at such times as it may deem necessary to carry out the intent of this bylaw. The Board of Health is hereby authorized to enter upon any premises,

private or public, to take such samples of water from such pools at such times as it may deem necessary and to require the owner, proprietor or operator to comply with the rules and regulations pertaining to swimming pools, neighborhood pools or family pools promulgated by the Board of Health in accordance with this bylaw. In the event of failure of compliance after due notice by the Board of Health, the Board of Health shall have the power to abate or cause a suspension of such swimming pool, neighborhood pool or family pool permit until such time as the same is, in the opinion of the Board of Health, no longer a menace or a hazard to health, safety or morals.

- H. Protection of property rights. No swimming pool, neighborhood pool or family pool shall be so located, designed, operated or maintained as to interfere unduly with the enjoyment of their property rights by owners of property adjoining the swimming pool, neighborhood pool or family pool or located in the neighborhood of such swimming pool, neighborhood pool or family pool. It shall be unlawful for any person to make, continue or cause to be made or continued at any swimming pool, neighborhood pool or family pool any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. In the operation of a swimming pool, neighborhood pool or family pool, the use or permitting the use or operation of any radio, television, receiving set, musical instruments, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing of the person or persons who are in the swimming pool, neighborhood pool or family pool shall be unlawful. Any commercial undertaking at any swimming pool, neighborhood pool or family pool is expressly prohibited.
- I. Swimming pools, public or semi-public. In addition to compliance with the above bylaw, any swimming pools for public or semi-public use, or any neighborhood pools, shall be required to conform with any special requirements of the Board of Health, these special requirements to be determined by the nature and proposed use and utilization of said pool.

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

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

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

ARTICLE VI

Medical Marijuana Treatment Centers; Registered Marijuana Dispensaries**§ 450-6.0. Purpose. [Amended 4-12-2022]**

The purpose of this article is:

- A. To provide for the establishment of medical marijuana treatment centers known as "registered marijuana dispensaries" (hereinafter "RMDs") in appropriate places and under strict conditions in accordance with the Acts of 2012, Chapter 369, entitled "An Act for the Humanitarian Use of Marijuana".³¹
- B. To minimize the adverse impacts of RMDs on adjacent properties, residential neighborhoods, schools and other places where children congregate and other land uses potentially incompatible with said RMDs.
- C. To regulate the siting, design, placement, safety, monitoring, modification and removal of RMDs.

§ 450-6.1. Applicability.

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

§ 450-6.2. Eligible locations for RMDs.

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

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

- A. All RMDs shall be contained within a building or structure in which there will be no windows. [Amended 4-12-2022]
- B. No RMD shall have a gross floor area of less than 2,500 square feet or in excess of 20,000 square feet.
- C. An RMD may not be located in buildings that contain any medical doctor's offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.

31. Editor's Note: See MGL c. 94I.

- D. The hours of operation of RMDs shall be set by the special permit granting authority, but in no event shall said RMDs be open and/or operating between the hours of 8:00 p.m. and 8:00 a.m.
- E. No RMD shall be located within 300 feet of any existing residence or residential zoning district.
- F. No RMD shall be located within 1,000 feet of any of the following preexisting structures or uses:
- (1) Any school attended by children under the age of 18;
 - (2) Any licensed child-care facility;
 - (3) Any drug or alcohol rehabilitation facility;
 - (4) Any half-way house or similar facility; or
 - (5) Any other RMD.
- G. No RMD shall be located within 500 feet of the following preexisting structures or uses:
- (1) Any church;
 - (2) Any school;
 - (3) Any park, not to include the rail trail/bicycle path;
 - (4) Any playground;
 - (5) Any athletic playing field; or
 - (6) Any youth center.
- H. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of an RMD.
- I. Signage for the RMD shall include the following language: "Registration card issued by the Massachusetts Department of Public Health Required." The required text shall be a minimum of two inches in height.
- J. RMDs shall provide the East Longmeadow Police Department and Building Commissioner with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.
- K. RMDs shall provide the East Longmeadow Police Department and the East Longmeadow Fire Department with a detailed security report as to how the security for the site will be provided.

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

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

ARTICLE VII
Administration and Enforcement

§ 450-7.0. Zoning Board of Appeals.

A. Membership.

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

(2) The Board of Appeals shall have the powers provided by MGL c. 40A, § 14.

B. Appeals.

(1) Appeals to the Board of Appeals may be taken by any person aggrieved by reason of their inability to obtain a permit or enforcement action from any administrative office under the provisions of said Chapter 40A, or by any person, including an officer or board of the Town or of an abutting town, aggrieved by an order or decision of the Building Commissioner, or other administrative official, in violation of any provision of said Chapter 40A or the Zoning Bylaw of the Town of East Longmeadow. **[Amended 4-12-2022]**

(2) Such appeal shall be taken by the Board within 30 days from the date of the order or decision which is being appealed, by filing a notice of appeal with the Town Clerk in accordance with the provisions of Chapter 40A.

C. Variances. Petitions for variances from the terms of the applicable zoning provisions shall be dealt with by the Board of Appeals in accordance with Chapter 40A of the General Laws, as amended. The Board shall grant no variances which would amount to an amendment of this bylaw. A variance may be granted only if the Board finds that owing to circumstances relating to the soil conditions, shape or topography of land or structures and especially affecting such land or structures but not generally affecting the zoning district in which they are located, a literal enforcement of the provisions of the bylaw would involve substantial hardship, financial or otherwise, to the petitioner and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the bylaw. A variance is permission to depart from the literal enforcement of the Zoning Bylaw with respect to setback, side yard, frontage and lot size, but not involving use or structures. **[Amended 4-12-2022]**

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

E. Restrictions. In carrying out the provisions above, the Board may impose, as a condition of its decision, such restriction as to manner and duration of use as will in its opinion safeguard the legitimate use of the property in the neighborhood and the health and safety of the public, and conform to the intent and purpose of this bylaw. Such restrictions shall be stated in writing by the Board and made a part of the permit or variance. No variance shall be conditioned on the continued ownership of the land or structures by the petitioner to whom the variance was issued.

F. Two years before next appeal. No petition considered under the bylaw that has been unfavorably acted upon by the Board of Appeals shall be again considered on its merits by said Board within two years after the date of such unfavorable action unless the Board of Appeals and Planning Board

consent thereto under the provisions of MGL c. 40A, § 16, as amended.

- G. Procedures. Appeals, applications and petitions authorized by this bylaw and/or by Chapter 40A of the Massachusetts General Laws shall be taken and/or filed as provided in MGL c. 40A, §§ 15 through 17. All hearings, meetings and other proceedings conducted by the Board of Appeals shall comply with Chapter 40A of the Massachusetts General Laws. **[Amended 4-12-2022]**

§ 450-7.1. Enforcement.

A. Building Commissioner duties.

- (1) The Building Commissioner shall enforce the provisions of the bylaw and amendments as hereinafter provided. No building shall be constructed, altered, moved or changed in use in the Town without a permit from the Building Commissioner. Such permit shall be withheld unless such construction, alteration or proposed use is in conformity with all the provisions of this bylaw. Where a special permit is required pursuant to the provisions of the bylaw, or where an appeal or petition involving a variance is pending, the Building Commissioner shall issue no such permit except in accordance with written decision of the Planning Board (as special permit granting authority) and/or the Zoning Board of Appeals. **[Amended 4-12-2022]**
- (2) The general duties and responsibilities of the Building Commissioner shall be in accordance with any or all action necessary to enforce full compliance with any or all provisions of this bylaw and the conditions and stipulations of permits and variances issued hereunder, including notification of noncompliance, together with requests for legal action through the Town Manager to the Town Counsel. **[Amended 4-12-2022]**
- (3) If the Building Commissioner shall be informed or have any reason to believe that any provision of this bylaw or any permit or decision hereunder has been, is being or is about to be violated, the Building Commissioner shall make an investigation of the facts, including the inspection of the premises where the violations may exist.
 - (a) If, in the opinion of the Building Commissioner, a violation exists, the Building Commissioner shall issue an order to cease and desist or to correct the violation.
 - (b) If, after such order, such violation continues and no appeal to the Board of Appeals is taken within 30 days, the Town Manager shall, upon notice from the Building Commissioner, forthwith make applications to the Superior Court for an injunction or order restraining the violation and shall take such other action as is necessary to enforce the provisions of the bylaw. **[Amended 4-12-2022]**
 - (c) If, after action by the Building Commissioner, appeal is taken to the Board of Appeals, and after a public hearing the Board of Appeals finds that there has been a violation or prospective violation, the Building Commissioner shall issue an order to cease and desist and refrain from such violation unless such order has been previously issued. If such then continues, the Town Manager shall, upon written notice from the Building Commissioner, forthwith make application to the Superior Court or Land Court for an injunction or order restraining the violation and shall take such other action as may be necessary to enforce this bylaw. **[Amended 4-12-2022]**
 - (d) Where written complaint is made to the Building Commissioner, the Building Commissioner shall take action upon such complaint within 14 days of receipt thereof and shall report such action in writing to the complainant and Planning Board.

- (e) If the Zoning Enforcement Officer finds no violation or prospective violation, any person aggrieved by the Zoning Enforcement Officer's decision, or any officer or board of the Town, may within 30 days appeal to the Board of Appeals.

B. Penalties.

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

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

D. Certificate of occupancy.

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

§ 450-7.2. Amendments.

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

§ 450-7.3. Severability.

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

§ 450-7.4. Repeal of previous bylaws.

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

§ 450-7.5. Previous permits.

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

ARTICLE VIII
Special Permits

§ 450-8.1. General provisions.

- A. Special permits are required for certain uses, structures or conditions as specified in Article III, Schedule of Use Regulations.³² **[Amended 4-12-2022]**
- B. Purpose. Special permits are intended to provide detailed review of certain uses and structures which may have substantial impact upon traffic, utility systems and the character of the Town, among other things. The special permit review process is intended to ensure a harmonious relationship between proposed development and its surroundings, and ensure the proposals are consistent with the purpose and intent of this bylaw.
- C. Special permit granting authority (SPGA). The Planning Board shall be the special permit granting authority.

§ 450-8.2. Special permit procedures.

- A. Special permits may be issued by special permit granting authorities in accordance with MGL c. 40A, § 9 and with the following regulations:
 - (1) Public hearing.
 - (a) Special permits shall only be issued following a public hearing held within 65 days after filing an application with the special permit granting authority, a copy of which shall forthwith be given to the Town Clerk by the applicant. The SPGA shall take final action on an application for special permit within 90 days following the public hearing. Failure to do so shall constitute approval. A vote of at least four members of the Planning Board is required. **[Amended 4-12-2022]**
 - (b) Projects requiring both site plan review and special permit. The period of review for site plan review and special permit shall be the same as any other special permit and shall conform to the requirements of MGL c. 40A, § 9. Specifically, a joint public hearing to address the special permit application and the site plan review application shall be held within 65 days of the filing of a special permit application with the special permit granting authority (SPGA). The SPGA shall then have 90 days following the public hearing in which to act.
 - (2) Application procedures.
 - (a) All applications for special permits shall be made in writing on forms furnished by the Planning Board and located in the Planning Board office and shall be accompanied by a site plan when required in accordance with Article III, Schedule of Use Regulations.
 - (b) Misrepresentation of any of the required plan items shall be cause to revoke a special permit.
 - (3) Quorum requirement. Four members of the Planning Board must be present in order to hold a public hearing. Only members who have attended the public hearing may vote on whether or not to grant a special permit. **[Amended 4-12-2022]**

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

B. Expiration.

- (1) Construction or operations under a special permit shall conform to any subsequent amendment of this bylaw unless the use or construction is commenced within a period of six months after issuance of the permit; additionally, in cases involving construction begun within such six-month period, such construction shall be continued through to completion as continuously and expeditiously as is reasonable.
- (2) A special permit granted under this section shall lapse after a period of one year has passed if substantial use has not sooner commenced, except for good cause, or, in the case of permit for construction, if construction has not begun by such date, except for good cause. This period shall not include such time required to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17. **[Amended 4-12-2022]**

C. Application and review procedures.

- (1) The size, form, contents and style of plans and specifications required as part of an application for a special permit are available in the Planning Board office.
- (2) Upon receipt of an application, the SPGA shall submit one copy of said application and plan to the Board of Appeals, the Planning Board, the Board of Health and the Conservation Commission for their review. Said Boards and Commission shall, within 30 days, make recommendations as they deem appropriate and shall send copies thereof to the SPGA and to the applicant in accordance with MGL c. 40A, § 11.
- (3) The SPGA may also, at its discretion, transmit copies to the Superintendent of Public Works for review within 30 days in accordance with MGL c. 40A, § 11. Special permit requests for used motor vehicle storage or sales must be transmitted to the Department of Public Works for review and comment under these provisions. The decision of the SPGA shall be made only after obtaining and considering the recommendations of other appropriate Town boards, commissions, departments and agencies.

D. Modification, amendment, renewal or revocation.

- (1) The SPGA shall have the authority to modify, amend or review its approval of a special permit upon written application of the owner, lessee or mortgagee of the premises; provided, however, that such action is consistent with the purpose and intent of this bylaw, and a public hearing has been held.
- (2) The SPGA, subsequent to the granting of a special permit, or any extension, modification or renewal thereof, shall retain the right to revoke said special permit, or the extension, modification or renewal thereof, upon its determination that the use or construction authorized by the granting, extension, modification or renewal of the special permit does not conform to the general or specific provisions set forth in this bylaw pertinent to the particular special permit under consideration. The SPGA shall conduct a meeting for the purpose of deciding whether or not to revoke a special permit, or any extension, modification or renewal thereof, and shall notify the holder of any such permit of the time and place of such a meeting and shall afford the holder of the special permit the opportunity to present its position to the SPGA. Not later than 20 days after the completion of any such meeting, the SPGA shall send written notice to the holder of the special permit of its decision.

E. Transfer. Where a special permit involving the construction of buildings has not been implemented

by substantial construction, said permit shall not pass to future owners of the property without a public hearing and approval of the SPGA.

- F. Document distribution. When a special permit has been granted, one copy each of the decision, conditions and approved plans shall be filed with the Planning Board, the Zoning Board of Appeals, the Town Clerk and the Building Commissioner, and one copy shall be returned to the applicant. The set of documents on file with the Town Clerk shall bear the endorsement of the SPGA and certification that copies of the decision and related plans have been filed in accordance with this section.
- G. Time schedule. A special permit shall only be issued following a public hearing held within 65 days after the SPGA receives the application from the Town Clerk. The SPGA shall act within 90 days following the public hearing. Failure of the SPGA to make final action upon an application for a special permit within said ninety-day period shall be deemed to be a granting of the special permit applied for.

§ 450-8.3. Special permit criteria.

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

- A. The specific site must be an appropriate location for the use, structure or condition.
- B. The use as developed will not adversely affect the neighborhood.
- C. There will be no nuisances, such as noise etc., or safety hazards created.
- D. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- E. Appropriate screening by walls, fences, planting or other devices shall be provided for parking areas.
- F. Exterior features or appearance will not be detrimental to the surrounding neighborhood.
- G. Number and design of access drives and traffic features shall be adequate for intended use.
- H. Uses must be in harmony with the general purpose and intent of the Zoning Bylaws.
- I. All required state and local licenses must be acquired and kept current. Failure to meet this criterion is grounds for revocation of the special permit by the special permit granting authority. **[Added 6-15-2021]**

§ 450-8.4. Earth removal operations.

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

- A. The removal, from any site, for profit or benefit or for any other purpose, of gravel, sand, loam or any other earth material, provided: **[Amended 4-12-2022]**
 - (1) No material is removed below the average grade of the nearest public or private way.
 - (2) No adverse effect is caused within abutting private or public property.

- (3) At the conclusion of the operation or of any substantial portion thereof, the whole area where removal takes place shall be covered with not less than four inches of loam and seeded with suitable cover crop.
- (4) The applicant for such special permit shall submit a plan to the SPGA indicating:
 - (a) Existing grades in the area from which the above material is to be removed, together with finished grades at the conclusion of the operation with grade contour intervals shown at no more than two feet.
 - (b) The provision for proper drainage of the area of the operation, both during the operation and after its completion.
 - (c) That no bank or cut shall exceed a slope of one foot of vertical rise in two feet of horizontal distance.
 - (d) The grades of the nearest public or private way.
 - (e) The grades within any abutting private or public property.

Such plan shall be signed and sealed by a professional engineer in conformity with applicable laws of the commonwealth.

- (5) In any district, gravel, sand, loam or other earth material may be removed from the area covered by a building or other construction operation, as evidenced by a current and valid building permit, provided that if such material is removed from the site in consideration of profit or benefit or for any other purpose, a special permit is required. In the area affected by such operation, no less than four inches of loam shall remain, or be brought in and spread, and provided that the entire open area disturbed is seeded with a suitable cover crop. Filled areas shall be properly drained and covered in the same manner. **[Amended 4-12-2022]**
 - (6) Removal of gravel, sand, loam or other earth material from any portion of any premises which is not part of a building or construction operation as evidenced by a current and valid building permit shall be prohibited unless allowed by the issuance of a special permit in accordance with the foregoing procedure. **[Amended 4-12-2022]**
- B. The following earth removal operations are exempt from the requirements of Subsection A:
- (1) Residential driveway construction.
 - (2) Single-house lot development which involves the removal of earth materials. **[Amended 4-12-2022]**
 - (3) Earth removal operations conducted by the Town of East Longmeadow.
 - (4) Portable wood-working mills and machinery, while operating exclusively upon timber being removed from the property upon which said mills and machinery are located and operated for commercial gain, provided that the disposal and disposition of the debris left after such operation is conducted in accordance with applicable Massachusetts General Laws.

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

In Residence Districts, family home day-care may be allowed by special permit. The SPGA shall not grant

or renew a special permit for the use, construction, extension or modification of a family home day-care unless:

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

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

- A. In Residence Districts, the SPGA shall not grant or renew a special permit for the use, construction, extension or modification of a hospital, sanitarium, medical clinic, convalescent home, assisted-living facility, congregate elderly and handicapped housing or nursing home unless the standard conditions enumerated in § 450-8.3 are met and unless the following specific standards and conditions are also met:
- B. A plan of development shall be submitted to the SPGA for review, and such plan must be approved by said SPGA before a building permit shall be issued. The SPGA, in reviewing such plan, shall obtain and consider the recommendations of the various Town boards and commissions. In review of such plan, the following standards shall be met:
 - (1) The proposed uses should complement and be in harmony with the existing and probable future character of the neighborhood.
 - (2) Main and accessory buildings shall be located in relation to one another and in relation to other structures in the vicinity to provide efficient pedestrian and vehicular access and circulation, and to create harmonious appearance. No building shall be built within 50 feet of any property line.
 - (3) The plan of development shall show a twenty-foot landscaped buffer zone between buildings, roads, parking areas and any other adjacent property.
 - (4) The plan shall provide, within the site, efficient traffic circulation and adequate parking (amount, location and access). The plan of development shall not create excessive traffic load or circulation problems on existing adjacent or nearby streets.
 - (5) Sufficient domestic water and sanitary sewage disposal facilities shall be available.
 - (6) The development shall be designed so as to protect adjacent property and the neighborhood in general from detrimental effects.
 - (7) The proposed use is essential or desirable to the public convenience or welfare.
 - (8) Compliance with local, state and federal laws and regulations or agencies thereof.
 - (9) The special permit granting authority may require any additional information needed to permit a thorough review.

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

In the Business District, used car lots may be allowed by special permit. The SPGA may issue a special permit allowing buildings, structures or land to be used for the sale of, and storage for sale of, used

motor vehicles. Issuance of said special permit shall be subject to the general standards and conditions enumerated in § 450-8.3 and the following provisions:

- A. This use will only be allowed in a Business District, as indicated on the Zoning Districts Map identified in § 450-2.1.
- B. The lot shall have a minimum of 20,000 square feet with a minimum of 150 feet frontage on an accepted way.
- C. Not more than 75% of the lot shall be occupied by buildings, parking area or other facilities. At least 25% of the lot area shall be left as green open space.
- D. Buildings, structures or any of their appurtenances or accessory uses shall hereafter be erected not less than 100 feet from any Residence District. Such buildings shall have no entrances or exits for motor vehicles within a radius of 300 feet measured from the nearest point of such entrances or exits in any direction to the property of any school, library, church, playground, public building, park, recreation center, social or community center or any institution for the sick, handicapped or feeble. No building, structure or any of their appurtenances or accessory uses shall be placed so that their entrances or exits constitute a potential traffic hazard, and such entrances and exits to public ways of the Town of East Longmeadow shall be approved by the Department of Public Works as to locations and construction, and approved by the Planning Board as to their conformity with the intent and purpose of this bylaw. A plot plan for any such use as described herein shall be reviewed by the Town Manager and the Department of Public Works prior to the issuance of a building permit or the occupancy or use of land for the purpose described in this section.
- E. No part of any building or structure shall be erected or altered so as to be less than 25 feet from the street line. Side yards and a rear yard shall not be required for a business building or structure, except as required in Subsection D above. The 15 feet of such rear or side yard nearest to the Residence District shall be left as a natural wooded buffer, or if none exists, shall be landscaped by providing trees, shrubs or fencing to provide a practical buffer between the two districts. The establishment of this buffer strip shall be an integral part of any required parking plan.
- F. Building area shall not exceed 25% of the lot area. Plot plans must be submitted to the Planning Board for approval of parking provisions in all cases, and to the Department of Public Works in accordance with the General Bylaw of the Town of East Longmeadow, Chapter 416, Vehicles and Traffic, § 416-3, where applicable.
- G. Off-street parking shall be provided and shall meet the requirements of § 450-5.6 of the Zoning Bylaw.

§ 450-8.8. Home-based trade.

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

- A. This use will only be allowed in Residence Districts AA, A, B and C.
- B. Any person wishing to obtain a special permit for this limited use must present satisfactory

documentation, as determined by the SPGA, which validates the applicant's ownership of and residence at the property and business existence and operation in the residential district as of the date of the first public notice for the public hearing for this section, which is January 28, 2008. Documentation may include, but is not limited to, paid excise tax bills on the business vehicles validating existence at the residential site.

- C. These specific uses will terminate upon the termination of the existing operation as approved and permitted or upon the sale of the property to a non-family member. Said business is not transferable to anyone other than an immediate family member as defined in Article XI of this bylaw.
- D. All eligible applications for special permit for this limited use must be filed with the Planning Board office on or before December 31, 2008.
- E. The special permit application shall include a site plan designating lot size, existing structures, vehicle/parking footprint, storage area, vehicle access and egress from the rear property and placement of required screening. "Vehicle" references throughout this section refers to home-based trade vehicles, unless otherwise specified. All dimensional regulations (Table 3-2³³) for residential districts remain in effect for residential parcels acquiring a home-based trade. All vehicles and trailers are to be listed as to type and size, as well as any outside storage of equipment and wheeled accessories (see Article XI, Definitions, "trailer" and "wheeled accessory"). All materials and chemicals as well as all hazardous materials are to be listed and in compliance with the East Longmeadow Zoning Bylaws and the East Longmeadow Fire Department regulations.
- F. Outside storage of materials or equipment required by the home-based trade shall not exceed 6% of the lot size, excluding wetland resource areas as defined by the Wetland Protection Act (MGL c. 131, § 40). Said storage shall be garaged or properly screened from sight of abutting properties and ways (as determined by the SPGA) to the rear of the principal building. Storage containers and trailer beds and/or trailer bodies shall not be permitted.
- G. Not more than 20% of the habitable floor area within the principal building shall be dedicated for the business use. Said area is to be designated on a site plan approved by the SPGA and made a part of said special permit.
- H. The number of employees' vehicles allowed at the residential home-based trade business location shall be limited to the number of trade vehicles permitted on the site, as conditioned by the special permit.
- I. No retail or wholesale activities shall be allowed on the premises.
- J. No fabrication of subassemblies or manufacturing of any type shall be allowed on the lot.
- K. No signage (other than logos on company vehicles) shall be allowed.
- L. Presence of the business shall not be apparent from the street.
- M. The hours of operation shall be permitted from 7:00 a.m. to 8:00 p.m., Monday through Saturday, to get crews and material off-site in the morning and return in the evening, with all work being performed off-site, with no operation on-site on Sunday. Emergencies and/or weather responses involving the health and welfare of the citizens are exempt from the conditions of this subsection. Said emergencies shall be determined by the SPGA.

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

- N. Noise regulations enumerated in the East Longmeadow General Bylaws Chapter 363, Noise, shall be applicable to any special permit issued under this section. Vehicles with back-up signal alarms shall be placed so as not to activate during the early morning or late night hours in the case of emergency and/or weather responses.
- O. Idling of vehicles shall not exceed the five-minute maximum limit as regulated by MGL c. 90, § 16A.
- P. Vehicle and equipment repairs are limited to those that are related to the home-based trade and approved for the site as conditioned through the special permit. All repairs are to be done only within a garage or accessory structure, not to cause any disturbing noise or air pollution to the neighborhood. As required by Chapter 363, Noise, of the East Longmeadow General Bylaws, repairs shall take place between the hours of 7:00 a.m. to 8:00 p.m., Monday through Saturday, with no activity on Sunday.
- Q. The number of trade vehicles and/or trailers shall be limited as follows:

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

- R. The size of trade vehicles shall be limited to six wheels/two axles maximum. The maximum wheel base length shall be 210 inches, and the maximum trailer bed and/or body length shall not exceed 22 feet in length, nor exceed 13 feet six inches in height, as regulated by the Department of Transportation. Ten-wheeled vehicles, dry van/box trucks or any tractor-trailer vehicles are not permitted.
- S. The vehicle footprint for trade vehicles and/or trailers is as follows: All vehicles and/or trailers shall be located to the rear of the principal building and said location shall adhere to the established setbacks of the principal building, as required for the appropriate residential district in which the home-based trade is located. In the case of a corner lot, the side yard facing a public way shall adhere to the front yard setback. (See Article XI, Definitions, "corner lot.")
- T. All vehicles must be garaged and/or screened to the rear of the principal building. No on-street parking, as it relates to the home-based trade, shall be allowed. The parking of employee vehicles is limited to the number of trade vehicles, exclusive of trailers, approved for the site. When trade vehicles are in use, the trade vehicle footprint may be occupied with employee vehicles. The footprint for employee parking shall not exceed the footprint for trade vehicles, as approved through the special permit and shown on the plan.
- U. All vehicles, equipment and storage materials must be screened to prevent being seen from street view and that of the abutting properties. All storage, which includes vehicles and equipment, is to be properly screened to the rear of the principal building. Screening is subject to existing features of the parcel and may include plantings at four feet to five feet minimum, fence material, or some combination. Should fencing be required, it must be installed at the time of the special permit approval.

- V. A preexisting, legal and nonconforming use in existence prior to the East Longmeadow Zoning Bylaw, 1962, is protected in that use and not subject to § 450-8.8. Any change in this use is subject to the conditions of § 450-3.5 of the East Longmeadow Zoning Bylaw.

§ 450-8.9. Massage therapist facilities.

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

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

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

- (a) The name and address of each owner of the facility;
 - (b) Copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;
 - (c) Evidence of the applicant's right to use the site or structure, such as a deed or lease;
 - (d) If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers or other similarly situated individuals and entities and their addresses. If any of the above are entities rather than persons, the applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;
 - (e) Proposed security measures for the RMD, including lighting, fencing, gates and alarms, etc. to ensure the safety of persons and to protect the premises from theft; and
 - (f) A full site plan showing all the requirements listed in Article IX.
- (4) Mandatory findings. The special permit granting authority shall not issue a special permit for an RMD unless it finds that:
- (a) The facility is designed to minimize any adverse visual or economic impact on abutters and other parties in interest (as defined in MGL c. 40A, § 11);
 - (b) The facility is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all applicable state laws and regulations;
 - (c) The applicant has satisfied all of the conditions and requirements of § 450-6.3 of this bylaw; and
 - (d) The applicant has satisfied all of the special permit requirements as outlined in §§ 450-8.1, 450-8.2 and 450-8.3.
- (5) Annual reporting. Each RMD permitted under this bylaw shall, as a condition of its special permit, file an annual report to and appear before the special permit granting authority no later than January 1 of each year, providing a copy of all current applicable state licenses for the facility and/or its owners.
- (6) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership of the premises as an RMD.
- (7) Any violation of this section shall be grounds for revocation of a special permit issued under this section.
- B. Waiver. The special permit granting authority, when granting a special permit under this section, may waive setback requirements, provided the applicant submits its request in writing and can demonstrate the proposed site will not have an adverse effect upon the surrounding neighborhood. The special permit granting authority reserves the authority to require the applicant to produce necessary documentation to support its position. Further, a waiver of setback requirements shall require both the affirmative vote of 3/4 of all the members of the special permit granting authority and shall require a separate vote apart from the main vote on the proposed site.
- C. Abandonment or discontinuance of use.

- (1) A special permit granted under this section shall lapse if not exercised within one year of issuance.
- (2) An RMD shall be required to remove all materials, plants, equipment and other paraphernalia:
 - (a) Prior to surrendering its state-issued licenses or permits; and
 - (b) Within six months of ceasing operations.

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

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

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

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

- A. Adult uses may not be located:
 - (1) Within 1,000 feet of each other;
 - (2) Within 1,000 feet of the nearest lot line of a residential district;
 - (3) Within 1,000 feet of a place of worship;
 - (4) Within 1,000 feet of a school property line or other nonprofit educational use, library or museum;
 - (5) Within 1,000 feet of a playground or a park.
- B. Signage must meet all requirements of § 450-5.8 of this bylaw, except that no advertisement, display or other promotional material is to be visible to the public from any public way, including but not

limited to pedestrian walkways.

- C. If the adult use allows for the showing of films or videos within the premises, the booths in which the films or videos are viewed shall not be closed off by curtains, doors or screens or any other materials. All shall be clearly seen from the center of the establishment.
- D. The application for the special permit shall contain the following:
 - (1) Names and address of the legal owner of the establishment;
 - (2) Name and address of all persons having a lawful, equity or security interest in the establishment;
 - (3) A sworn statement must be provided stating that neither the applicant nor any person having an equity or security interest in the establishment has been convicted of violating MGL c. 119, § 63 or MGL c. 272, § 28.
 - (4) Propose security precautions.
 - (5) The number of employees.
- E. No special permit shall be issued under this section to any person convicted of violating MGL c. 119, § 63 or MGL c. 272, § 28.
- F. For the purpose of this bylaw, the term "substantial or significant portion" (See Article XI, "adult use" definitions.) shall mean 10% or more of gross sales for an adult bookstore, adult video store and adult paraphernalia store; and any form or amount of nudity for an adult club.
- G. No obscene matter, material or conduct, as defined in MGL c. 272, § 31, shall be permitted.
- H. Should any provision of this section be declared illegal or unenforceable by the Attorney General or an appeals court, then it shall be deemed stricken from the bylaw and the remaining provisions shall remain in full force and effect.

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

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

§ 450-8.14. Floodplain District.

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

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

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

ARTICLE IX
Site Plan Review

§ 450-9.1. Purpose. [Amended 11-14-2023]

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

§ 450-9.2. Design review.

A. Purpose.

- (1) It is the intent of this section to provide design criteria and recommendations for external development and/or modification of all nonresidential development projects in an effort to maintain and enhance the character of the Town. The goal is to enhance the natural and aesthetic qualities of the Town; to preserve the value of land and buildings; and to protect and preserve the cultural aspects and heritage of the Town. In addition, specific purposes of design review are intended to:
 - (a) Maintain and enhance existing buildings which have historical and architectural significance.
 - (b) Protect existing historical buildings from deterioration and demolition.
 - (c) Foster new development that is aesthetically compatible with existing buildings and infrastructure.
 - (d) Encourage and assist building owners to restore and rehabilitate existing buildings.
 - (e) Encourage originality and creativity in the design and remodeling of existing buildings.
 - (f) Maintain and enhance the appearance and size of signage, new and existing.
- (2) All submitted plans are subject to the requirements of the East Longmeadow Zoning Bylaws.

B. Design Review Committee.

- (1) The Design Review Committee shall be appointed by the Planning Board, to serve for a period of three years, with member rotation every three years after the initial two-year period, and consist of five members with the following credentials, if possible: **[Amended 11-14-2023]**
 - (a) Planning Director (to serve as Committee Chair);
 - (b) One person qualified by training and experience in architecture or landscape design;
 - (c) One person owning and/or operating a business located in East Longmeadow governed by this bylaw;
 - (d) One "at-large" resident of the Town; and

- (e) One member of the Board of Directors of the East Longmeadow Chamber of Commerce.
 - (2) The Planning Board may also appoint up to two voting alternate members, at least one of whom shall be a business owner representing the Business District. In the event that a quorum is not obtained, a member of the Planning Board may participate as a voting member.
 - (3) The Design Review Committee shall review applications for all actions that are subject to the provisions of this article and shall make recommendation to the Planning Board, prior to the public hearing for site plan review, as to the conformance with the design standards established within this section. The Planning Board shall retain overall responsibility and authority for design review approval.
- C. Applicability and reviewable actions.
- (1) Design review shall apply to all nonresidential proposals to construct new, or change, alter, modify, remodel, move or demolish any and all existing structures or signs, excluding interior modifications. The Industrial Garden Park District is exempt from this review.
 - (2) For external enlargements of less than 2,000 square feet, the Planning Board may request a determination from the Design Review Committee prior to waiving any or all of the site plan review requirements.
- D. Initiating design review.
- (1) The Planning Director 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: **[Amended 11-14-2023]**
 - (a) Color photographs showing buildings and site conditions adjacent to the proposed project.
 - (b) Building elevations at 1/8 inch equals one foot scale showing configuration, details and adjacent site/building conditions. All elevations are to be titled and dated. Eight copies are to be provided.
 - (c) Samples of finish materials.
 - (d) Study model of the proposed project (three-dimensional for major projects only as requested by the Design Review Committee).
 - (e) Site line study indicating concealment of rooftop mechanical equipment from the street, if applicable.
 - (f) Site development plan and architectural drawings specifying:
 - [1] The building footprint and dimensions, including all points of access and egress;
 - [2] Plans of interior spaces where applicable in order to determine dual formulas for parking requirements when affected by use;
 - [3] Architectural rendering specifying exterior elevations showing finish materials, windows, doors, light fixtures, stairways, balconies, decks and architectural details. The elevations shall be provided for all affected exterior surfaces;
 - [4] Exterior lighting on the proposed building, including the location, size;

- [5] Method of illumination of all exterior signs;
 - [6] Location of areas to be landscaped; and
 - [7] Location of garbage disposal area and utility appurtenances, if visible.
- (2) The Design Review Committee shall review the proposed plan according to the criteria established herein. The Committee shall complete its review within 21 days of the date of receipt of a completed application and shall make its recommendation within 14 days thereafter. Should the Design Review Committee not provide comments within 35 days, the Planning Board shall assume responsibility for design review determination. The Committee's recommendations shall be in writing and state the reasons relied upon in reaching its decision.

E. Design standards.

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

historic features with original storefront elements and facade detailing.

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

§ 450-9.3. Projects requiring site plan review. [Amended 11-14-2023]

A. Projects requiring site plan review:

- (1) Any change in use of the subject building or unit from its most recent use determined to cause an increase to the number of required parking spaces by 10 or more parking spaces, in accordance with § 450-5.6;
- (2) The construction or exterior expansion of any structure or building, with the exception of single-family residential dwellings;
- (3) The expansion of any parking lot by 10 or more parking spaces;
- (4) The construction or exterior expansion of any educational institution or religious institution;
- (5) Any other use specified in Table 3-1, Schedule of Use Regulations, which indicates that site plan review is required, unless the use is locating in an existing structure and no additions to the structure are to be undertaken and the Planning Director determines no additional parking will be required to conform to the parking requirements outlined in Article V of the Zoning Bylaw (§ 450-5.6).
- (6) Where a use is allowed with only site plan review and no special permit is required, the use shall be approved if it satisfies the criteria in this Article IX.
- (7) Any use that requires a special permit as specified in the Use Regulations Schedule, in which case a single review and approval process shall be conducted, as provided in § 450-8.2A.

B. No special permit or building permit shall be applied for or issued for any of the above uses unless a site plan has been endorsed by the Planning Board, after consultation with other boards, including but not limited to the following: Building Commissioner, Board of Health, Town Engineer, Conservation Commission, DPW Superintendent, Fire Department and Police Department.

C. Site plan review for any use exempt from zoning under MGL c. 40A is for the purpose of ensuring compliance with reasonable regulations as related to parking, open spaces, building height, and building setbacks requirements as provided for in MGL c. 40A.

D. Waiver permitted. The Planning Board may grant a full waiver for all requirements of site plan review/approval for the following:

- (1) New construction under 1,000 square feet; and
- (2) Exterior expansions, provided that the expansion is less than 25% of the existing floor area of the structure. Where the structure is part of a complex consisting of multiple buildings functioning as a single facility, the sum of the total square footage of all structures comprising the complex may be used to determine the threshold for such a waiver.

E. Finding required. Prior to granting any waiver of site plan review/approval, the Planning Board must

make a finding that the Board determines the proposed development with the requested waiver(s) will have a de minimis impact relative to the criteria set forth in §§ 450-9.7 and 450-9.8.

§ 450-9.4. Contents of site plan.

- A. A site plan shall be prepared by a registered professional engineer and/or a registered land surveyor at a scale of one inch equals 20 feet or such scale as may be approved by the Planning Board on standard 24 inches by 36 inches sheets and continuation on 8 1/2 inches by 11 inches sheets as necessary for narrative. The site plan shall include:
- (1) Name of the project, locus, boundaries, date and scale of the plan.
 - (2) Name and address of the record owner, developer and seal of the engineer or surveyor.
 - (3) Name and addresses of all record owners within 300 feet of the property lines.
 - (4) All existing lot lines, easements, rights-of-way, size in acres or square feet, abutting land uses and location and use of structures within 300 feet of the site.
 - (5) The location and use of all existing and proposed buildings and structures within the site plan, including dimensions and height, and showing exterior entrances, exits and all anticipated future additions or alterations, and a rendering of buildings to be constructed. The requirements of this subsection do not apply to residential developments.
 - (6) Location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, buffers for screening purposes, paths, landscaping, lighting fixtures, planting areas, walls, signs, service areas, refuse and other waste disposal containers.
 - (7) Location of all present and proposed utility systems, including sewage or septic systems, water supply system, existing and proposed surface and subsurface drainage systems, telephone, cable and electric lines. Storm drainage systems will include existing and proposed drain lines, culverts, drainage swales, catch basins, headwalls, end walls, hydrants, manholes, channels and subdrainage, along with soil logs, percolation tests when necessary, and drainage calculations. The applicant shall submit plans to prevent the pollution of surface water or groundwater, erosion of soil, excessive run-off of precipitation, excessive raising or lowering of the water table and flooding of other properties. **[Amended 4-12-2022]**
 - (8) Existing and proposed topography at a two-foot contour level. Sufficient information to indicate areas in the site and within 50 feet of the site where gravel removal or filling is proposed and the approximate volume in cubic yards. All elevations shall refer to the nearest United States Coastal and Geodetic Survey benchmark.
 - (9) A landscape plan showing all existing natural land features, forest coverage and water sources, and all proposed changes to these features. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
 - (10) Zoning district boundaries within 500 feet of the site's perimeter shall be drawn and identified on the plan. Floodplain boundaries and the square feet within this district shall be shown.
 - (11) Existing and proposed business signs and traffic signs located on the site and within 100 feet of the site, and the size, dimension, height, color and illumination of all signs.
 - (12) A traffic study to include:

- (a) Traffic flow patterns within the site, egresses and entrances, loading and unloading areas, and curb cuts on site and within 100 feet of the site.
 - (b) Traffic impact: The projected number of motor vehicle trips to enter or depart from the site shall be estimated for daily-hour and peak-hour traffic levels.
 - (c) A projected traffic flow pattern for both vehicular and pedestrian access shall be described and related to the site plan, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.
 - (d) The impact of this traffic upon existing abutting public and private ways in relation to road capacities. Existing and proposed daily hour and peak hour traffic levels will be given and road capacity levels.
 - (e) As a result of items in Subsection A(12)(a) through (d) above, the Planning Board may request a plan to implement the improvements needed to provide for the free flow of traffic in areas surrounding the site and identified by the Planning Board as impacted by the proposed uses.
- (13) A plan for the control of erosion, dust and silt, both during and after construction. Such plan shall include all existing and proposed slopes, construction sequencing, temporary and permanent erosion control and protection of water bodies.
- (14) For alterations to any existing or new business/commercial/industrial uses, a table containing the following information:
- (a) Maximum area of building to be used for selling, offices, business, industrial or other uses.
 - (b) Maximum number of employees, where applicable.
 - (c) Maximum seating capacity, where applicable.
 - (d) Number of parking spaces existing or required for the intended use, based on § 450-5.6 of the bylaw.
- B. The Planning Board shall have the right to waive any of the above items under unique site conditions or request any additional data it should need to render its decision. A Request for Waiver (Form W) must be submitted for each requested requirement waiver; unless an applicant is requesting the full site plan review be waived, the Site Plan Review (Form SITE) must be submitted, indicating such request. A majority vote of the Planning Board would be required to waive any of the site plan requirements. **[Amended 11-14-2023]**

§ 450-9.5. Review procedure. [Amended 11-14-2023]

- A. Each application for site plan review shall be submitted to the Planning and Community Development Department on Form SITE, accompanied by two hard copies of the site plan and complete application and one electronic pdf version of the same. A copy of the complete application Form SITE shall be concurrently filed with the Town Clerk by the applicant.
- B. The Planning Director shall, upon receipt of complete application and no later than two business days of the established submittal deadline, transmit electronic copy of the complete application material and site plan to the Building Commissioner, Director of Public Health, Conservation Commission, Public Works Superintendent, Town Engineer, Water and Sewer Administrator, Fire Department and

Police Department. These departments shall have 14 calendar days to provide comment to the Planning Board, prior to the meeting.

- C. All applications for site plan review must include payment of the application fee specified in § 500-10, Planning and Community Development Department fees, fines and penalties. The cost of advertising the public hearing is to be paid by the applicant.
- D. The Planning Board may hire, at the expense of the applicant, independent consultants to review the plans and application materials submitted, or require new application materials completed by independent consultants be submitted, if it determines expert review is appropriate for the interest of the neighborhood and/or community. In such event, the Planning Director shall:
 - (1) Select an expert independent consultant to perform the review and determine a scope of services agreeable to the Planning Board and the applicant.
 - (2) Require the applicant pay the estimated cost of said expert to the Town Collector/Treasurer prior the any review being undertaken. No site plan shall be approved until the total cost of said review has been paid by the applicant. Any excess of deposit, shall be returned to the applicant upon completion of the review.
- E. Expiration.
 - (1) A site plan approval granted under this section shall lapse after a period of one year has passed if substantial use has not sooner commenced, except for good cause, or, in the case of permit for construction, if construction has not begun by such date, except for good cause. This period shall not include such time required to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17.

§ 450-9.6. Administration.

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

§ 450-9.7. Standards for review.

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

- A. Protection of the abutting properties and community to minimize any detrimental use of the site.
- B. Convenience and safety of vehicular and pedestrian movement within the site and the relationship to adjoining ways and properties.
- C. Adequacy of the methods of disposal of sewage and refuse and the drainage of surface and subsurface water.
- D. Adequate means of protecting wetlands, watersheds, aquifers and well areas.
- E. Provisions for off-street loading and unloading of vehicles incidental to the normal operation of the establishment, parking, lighting and internal traffic control.
- F. Provision of open space consistent with Town Master Plan Concepts.
- G. Protection of agricultural land within the proposed development and minimization and development impact on abutting agricultural land. **[Amended 4-12-2022]**
- H. The layout of design features, such as vegetative buffers, within developments which will integrate into the existing landscape.
- I. Consistency of the proposed development with the Town Master Plan Concepts.
- J. Compliance with the provision of MGL c. 40A and the Subdivision Control Law, the rules and regulations of state and federal agencies and the bylaw of the Town of East Longmeadow. **[Amended 4-12-2022]**

§ 450-9.8. Sewer and water capacity.

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

ARTICLE X

**Ground-Mounted Photovoltaic Installations
[Amended 8-11-2020; 4-12-2022]****§ 450-10.1. Purpose.**

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

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

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

of development status. Siting shall be such that the view of the solar photovoltaic installations from locations off site shall be minimal. All solar photovoltaic installations shall be fenced.

- (5) Accessory use. If installed in a residential district, all ground-mounted solar photovoltaic installations shall be considered an accessory structure to the principal use and must adhere to the setbacks specified in Chapter 450 Attachment 2, Table 3-2 of the Code, for the Town of East Longmeadow. All ground-mounted solar photovoltaic systems in residential districts shall be installed either in the side yard or rear yard to the extent practicable.

§ 450-10.3. Definitions.

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

AS-OF-RIGHT SITING — As-of-right siting shall mean that ground-mounted solar photovoltaic installations may proceed without the need for a special permit or variance in the areas so designated by Table 3-1, the Schedule of Use Regulations.³⁴

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

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

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

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

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

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

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

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

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

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

SOLAR PHOTOVOLTAIC INSTALLATION — A solar energy system that converts solar energy

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

directly into electricity through an arrangement of solar photovoltaic panels.

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

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

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

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

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

§ 450-10.6. Building permits and inspections.

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

§ 450-10.7. Fees.

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

§ 450-10.8. Site plan review and approval.

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

§ 450-10.9. Plans and maps.

- A. All plans and maps shall be prepared, stamped and signed by a registered professional engineer licensed to practice in the Commonwealth of Massachusetts.
- B. Required documents. Pursuant to the site plan review process as set forth in Article IX of the Zoning Bylaws, the project proponent shall provide the following documents:
 - (1) A site plan shall be prepared by a registered professional engineer at a scale of one inch equals 20 feet or such scale as may be approved by the Planning Board on standard 24-inch by 36-inch sheets and continuation on 8-1/2-inch by 11-inch sheets necessary for narrative. The site plan shall include:
 - (a) Name and address of project, locus, boundaries, date and scale of plan;
 - (b) Name and address of the record owner, developer and seal of the engineer;
 - (c) Names and addresses of all record owners within 300 feet of property lines;

- (d) All existing lot lines, easements, rights-of-way, size in acres or square feet, abutting land uses and location and use of structures within 300 feet of the site;
 - (e) Property lines and physical features, including roads, characteristics of vegetation (trees-mature, old growth, shrubs, open field, etc.), wetlands, streams, ledge, for the project site;
 - (f) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, driveways, snow storage, exterior lighting, screening vegetation or structures and stormwater management systems; including total acreage of disturbed area, total vegetation cleared;
 - (g) Location and details of all security measures for the site;
 - (h) Location of all existing and proposed roads, both public and private, on the site;
 - (i) Location of existing structures on the site;
 - (j) Location of the ground-mounted photovoltaic installation, type of mounting devices, access roads, lighting, ground equipment, fencing, electrical infrastructure and associated equipment;
 - (k) Plans for accessory buildings or other structures, and location and details of all planned security measures;
 - (l) All existing overhead utility lines, if applicable;
 - (m) Blueprints or drawings of the solar photovoltaic installation signed by a registered professional engineer licensed to practice in the Commonwealth of Massachusetts, showing the proposed layout of the system and any potential shading from nearby structures;
 - (n) One- or three-line electrical diagrams detailing the solar photovoltaic installation, associated components and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - (o) Documentation of the major system components to be used, including the PV panels, mounting system and inverter;
 - (p) Name, address and contact information for proposed system installer;
 - (q) Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; and
 - (r) Name, contact information and signature of any agents representing the project proponent.
 - (s) Trees with a DBH of 20 inches or greater within project parcel(s) shall be identified to determine tree loss, along with inventorying of diseased or hazard trees slated to be removed due to proposed development.
- (2) Documentation establishing legal access and control of the project site. The project proponent shall submit documentation of actual or prospective ownership, access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation to the Planning Board and the Building Commissioner.
- (3) Operation and maintenance plan. The project proponent shall submit a plan to the Planning

Board for the operation and maintenance of the ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.

- (4) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a Zoning Map with the parcel(s) identified is suitable for this purpose).
 - (5) Description of financial surety that satisfies § 450-10.17C.
 - (6) Proof of liability insurance in the amount of \$5,000,000 or greater coverage.
 - (7) Pre-Construction photos from the right-of-way and nearest abutters. These photos shall include tree coverage.
 - (8) Visualization of post-construction solar photovoltaic installation development, including perspectives from right(s)-of-way, nearest abutting properties or residential structures, and tree coverage.
- C. The Planning Board may hire, at the expense of the applicant, consultants to review the plans submitted if it determines independent expert review is appropriate for the interest of the neighborhood and/or the community. In such event, the Planning Board shall select an expert to perform the review. The applicant shall pay the estimated cost of said expert to the Town Collector/Treasurer prior to any review being undertaken. No site plan shall be approved until the total cost of said review has been paid by the applicant.
- D. The Planning Board may waive the submittal of various required documents for cause established in the site plan review record and its written finding that the documents are not necessary for the Planning Board to perform the review set forth herein.

§ 450-10.10. Utility notification.

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

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

- A. Medium-scale ground-mounted solar photovoltaic installations within the Commercial, Business and Residential Districts shall be roof-mounted, parking canopy or ground-mounted as accessory use to an allowable use only.
- B. Large-scale ground-mounted solar photovoltaic installations within the Commercial, Business and Residential Districts shall be roof-mounted, parking canopy or ground-mounted as accessory use to an allowable use only.
- C. Setbacks. Medium- and large-scale ground-mounted solar photovoltaic installation front, side and rear setbacks shall be as follows:
 - (1) Front yard. The front yard shall have a depth that is consistent with the existing requirements of the district where it is located.
 - (2) Side yard. Each side yard shall have a depth that is consistent with the existing requirements of

the district where it is located, unless said site is within or abuts a residential district or a residence. Where such a lot is within or abuts a residential district or a residence, the side yard shall not be less than 50 feet. (See also § 450-10.12, Buffer strips.)

- (3) Rear yard. Each rear yard shall have a depth that is consistent with the existing requirements of the district where it is located. Where such a lot is within or abuts a residential district or a residence, the rear yard shall not be less than 50 feet. (See also § 450-10.12, Buffer strips.)
- D. Lot coverage. Lot coverage shall be the same as allowed in the district in which it is to be located.
- E. Height.
- (1) The height must be measured by the elevation of the landscape; and no mounds will be allowed to change that elevation other than those allowed for the planting of trees in the buffer strip.
 - (2) For all ground-mounted solar photovoltaic installations within or abutting a residential district or a residence, the height will be limited to 15 feet.
 - (3) For all other ground-mounted solar photovoltaic installations, the height will be limited to 25 feet.

§ 450-10.12. Buffer strips.

- A. For medium- and large-scale ground-mounted solar photovoltaic installations within or abutting a residential district or a residence, the 50-foot setback for either side or rear yards shall consist of 25 feet of a landscaped buffer. Said buffer is to consist of plantings a minimum of six feet in height at planting and staggered so as to fill that 25-foot buffer area and keep the arrays from view year-round.
- B. Every abutting property shall be visually screened from the project area through any one or combination of the following: location, distance, plantings, existing vegetation and fencing (not to exceed six feet in height).

§ 450-10.13. Appurtenant structures.

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

§ 450-10.14. Design and performance standards.

- A. Lighting. Lighting of solar photovoltaic installations shall comply with applicable laws. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties. Lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full-cut-off fixtures to reduce light pollution and shall not shine on abutting property. Any lighting on the site will require submittal of a lighting plan and written approval from the Planning Board with recommendations from the Fire and Police Departments.
- B. Signage.

- (1) Signs on all ground-mounted solar photovoltaic installations shall identify the owner and provide a 24-hour emergency contact phone number. Said signage shall not exceed six square feet and shall be visible at all times.
 - (2) Solar photovoltaic installations shall not be used for displaying any advertising except for identification of the operator or responsible person of the solar photovoltaic installation.
- C. Utility connections. All utility connections from the solar photovoltaic installations shall be placed underground. However, depending on appropriate soil conditions, shape and topography of the site and any requirements of the utility provider, the applicant may seek relief from this requirement from the Planning Board. Electrical transformers for utility interconnections may be above ground if required by the utility provider; however, placement on the site must be approved as part of its existing standard procedures.
- D. Roads. Access roads shall be constructed to minimize grading, removal of stone walls or street trees and minimize impacts to environmental or historic resources.
- E. Hazardous materials. Hazardous materials stored, used or generated on-site shall not exceed the amount for a very-small-quantity generator of hazardous waste as defined by the DEP pursuant to MassDEP regulations, 310 CMR 30.000, or any amendment or replacement, and shall meet all requirements of the DEP, including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the solar electric equipment, then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required. A full inspection report establishing compliance prepared by the Fire Department will be required before the site plan can be approved.
- F. Noise. Sound or noise levels may not exceed 50 DBA at the boundary of the property.
- G. Pollinator-friendly certification. No large-scale solar photovoltaic installation shall be constructed until proof has been given to the Planning Board that the project proponent has obtained pollinator-friendly certification for the solar photovoltaic installation through the UMass Clean Energy Extension Pollinator-Certification Program at a minimum of the silver certification level, or other equivalent certification as determined by the Planning Board. This certification must be maintained throughout the life of the installation.
- H. Daytime visual distraction. All ground-mounted solar photovoltaic installations must be positioned to minimize glare on any residence or public way and must not create a visual obstruction on a public roadway, such as blocking the sight-line of intersections or creating blind curves. The applicant should submit ratings and technical specifications for the solar panels to ensure minimal reflectivity.

§ 450-10.15. Safety and environmental standards.

- A. Emergency services. The ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic and site plan to the East Longmeadow Fire Chief. Upon request from the East Longmeadow Fire Chief, the owner or operator shall cooperate with local emergency services in developing an emergency response plan and provide a copy to the Fire Department. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- B. Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation shall be limited to what

is necessary for the construction, operation and maintenance of the ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations and bylaws, including any requirements of the Conservation Commission.

- C. Fencing. A chain-link fence no more than one-quarter solid shall be installed around the installation at the setback line with a gate that is locked, at all times, which lock is to be approved by the Fire Department. The Fire and Police Departments shall have 24-hour access to the site. There shall be a gap along the bottom of the fence that complies with UMass Clean Energy Extension Pollinator-Friendly Certification Program standards, in order to allow for wildlife crossing under fence.

§ 450-10.16. Monitoring and maintenance.

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

§ 450-10.17. Abandonment or decommissioning.

- A. Removal requirements. Any ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Subsection B of this section shall be removed. The owner or operator shall physically remove the installation no more than 90 days after the date of discontinued operations or determination of the Building Commissioner that the installation is not being actively used for meaningful solar photovoltaic generation. The owner or operator shall notify the Building Commissioner, with a copy to the Planning Board, by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 - (1) Physical removal of all ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - (2) Disposal of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
 - (3) Stabilization or revegetation of the site as necessary to minimize erosion. The Building Commissioner may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

- B. Abandonment. Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than six months without the written consent of the Planning Board. If the owner or operator of the ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 90 days of abandonment or the proposed date of decommissioning, the Town may seek an order from an appropriate court to enter the property and physically remove the installation, at a cost to the owner or operator of the installation, and use the bond money being held and/or place a municipal charges lien on the property for the costs of removal, site restoration and all other related costs, including attorney fees if not covered by the cash bond being held by the Town.
- C. Financial surety. Prior to any construction, petitioners of large-scale ground-mounted solar photovoltaic installations shall provide surety in a cash bond, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount determined to be reasonable by the Planning Board, but in no event to exceed more than 125% of the cost of removal and compliance with the additional requirements set forth herein, as agreed upon by the project proponent and the Planning Board or its agents. Such surety will not be required for municipally or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer, which estimate must be reviewed and approved by the Planning Board or its agent. The amount shall include a mechanism for calculating increased removal costs due to inflation.

ARTICLE XI
Definitions

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

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

§ 450-11.2. Terms defined.

Unless otherwise specified in other sections of this bylaw, the following terms shall have the meanings indicated:³⁵

100-YEAR FLOOD — See "base flood."

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

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

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

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

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

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

ADULT THEATER — An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL c.

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

272, § 31.[Added 2018; amended 4-12-2022]

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

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

AFFORDABLE HOUSING — Affordable housing units are units which may only be rented or purchased by eligible households whose annual incomes, adjusted for family size, do not exceed the limits for maximum annual income for low-income households or households (80% of the median income for East Longmeadow, as calculated by the U.S. Department of Housing and Urban Development or any successor agency), and are eligible and countable for the purpose of the Commonwealth's MGL Chapter 40B Subsidized Housing Inventory (SHI), or its successor.[**Added 6-15-2021**]

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

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

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

AREA AND/OR FACILITY FOR SPORTING ACTIVITY — An area that is designed to offer athletic-type events to be viewed by a significant number of spectators, with said spectators either seated or standing, including but not limited to a professional/commercial sports stadium and/or arena, a professional/commercial ice hockey rink and/or ballpark or a hippodrome. Town sports are addressed under school, park and recreation regulations and do not apply to this section.[**Amended 4-12-2022**]

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

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

ATTACHED — Connected to or united.

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

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

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

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

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

BUFFER AREA — Except as provided in § 450-5.5 of this bylaw, a strip or strips of land densely planted (or having equal natural growth as approved by the Planning Board) with shrubs and/or trees at least four feet high at time of planting, of a type that will form year-round dense screening. Such area must be without buildings, structures, parking or other accessory uses, except that a public road right-of-way may pass through a buffer as close to 90° as possible and except for any fencing for the purposes of noise abatement, security and/or grading, as deemed appropriate by the Planning Board. **[Amended 4-12-2022]**

BUILDING — Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature. For the purpose of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature. The word "building" shall be construed, where the context requires, as though followed by the words "or part or parts thereof". A porch is to be considered as part of a building when considering setbacks. **[Amended 4-12-2022]**

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

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

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

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

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

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

COMMERCIAL GREENHOUSE — See definition of "farm business, commercial greenhouse and farm stand."

COMMERCIAL USE — Activity carried out for pecuniary gain.

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

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

CONGREGATE ELDERLY AND HANDICAPPED HOUSING — A building or buildings arranged or

used for the residence of persons aged 62 or older or for handicapped persons, as defined in Chapter 121B of the Massachusetts General Laws with some shared facilities and services. The services may include meals, housekeeping and personal care assistance.

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

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

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

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

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

COTTAGE FOOD OPERATION — A home occupation use that includes the preparation of non-potentially hazardous (i.e., low-risk) food products such as cakes, cookies, breads and confectionaries in the home kitchen of that person's primary residence for off-premises sale to the consumer including through the internet or mail order. **[Added 11-14-2023]**

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

DETACHED — Separated from.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT — For the purposes of this Zoning Bylaw, a district designates permitted uses of land based on mapped zones which separate one set of land uses from another. (See § 450-2.1, District locations and boundaries). In Article IV, Floodplain Overlay District, the word "district" applies only to the Floodplain District, as defined on maps identified within this section.

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

DWELLING FOR THE AGED — Any institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing care incident to old age to three or more persons over 60 years of age, who are not acutely ill or generally in need of medical or nursing care. **[Amended 4-12-2022]**

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

DWELLING, MULTIFAMILY — A building containing at least two dwelling units with separate sleeping, cooking and sanitary facilities.

DWELLING, SEMI-DETACHED — A single-family residential unit that is joined on one side to another

single-family residential unit and having a common wall between said units. **[Amended 4-12-2022]**

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

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

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

FAMILY — A person or a group of persons who live together as a single housekeeping unit under one head. This definition, however, does not apply to nonrelated disabled persons as defined by any applicable federal and/or state law and/or regulations.

FAMILY HOME DAY-CARE — Any private residence which, on a regular basis, receives for temporary custody and care, during part or all of the day, children under seven years of age or children under 16 years of age if such children have special needs; provided that the total number of children shall not exceed six, including participating children living in the residence. "Family home day-care" shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation. (Also see the definition of "large family home day-care".)

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

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

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

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

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

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

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

FLOOD INSURANCE STUDY — An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of

flood-related erosion hazards.

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

FLOODPLAIN, NEW CONSTRUCTION —

- A. For floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community.
- B. For the purpose of determining insurance rates, means structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

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

FLORICULTURE — The cultivation of ornamental flowering plants.

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

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

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

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

GAMING ESTABLISHMENT — An establishment whose primary function is conducting sweepstakes, lotteries or other games with cash prizes, other than games conducted by the State Lottery Commission, with the exception of nonprofit or religious organizations. **[Amended 4-12-2022]**

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

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

GREEN SPACE — Land that is partly or completely covered with grass, trees, shrubs, or other vegetation. Green space may also include parks and community gardens. **[Added 6-15-2021]**

GROSS FLOOR AREA — The aggregate of the floor areas of all stories of a building or structure, other than an attic or a cellar, excluding the floor areas of any private garage. **[Added 6-15-2021]**

GROUND SIGN — Includes any and every sign erected on or affixed to the land and any and every exterior sign that is not attached to a building.

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

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

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

HELIPORT — An area, either at ground level or elevated on a structure, licensed or approved for the landing and takeoff of helicopters, and including auxiliary facilities such as parking, fueling and maintenance equipment. **[Amended 4-12-2022]**

HIGHLY HAZARDOUS CHEMICAL —

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

(1) This definition applies to:

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

[1] Hydrocarbon fuels used solely for workplace consumption as a fuel (e.g., propane used for comfort heating, gasoline for vehicle refueling), if such fuels are not a part of a process containing another highly hazardous chemical covered by this standard;

[2] Flammable liquids stored in atmospheric tanks or transferred which are kept below their normal boiling point without benefit of chilling or refrigeration.

(2) This definition does not apply to:

- (a) Retail facilities;
- (b) Oil or gas drilling or servicing operations; or
- (c) Normally unoccupied remote facilities.

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

HOME-BASED TRADE — The incidental and secondary use of a portion of the home or accessory building thereto as a place for limited storage in connection with an off-premises trade by a homeowner and resident of the premises, as a builder, carpenter, electrician, painter, plumber, landscaper or similar

person, whose business is conducted off-site. Said use is specifically limited as set forth in § 450-8.8 of the East Longmeadow Zoning Bylaw.

HOME OCCUPATION — An occupation, trade, or profession, including a not-for-profit organization, which results in a product or service for compensation which is: 1) customarily carried on in a dwelling unit; 2) pursued by a person residing in the dwelling unit; and 3) incidental and secondary to the use of the dwelling unit for residential purposes. Such home occupations may include but are not limited to the following: office or studio of a building contractor, physician or surgeon, dentist, artist, lawyer, handicraft person, architect, professional engineer, realtor or real estate broker, insurance agent or broker, psychologist or counselor, notary public, teacher of scholastic subjects, accountant, hairdresser, beauty parlor operator, or teacher of piano. The use must conform to the standards and conditions which are shown in Table 3-1, Schedule of Use Regulations, included as an attachment to this chapter. **[Added 11-14-2023]**

HORTICULTURE — The cultivation of a garden or orchard.

HOSPITAL OR SANITARIUM — Any institution, however named, whether conducted for charity or for profit, which is advertised, conducted or maintained for the express or implied purpose of caring for persons for the purpose of diagnosis or medical or surgical treatment which is rendered within said institution.

HOTEL — A building operated by a duly licensed innholder where lodging is furnished and food may be served to transient or permanent guests, and which has a public dining room and general kitchen. See also "lodging, short-term." **[Amended 4-12-2022]**

HOUSE TRAILER — See "mobile home."

IMMEDIATE FAMILY — For the purposes of § 450-8.8, a spouse, parent, step-parent, children, step-children, siblings and step-siblings that reside at the permitted site.

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

INDOOR SELF-STORAGE — A facility that provides indoor units leased to individuals and business owners for the purpose of storing and removing personal property. Such facilities may be climate-controlled, individually secured, and may have multiple stories with elevator access. The majority of the storage units must be accessed from within the building. Any storage units to be accessed from the exterior of the building shall be ground-floor units and shall be appropriately screened to minimize their visibility from public ways. No storage unit shall be used as a residence. **[Added 6-15-2021; amended 5-9-2023]**

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

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

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

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

LARGE FAMILY HOME DAY-CARE — Any private residence which, on a regular basis, receives for temporary custody and care, during part or all of the day, children under seven years of age or children under 16 years of age if such children have special needs; provided that the total number shall not exceed

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

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

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

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

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

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

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

LOT LINE, FRONT — The lot line separating a lot from a street right-of-way. (See Diagram 8-1.³⁶)

LOT LINE, REAR — The line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the lot line. In the case of a corner lot, the rear lot line shall be the line opposite the street line of the street on which the building is or would be numbered. See Diagram 8-1.³⁷

LOT LINE, SIDE — Any lot line other than a front or rear lot line. (See Diagram 8-1.³⁸)

LOT, BUILDABLE — Land area available, under the bylaw and other lawful restrictions, for the location of a main building. A buildable lot does not include watercourses, water bodies, banks, bordering vegetated wetland or other protected zones as defined by the Massachusetts Wetlands Protection Act Regulations, 310 CMR 10.00. Such lot must have frontage on a street or way as defined below, excepting only a preexisting lot exempted by the provisions of MGL c. 40A, § 6.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of NFIP Regulations 60.3.

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

MARIJUANA ACCESSORIES — Equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging,

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

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

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

storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body. **[Added 3-19-2018]**

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

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

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

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

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

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

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

MASSAGE — The systematic treatment of the soft tissues of the body by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion for purposes of demonstrating muscle exertion or muscle flexibility and nonspecific stretching. Massage therapy may include the use of oil, ice, hot and cold packs, tub, shower, steam, dry heat or cabinet baths, in which the primary intent is to enhance or restore the health and well-being of the client. Massage therapy shall not include diagnoses, the prescribing of drugs or medicines, spinal or other joint manipulations or any services or procedures for which a license to practice medicine, chiropractic, occupational therapy, physical therapy or podiatry is required by law. **[Amended 4-12-2022]**

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

MASSAGE THERAPIST or MASSAGE PRACTITIONER — A person licensed by the Board of Registration of Massage Therapy who instructs or administers massage or massage therapy for compensation.

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

MEMBERSHIP ORGANIZATION — An organization operating on a membership basis with pre-

established formal membership requirements and with the intent to promote the interests of its members. Such an organization includes trade associations, professional organizations, unions and similar political and religious organizations.

MIXED-USE VILLAGE DEVELOPMENT — A development consisting of a mixture of residential, commercial and business uses and building types, including single-family dwellings, townhouses, multifamily dwellings with or without attached business or commercial spaces, business and commercial buildings, recreation facility, and open space. **[Added 6-15-2021]**

MOBILE HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation when connected to the required facilities. For the purposes of this bylaw, a mobile home shall not be deemed a "single-family dwelling" and is not permitted; however, when necessary as defined in the Table of Use Regulations, Subsection B(4),³⁹ said use is temporary and not to exceed 12 months.

MOTEL — An establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. Also see "lodging, short term."

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

MULTIFAMILY DWELLINGS — A building containing at least two dwellings with separate sleeping, cooking, and sanitary facilities. **[Added 6-15-2021]**

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

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

OPEN SPACE — Outdoor space for passive or active use. It includes, but is not limited to, recreation areas, landscaping, hardscape, water features, seating areas, plazas, gazebos, sidewalks and trails. Open space does not include parking areas or parking lot landscaping. **[Added 6-15-2021]**

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

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

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

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

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

PRIVATE USES — Uses belonging to or intended for a nonpublic or nongovernmental group.

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

PROFESSIONAL OFFICE — The office of a member of a recognized profession, including but not

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

limited to an accountant, lawyer or architect, maintained for the conduct of that profession.

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

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

RECREATION — An activity that people engage in during their free time, that people enjoy, and that people recognize as having socially redeeming values. **[Added 6-15-2021]**

RECREATION FACILITY — A place designed and equipped for the conduct of sports, leisuretime activities and other customary and usual recreational activities.

RECREATION FACILITY, COMMERCIAL — A recreation facility operated as a business and open to the public for a fee. **[Added 11-14-2023]**

RECREATION FACILITY, PRIVATE — A recreation facility operated by a nonprofit organization, and open only to bona fide members and guests of such nonprofit organization.⁴⁰

RECREATIONAL VEHICLE — A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use and including but not limited to travel trailers, truck campers and camping trailers and self-propelled motor homes.

REGULATORY FLOODWAY — See "floodway."

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

RESTAURANT — An establishment where food and drink are prepared and/or served within the primary building or for take-out.

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

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

SANITARIUM — See "hospital."

SCHOOL — A building devoted to the instruction or education in primary, secondary or post-secondary schooling.⁴¹

SELF-SERVICE STORAGE FACILITY — Any real property designed or used for the purpose of renting or leasing individual storage space to tenants who are to have access to that space for the purpose of storing and removing personal property. A self-service storage facility is not a warehouse. All storage units must be individually secured and no storage unit shall be used as a residence. All buildings within a self-service storage facility shall be limited to one story. **[Added 5-9-2023]**

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

SERVICE — The performance of any act for the benefit of another with a view to profit, or for a livelihood; the act of conducting a service enterprise; the performance of any act for the convenience,

40. Editor's Note: The former definition of "recreational facility, commercial," which immediately followed this definition, was repealed 11-14-2023. See now "recreation facility, commercial."

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

service or benefit of an ultimate customer or patron.

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

SETBACK —

- A. **MINIMUM REQUIRED SETBACK** — The minimum required unoccupied space or area between the lot line and the part of the building nearest such lot line, such unoccupied space or area extending the entire width or distance across the lot.
- B. **BUILDING SETBACK** — The unoccupied space or area between the lot line and the part of the building nearest such lot line, such unoccupied space or area extending the entire width or distance across the lot.

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

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

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

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

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

SPECIAL FLOOD HAZARD AREA — An area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

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

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

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

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

dimensions of the building.

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

STREET — A public way, a private way shown on a plan approved under the Subdivision Control Law and recorded at the Hampden County Registry of Deeds as required, or a way in existence when the Subdivision Control Law became effective in East Longmeadow, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the proposed use of the abutting land or land to be served thereby. **[Amended 4-12-2022]**

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

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

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

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

SUBDIVISION — The division of a tract of land into two or more lots and shall include resubdivision, and when appropriate to the context shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law if, at the time when it is made, every lot within the tract so divided has frontage on 1) a public way or a way which the Clerk of the Town certifies is maintained and used as a public way, or 2) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or 3) a way in existence when the Subdivision Control Law became effective in the Town of East Longmeadow, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Zoning Bylaw of the Town of East Longmeadow for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least 20 feet. Conveyances or other instruments adding to, taking away from or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the Town of East Longmeadow into separate lots on each of which one of such buildings remains standing shall not constitute a subdivision. Subdivision, including resubdivision, shall be defined in the Subdivision Control Law, MGL Chapter 41.

SUBDIVISION CONTROL — The power of regulating the subdivision of land granted by the Subdivision Control Law and any acts amendatory thereto.

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

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

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

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

THOROUGHFARE — A road or way connecting one location to another. On land, a thoroughfare may refer to anything from a multilane highway to a rough trail. Thoroughfares are used by a variety of traffic, such as cars on roads and highways. On water, a thoroughfare may refer to a strait, channel or waterway. The term may also refer to access to a route, distinct from the route itself. In other words, "thoroughfare" may refer to the legal right to use a particular way. **[Added 6-15-2021]**

TOWN HOUSE — 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. **[Added 6-15-2021]**

TRADE VEHICLE — A commercial vehicle used in the operation of a home-based trade.

TRAILER — That which attaches to the back of a trade vehicle for the purpose of transporting objects or materials required by the home-based trade. Pursuant to Massachusetts General Laws Chapter 90, trailers must be registered and have a seventeen-digit VIN number.

UNIT —

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

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

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

- A. Of circumstances relating to the soil conditions, shape or topography of the land especially affecting the land but not the surrounding lots in the district;
- B. A literal enforcement of the bylaws will involve substantial hardship; and
- C. The granting of a variance would not be substantially detrimental to the public good and will not nullify or substantially derogate from the intent or purpose of the bylaw.

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

VEHICLE — Includes cars, trucks, recreational vehicles, vans and mobile construction equipment.

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

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

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

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

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

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

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

YARD, FRONT — A space extending the full width of the lot between any building and the front lot line, and measured perpendicular to the building at the closest point to the front lot line. Such front yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the bylaw. (See Diagram 8-1.⁴²)

YARD, REAR — A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line. Such rear yard is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in the bylaw. (See Diagram 8-1.⁴³)

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 8-1.⁴⁴)

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

ZONE A1-A30 AND ZONE AE (FOR NEW AND REVISED MAPS) — The 100-year floodplain where the base flood elevation has been determined.

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

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

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

ZONE V1-30 AND ZONE VE (FOR NEW AND REVISED MAPS) — A special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

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

ZONING — The dividing of a municipality into districts and the establishment of regulations governing

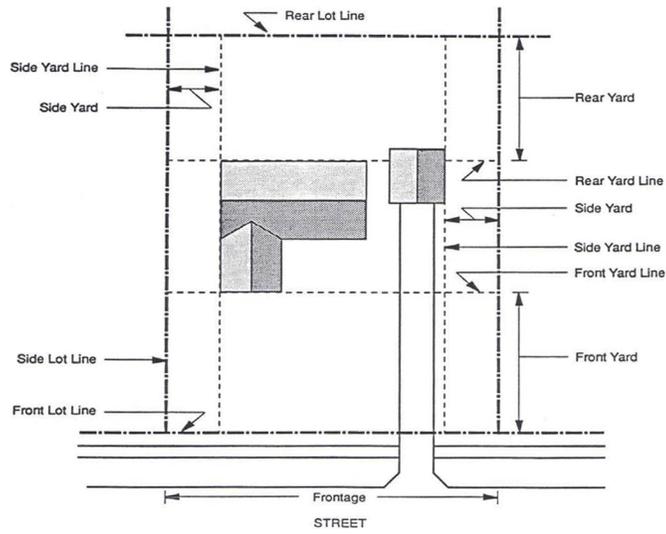
42. Editor's Note: Diagram 8-1 is included at the end of this section.

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

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

the use, placement, spacing and size of land and buildings.

Diagram 8-1



For Definition Use Only

Part V: Fee Schedule

Chapter 500

FEE, FINE AND PENALTY SCHEDULE

§ 500-1.	General fees, fines and penalties.	§ 500-7.	Health Department fees, fines and penalties.
§ 500-2.	Assessors Department fees, fines and penalties.	§ 500-8.	Library fees, fines and penalties.
§ 500-3.	Building Department fees, fines and penalties.	§ 500-9.	Local Licensing Authority fees, fines and penalties.
§ 500-4.	Council on Aging fees, fines and penalties.	§ 500-10.	Planning and Community Development Department fees, fines and penalties.
§ 500-5.	Public Works Department fees, fines, penalties.	§ 500-11.	Police Department fees, fines and penalties.
§ 500-6.	Fire Department fees, fines and penalties.	§ 500-12.	Town Clerk fees, fines and penalties.

[HISTORY: Adopted by the Town Council of the Town of East Longmeadow 2-27-2024.⁴⁵

Amendments noted where applicable.]

Please contact individual departments for additional information or explanation of fees, fines and penalties.

§ 500-1. General fees, fines and penalties.

Item/Service	Fee	Reference/Comments
General penalty		
Bylaw violations	\$200	§ 1-2
Nuisances		
Administrative fee for correcting nuisance vegetation violations	\$200	§ 376-2

§ 500-2. Assessors Department fees, fines and penalties.

Item/Service	Fee	Reference/Comments
Abutters list		
Standard list of abutters	\$25	
Manually generated requests	Standard fee \$25 + \$2 per abutter	
Income and expense penalty fee		MGL c. 59, § 38D

45. Editor's Note: This ordinance also superseded former Ch. 500, Fee Schedule, adopted 4-12-2022

§ 500-3. Building Department fees, fines and penalties.

A. General fees, fines and penalties.

Item/Service	Fee	Reference/Comments
Mass State Building Code 780 CMR violations	\$1,000 max a day	MGL c. 148, § 34c
Zoning bylaw violations	\$200	§ 1-2 and MGL Chapter 40A

B. Residential building permit fees.

Item/Service	Fee	Reference/Comments
Residential: One- or Two-Family Dwellings		
New single-family dwelling (includes attached garage, finished basements and bonus rooms)	\$7 per \$1,000 of cost	Minimum fee \$1,000
Multifamily and condos	\$7 per \$1,000 of cost	Minimum fee \$75
Foundation only	\$7 per \$1,000 of cost	Minimum fee \$75
Alterations and renovations	\$7 per \$1,000 of cost	Minimum fee \$75
Swimming pool- in-ground	\$7 per \$1,000 of cost	Minimum fee \$75
Swimming pool- aboveground	\$7 per \$1,000 of cost	Minimum fee \$75
Solar panels	\$7 per \$1,000 of cost	Minimum fee \$75
Detached garage	\$7 per \$1,000 of cost	Minimum fee \$75
Storage shed and accessory structure (over 200 square feet)	\$7 per \$1,000 of cost	Minimum fee \$75
Masonry/chimney	\$7 per \$1,000 of cost	Minimum fee \$75
Wood stove/pellet-burning stove	\$7 per \$1,000 of cost	Minimum fee \$75
Siding/roofing/windows and doors	\$7 per \$1,000 of cost	Minimum fee \$75
Open porches or decks	\$7 per \$1,000 of cost	Minimum fee \$75
Demolition	\$7 per \$1,000 of cost	Minimum fee \$75
Fences (over seven feet high)	\$7 per \$1,000 of cost	Minimum fee \$75
Pool fences not associated with a building permit	\$7 per \$1,000 of cost	Minimum fee \$75
Mechanical permits/sheet metal	\$7 per \$1,000 of cost	Minimum fee \$75
Insulation	\$7 per \$1,000 of cost	Minimum fee \$75
Retaining walls (48 inches high from bottom of the footing or greater)	\$7 per \$1,000 of cost	Minimum fee \$75

Item/Service	Fee	Reference/Comments
Temporary trailer	\$7 per \$1,000 of cost	Minimum fee \$75
Signs	\$75 per sign	
Replacement copy of a building permit	\$25	
Re-inspection fee	\$50	
Work started prior to applying for a permit	Double the fee	
Stop-work order violation	\$150	

C. Commercial building permit fees.

Item/Service	Fee	Reference/Comments
New building, commercial, industrial, business, assembly, mercantile or hazardous	\$9 per \$1,000 of cost	Minimum fee \$1,000
Commercial additions and alterations	\$9 per \$1,000 of cost	Minimum fee \$150
Commercial roofing	\$9 per \$1,000 of cost	Minimum fee \$150
Solar panels	\$9 per \$1,000 of cost	Minimum fee \$150
Storage shed and accessory structures (200 square feet or greater)	\$9 per \$1,000 of cost	Minimum fee \$150
Mechanical/sheet metal permits	\$9 per \$1,000 of cost	Minimum fee \$150
Siding/window and door	\$9 per \$1,000 of cost	Minimum fee \$150
Open porches or decks	\$9 per \$1,000 of cost	Minimum fee \$150
Demolition	\$9 per \$1,000 of cost	Minimum fee \$150
Fences (7 feet high or greater)	\$9 per \$1,000 of cost	Minimum fee \$150
Insulation	\$9 per \$1,000 of cost	Minimum fee \$150
Retaining walls (48 inches high from the bottom of the footing or greater)	\$9 per \$1,000 of cost	Minimum fee \$150
Automatic fire sprinkler systems	\$9 per \$1,000 of cost	Minimum fee \$150
Temporary trailer	\$9 per \$1,000 of cost	Minimum fee \$150
Tent	\$75 per tent	
Signs	\$75 per sign	
Certificate of inspections	\$75	
Replacement copy of building permit	\$25	
Re-inspection fee	\$50	
Work started prior to applying for a permit	Double the fee	

Item/Service	Fee	Reference/Comments
Stop-work order violation	\$150	

D. Residential electrical permit fees.

Item/Service	Fee	Reference/Comments
New construction with service	\$175	
New construction without service	\$125	
Additions and alterations with a building permit	\$125	
Alterations without a building permit	\$55	
Service change	\$75	
Temporary service and meter set	\$100	
Solar installation	\$175	
In-ground pool	\$175	
Aboveground pool or hot tub	\$55	
Generator	\$55	
Alarm systems: smoke/CO/heat-detectors; burglar alarms; etc.	\$55	
Low voltage systems: phone; data; speakers; etc.	\$55	
Appliance outlet: A/C; dryer; range; furnace; water heater; EV charger; etc.	\$55	
Re-inspection fee *	\$55	
Late permit fee	Double Fee	

*If cited violations go uncorrected or adequate access is not obtained, a re-inspection fee will occur.

E. Commercial electrical permit fees, fines and penalties.

Item/Service	Fee	Reference/Comments
Cost of work up to \$12,500	\$200	
Cost of work over \$12,500	\$200 plus \$25 for each additional \$2,500 in cost of work	
Low voltage systems: phone; data; temperature control; alarm; etc.	\$100	

Item/Service	Fee	Reference/Comments
Re-inspection fee	\$50	
Late permit application	Double fee	

F. Plumbing and gas, residential, permit fees, fines and penalties.

Item/Service	Fee	Reference/Comments
New construction/additions	Plumbing: \$75 + \$10 per fixture Gas: \$75 + \$10 per fixture	
Replacement of multiple fixtures	Plumbing: \$50 + \$10 per fixture Gas: \$50 + \$10 per fixture	
Replacement of single fixture	Plumbing: \$50 Gas: \$50	
*Gas water heater	\$75	
Generator	\$75	
Re-inspections or late permit fee	\$50	

*Note: Replacement of gas water heater requires a gas permit and a plumbing permit filled out. \$75 flat fee

G. Plumbing and gas, commercial, permit fees, fines and penalties.

Item/Service	Fee	Reference/Comments
New construction/additions	Plumbing: \$125 + \$10 per fixture Gas: \$125 + \$10 per fixture	
Replacement of multiple fixtures	Plumbing: \$75 + \$10 per fixture Gas: \$75 + \$10 per fixture	
Any inspection not specified	\$125	
Re-inspections or late permit fee	\$75	

§ 500-4. Council on Aging fees, fines and penalties.

Item/Service	Fee	Reference/Comments
Lunch	\$3 per meal	
Meals on Wheels	\$3 per meal	
Fitness cards for E.L residents (20 visits)	\$10	

Item/Service	Fee	Reference/ Comments
Fitness cards for nonresidents (20 visits)	\$15	
Events/programs	Varies	
Transportation in town of origination	\$1 each way	
Transportation out of town of origination	\$3 each way	
Building rental	\$50 per use	
Exercise classes (6 classes)	\$10	
Breakfast	\$0.50 to \$1.50 per item	
Newsletter advertisement (business-card-size ad)	\$400 per year	
Electronic signage (full page slide)	\$600	
Electronic signage (1/2 page slide)	\$400	
Food pantry tee shirt	\$10	
Vendor fees-holiday craft fair and farmers market	\$25 to \$35 per vendor	

§ 500-5. Public Works Department fees, fines, penalties.

A. General fees, fines and penalties.

Item/Service	Fee	Reference/Comments
Drain layers license or renewal	\$50	
Trench permit	\$50	
Rail trail connection	\$150	
Permit to open public way	\$200	
Loam and seed (other than water and sewer entrance)	Actual cost	
Pavement repair (other than water and sewer entrance)	Actual cost	
Paper street development submission fee	\$250 plus \$1 per foot of developed roadway	
Utility mark outs	\$100	This fee only applies to contractors and or utility companies
Engineering inspection rate (two-hour minimum)	\$50 per hour plus IRS standard rate mileage	Time and 1/2 or double time may apply

B. Life cycle maintenance fees.

Item/Service	Fee	Reference/Comments
Cost of area being disturbed	$L \times W \times UC \times PCI = LCMC$	
Current unit cost	\$4 per square foot	
Five-year roadway moratorium fee	\$2,500	Less than 1 year old
	\$2,000	Between 1 and 2 years old
	\$1,500	Between 2 and 3 years old
	\$1,000	Between 3 and 4 years old
	\$500	Between 4 and 5 years old

The DPW reserves the right to waive the LCMC or moratorium excavation fees if it is determined to be in the best interest of the Town

C. Sanitary sewer service fees.

Item/Service	Fee	Reference/Comments
Sewer connection license per dwelling	\$1,500	
Inspection fee per dwelling	\$50	
Service installation (street only)	\$500	Installation by Town
Sewer block	\$125 minimum charge	Betterment properties
Sewer availability charge (per year)	\$30	Betterment properties
Illegal hookup to sewer	\$500	Betterment properties
Camera system before acceptance	\$1,500	Subdivisions
Vacuum or air testing of sewer manholes	\$150 minimum charge	Inspections by Town
Sewer manholes and inverts inspections	\$150 minimum charge	Inspections by Town
Sewer tie-in inspection	\$150 minimum charge	Inspections by Town
Camera of sewer system over 500 linear feet	\$1,000	Inspections by Town
Camera of sewer system under 500 linear feet	\$500	Inspections by Town

D. Stormwater service charges.

Item/Service	Fee	Reference/Comments
Stormwater connection license per dwelling	\$50	
Inspection fee per dwelling	\$50	
Storm drain entrance fee (if available) per building	\$200	
Illegal hookup to stormwater	\$300	
Camera system before acceptance	\$1,500	Subdivisions
Vacuum or air testing of stormwater manholes	\$150 minimum charge	Inspections by Town
Stormwater manholes and inverts inspections	\$150 minimum charge	Inspections by Town
Stormwater tie in inspection	\$150 minimum charge	Inspections by Town
Camera of stormwater system over 500 linear feet	\$1,000	Inspections by Town
Camera of stormwater system under 500 linear feet	\$500	Inspections by Town
Small pusher camera of stormwater system up to 180 linear feet	\$250	

E. Transfer station fees.

Item/Service	Fee	Reference/Comments
Residents only dump sticker for allowable items	\$50	Yearly
Landscapers (grass and leaves only)	\$50 per pickup truck load	Must purchase coupons
Landscapers (grass and leaves only)	\$75 per dump truck load	Must purchase coupons
Bulk items (couch, rug, table, etc.)	\$10 per item \$15 per item - mattress/box-spring \$20 per carload \$50 per pickup truck load	Must also have yearly sticker
Electronics Disposal		
Small freon item	\$25	
Large refrigerator	\$50	
Computer monitor	\$20	

Item/Service	Fee	Reference/Comments
T.V. (19 inches or smaller)	\$20	
T.V. (large or console)	\$35	
Computers	\$15	
Items for sale		
Wood chips	\$10 per truck load	2 c/y, must self-load
Compost	\$20 per truck load	2 c/y, must self-load
Loam	\$25 per truck load	2 c/y, must self-load

F. Water service fees.

Item/Service	Fee	Reference/Comments
Water entrance license per dwelling	\$1,500	
Inspection fee per dwelling	\$50	
Service installation deposit	\$500	Installation by Town
Water service renewal deposit	\$500	
Water meter tested	\$150 minimum charge	Cost plus 30%
Water service entrance w/mole	\$30 per foot	
Tapping of main for one-inch tap	\$300	
Hydro testing	\$500 plus time	
Water turned on or off	\$50	
Additional service charge		
Per inch of pipe diameter	\$15	
Double outlet standpipe (wet) and each hydrant	\$25	
Water entrance for fire service	\$1,500	
Back-flow device inspections	\$100	
Back-flow device (new device application/registration)	\$75	
Illegal hookup to water	\$500	
Meter tampering	\$500	
Water meter installation	Actual cost	Time, materials
Temporary water meter connection	\$100	Fee plus water usage

Item/Service	Fee	Reference/Comments
Hydro testing fire sprinkler system	\$500	Fee plus time
Hydrant fire flow testing (each location)	\$200	
Flushing, injection of CL2 and filling mains	\$1,500	
Hydro testing of water mains	\$500	
Water system tie in to existing main	\$500	

G. Water, sewer and stormwater rates. [Amended 7-9-2024]

Item/Service	Fee	Reference/Comments
Water (standard rate) rate	\$4.40 per 100 c/f	
Water (agricultural rate) rate	\$3.30 per 100 c/f	
Sewer rate	\$4.74 per 100 c/f	

FY25 Stormwater Enterprise Rates		
Land Use Code	Description	Stormwater Fee
101	Single Family Homes	\$47
102	Residential Condos Billable	\$47
109	Two Homes on Single Parcel	\$57
104	Two Family Homes	\$97
105	Three Family Homes	\$97
111	4-8 Unit Apartment	\$97
112	Apartment > 8	\$525
125	Congregate Living Facilities	\$525
300s and 400s	Commercial and Industrial	
	< 1 acre impervious surface = \$200	\$215
	>= 1 acre < 2 acres impervious surface = \$250 per acre	\$265
	>= 2 acres < 5 acres impervious surface = \$350 per acre	\$365
	>= 5 acres to < 10 acres impervious surface = \$450 per acre	\$465
	>= 10 acres impervious surface = \$550 per acre	\$565
031	Mixed Use Com-Res (Predominately Commercial)	

FY25 Stormwater Enterprise Rates		
Land Use Code	Description	Stormwater Fee
	< 1 acre impervious surface = \$200	\$215
	>= 1 acre < 2 acres impervious surface = \$250 per acre	\$265
	>= 2 acres < 5 acres impervious surface = \$350 per acre	\$365
	>= 5 acres to < 10 acres impervious surface = \$450 per acre	\$465
	>= 10 acres impervious surface = \$550 per acre	\$565
343	Commercial Condos	
	< 1 acre impervious surface = \$200	\$215
	>= 1 acre < 2 acres impervious surface = \$250 per acre	\$265
	>= 2 acres < 5 acres impervious surface = \$350 per acre	\$365
	>= 5 acres to < 10 acres impervious surface = \$450 per acre	\$465
	>= 10 acres impervious surface = \$550 per acre	\$565
712V, 714V, 715, 717V, 719V	Farms	\$57
?	Agricultural vacant land	
013 and Chapterland Residential	Mixed-use parcels	\$75
900 Extractions	962, 954, "962V", 960, 957, "961R"	
	< 1 acre impervious surface = \$200	\$215
	>= 1 acre < 2 acres impervious surface = \$250 per acre	\$265
	>= 2 Acres < 5 acres impervious surface = \$350 per acre	\$365
	>= 5 acres to < 10 acres impervious surface = \$450 per acre	\$465
	>= 10 acres impervious surface = \$550 per acre	\$565
900s	Exempt parcels - residential	\$57
900s	Exempt parcels - residential - vacant	\$47
900s	Exempt parcels - nonresidential	
	< 1 acre impervious surface = \$200	\$215
	>= 1 acre < 2 acres impervious surface = \$250 per acre	\$265
	>= 2 acres < 5 acres impervious surface = \$350 per acre	\$365
	>= 5 acres to < 10 acres impervious surface = \$450 per acre	\$465
	>= 10 acres impervious surface = \$550 per acre	\$565
	↑ All 900s ↑	
038	Golf courses	\$565

FY25 Stormwater Enterprise Rates		
Land Use Code	Description	Stormwater Fee
016, 017, 018	Mixed residential	\$75
431, 431V	Towers	\$125
440, 441, 442	Vacant industrial	\$47

§ 500-6. Fire Department fees, fines and penalties. [Amended 7-9-2024]

Item/Service	Fee	Reference/Comments
Permits/Inspections		
Any permit or inspection	\$50	MGL c. 148, § 10A
Ambulance Service		
BLS emergency and nonemergency transport	\$1,349.04	
BLS emergency transport (Medicare)	\$456.19	
BLS nonemergency (Medicare)	\$285.11	
ALS 1 emergency/nonemergency transport	\$2,155.77	
ALS 1 emergency transport (Medicare)	\$541.72	
ALS 1 nonemergency transport (Medicare)	\$342.15	
ALS 2 emergency transport	\$3,244.63	
ALS 2 emergency transport (Medicare)	\$784.08	
Mileage, per mile	\$36.40	
Mileage, per mile (Medicare)	\$8.80	

§ 500-7. Health Department fees, fines and penalties. [Amended 7-9-2024]

Permit Type	Fee	Reference/Comments
Food Service		
Food establishment-retail food service, bakery, supermarket	\$200	Less than \$200,000 gross sales
	\$500	\$200,000-\$1,000,000 gross sales
	\$700	Greater than \$1,000,000 gross sales
Plan review-new food service establishment	\$100	
Fats, oil and grease install review	\$75	
Residential food permit	\$200	
Catering	\$200	
Frozen dessert	\$25	

Permit Type	Fee	Reference/Comments
Hot dog cart	\$150	
Milk and cream	\$10	
Mobile food truck	\$200	
Temporary food service	\$50	One day
Temporary food service	\$100	Two to three days
Temporary food service	\$175	Four to 14 days
Farmers market	\$75	Per market
Health and Sanitation		
Tobacco	\$300	
Tanning	\$300	
Recreational camps	\$250	
Swimming pool/spa/wading pool	\$325	
Body Art Establishment and Practitioner		
Body art establishment	\$250	
Practitioner	\$100	
Apprentice	\$50	
Probationary	\$50	
Guest/temporary	\$50	
Environmental		
Disposal works plan review	\$200	
Disposal works construction	\$150	
Soil suitability site assessment	\$150 \$50	First two hours Each additional hour over two
Septic hauler	\$150	
Septic system installer	\$300	
Solid waste hauler	\$350	
One-time residential bulk pickup	\$50	
Outdoor wood boilers	\$50	
Compost bin	\$40	
Rain barrel	\$60	
Solid waste disposal site assignment review fee	\$500	
Solid waste disposal site permit	\$250	

Permit Type	Fee	Reference/Comments
Late Filing Fee		
Late filing fee	\$50	Per Week
Animal Control Violations		
1st offense	\$25	Code § 315-2A
2nd and 3rd offenses within calendar year	\$50	
4th and subsequent offenses, in addition to a mandatory hearing	\$75	
Redemption of dog impounded for violations of Animal Control Bylaw	\$25	Code § 315-2B

§ 500-8. Library fees, fines and penalties.

Item/Service	Fee	Reference/Comments
Copies-first floor	\$0.15 per page	
Copies-second floor	\$0.25 per page	
Printing-second floor black and white	\$0.15 per page	
Printing-second floor color	\$0.25 per page	
Fax-second floor	\$1 per page	
Lost items	Varies by item	
Out-of-state cardholders	\$38 yearly	
Replacement library cards	\$2	

§ 500-9. Local Licensing Authority fees, fines and penalties.

Permit/License	Fee	Reference/Comments
Entertainment		
One-day entertainment license	\$50	
Entertainment license	\$75	
Sunday entertainment license	\$75	
Automatic amusement license (per device)	\$75	
Common Victualler		
Common victualler license	\$50	
Used Car		

Permit/License	Fee	Reference/Comments
Used car license (class 1)	\$125	
Used car license (class 2)	\$125	
Annual Liquor License		Code § 310-9
One-day liquor license	\$65	
Restaurant, all alcoholic beverages (on premises)	\$2,200	
Restaurant, beer and wine (on premises)	\$1,000	
Package store, all alcoholic beverages (off premises)	\$2,200	
Package store, beer and wine (off premises)	\$1,000	
Farmer series pouring permit	\$500	
Club license	\$650	
Veteran's club license	\$650	
Liquor License Penalties		Code § 310-8
License to Store Inflammables		
License to use land for the keeping, storage or sale of petroleum fluids or compounds for resale or other commercial use	\$105	New license or license renewal

§ 500-10. Planning and Community Development Department fees, fines and penalties.

A. Conservation Commission fees.

Item/Service	Fee	Reference/Comments
		These fees are set by the state Refer to 310 CMR 4.10 § (8)(n)(ww18)4
Conservation Commission penalties		Code § 424-11B

The Town of East Longmeadow does not assess additional application fees beyond what is prescribed within the Wetlands Protection Act (WPA). See the Massachusetts Department of Environmental Protection website (Wetland Fee Transmittal Forms and Appendices) for all WPA permitting fees.

B. Planning Department.

Item/Service	Fee	Reference/Comments
Definitive subdivision plan review (SD-D)	\$400 plus \$30 per lot, plus \$2 per abutter notice	
Preliminary subdivision plan review (SD-P)	\$400, plus \$2 per abutter notice	
Approval not required (ANR) review	\$70	
Site plan review (SITE)	\$250 plus \$2 per abutter notice	
Special permit (SP)	\$250 plus \$2 per abutter notice	
Site plan review waiver (Form W)	\$25	
Parking plan review	\$70	
Zoning verification requests	\$30 per property	

C. Zoning Board of Appeals.

Item/Service	Fee	Reference/Comments
Zoning variance (ZV)	\$100	
Administrative appeals (ZAA)	\$100 plus \$2 per abutter notice	

§ 500-11. Police Department fees, fines and penalties.

Item/Service	Fee	Reference/Comments
Massachusetts LTC applications/renewals	\$100	MGL c. 140, § 131

§ 500-12. Town Clerk fees, fines and penalties.

Item/Service	Fee	Reference/Comments
Town Clerk Fees		Code § 135-4
For amendments/correcting errors in a record of birth	\$25	
For furnishing a certificate of a birth	\$15	
For filing a certificate of a person conducting business under any title other than the person's real name	\$40	
For filing by a person conducting business under any title other than the person's real name of a statement of change of residence, or of discontinuance, retirement or withdrawal from, or of a change of location of such business	\$20	

Item/Service	Fee	Reference/ Comments
For recording the name and address, the date and number of the certificate issued to a person registered for the practice of podiatry in the commonwealth	\$20	
For amendments/correcting errors in a record of death	\$25	
For furnishing a certificate of death	\$15	
For entering a notice of intention of marriage	\$40	
For entering a certificate of marriage filed by persons married out of the commonwealth	\$40	
For issuing a certificate of marriage	\$15	
For furnishing an abstract copy of a record of marriage	\$10	
For amendments/correcting errors in a record of marriage	\$25	
For recording a certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof	\$20	
For recording the name of the owner of a certificate of registration as a physician or osteopath in the commonwealth	\$20	
For recording an order, granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in the number of wires and cable or attachments under the provisions of MGL c. 166, § 22	\$40	
For recording a deed or lot or plot in a public burial place or cemetery	\$5	
Raffle Permit	\$10	
Street Lists	\$22	
Voting Precinct Maps	\$10	
Dog license	\$10	
Dog license (non-spayed/-neutered)	\$20	
Dog licensed after due date	Additional \$10	Code § 315-3
Kennel license		
1 to 4 dogs	\$30	
5 to 10 dogs	\$60	
More than 10 dogs	\$100	