

ARTICLE III Use Regulations

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

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, unless it adheres to the special use regulations set forth in § 450-5.11.

(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 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 building or 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 building or structure is constructed. Any accessory building or structure (not including Accessory Dwelling Units) 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 or structure 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 or structure 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.

- (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.

ARTICLE V Special Use Regulations

§ 450-5.11. Accessory Dwelling Units (ADUs).

A. Purpose

This Bylaw addresses the necessary permitting path and design requirements for Accessory Dwelling Units, known as ADUs, in order to site these buildings in an appropriate manner for the community.

B. Terms Defined

ACCESSORY DWELLING UNIT (ADU) — An accessory building or addition containing a housing unit inclusive of sleeping, cooking and sanitary facilities on the same lot as a single-family dwelling. An ADU maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. An ADU is not larger in gross floor area than $\frac{1}{2}$ the gross floor area of the principal dwelling or 900 square feet, whichever is smaller. ADUs are incidental and subordinate to the primary building. An ADU cannot exist without a single-family dwelling on a lot.

ATTACHED ADU — An ADU which is an addition to an existing single family dwelling and has its own separate entrance. Attached ADUs may also have internal entryways which connect the single family dwelling to the ADU.

CONTAINED ADU — An ADU which is contained entirely within an existing or new single family dwelling and requires no significant external changes to the dwelling or site beyond entrances and windows required by the building code.

DETACHED ADU — An ADU that is a freestanding and detached building which is incidental and subordinate to the Primary Dwelling. Detached ADUs may either be the product of new construction or an existing accessory building or structure which is converted into an ADU.

C. Applicability

- (1) ADUs are allowed by right in the Residence AA, A, B, and C zoning districts and are permitted in the following ways:
 - (a) All ADUs (Attached, Contained, and Detached) shall require a building permit.
 - (b) Detached ADUs further require Site Plan Review Approval by the Planning Board. Detached ADUs are not eligible for Site Plan Review Waiver.
- (2) ADUs shall not be larger in gross floor area than one-half ($\frac{1}{2}$) the gross floor area of the Primary Dwelling or nine-hundred (900) square feet, whichever is smaller.
- (3) ADUs shall only be placed on residential lots which have a single-family dwelling on them.

- (4) No more than one (1) ADU shall be placed on a lot.
- (5) A mobile home or any other temporary structure are prohibited from being used or classified as ADUs.

D. General Requirements

- (1) All ADUs shall meet the requirements of the following regulations under Massachusetts State Law:
 - (a) Massachusetts State Building Code (780 CMR, as amended)
 - (b) State Sanitary Code (105 CMR 410, as amended)
 - (c) Title V of the State Environmental Code (310 CMR 15.000, as amended)
 - (d) Any other relevant local, state, and federal regulations.
- (2) ADUs shall have the appropriate facilities including (but not limited to) kitchens, bathrooms (with a sink, toilet, and shower), potable water source, plumbing connections, hot water, functional heating system, proper ventilation, working electricity, and operable windows.
- (3) ADUs shall not be sold or transferred separate and apart from the Primary Dwelling. The Primary Dwelling and the ADU shall remain in common or single ownership.
- (4) Attached and Contained ADUs shall maintain a separate entrance directly to the outside.
- (5) ADUs shall be suitable for human habitation all year round and meet the minimum standards of the State Sanitary Code (105 CMR 410, as amended).
- (6) Occupancy of an ADU shall be limited to what is allowable under the Massachusetts State Building Code (780 CMR, as amended) and the State Sanitary Code (105 CMR 410, as amended).
- (7) ADU's shall comply with 105 CMR 410.354 (as amended) regarding metered electrical connections.
- (8) ADUs shall not be used as a Short-Term Rental.
- (9) One (1) off-street parking spot shall be provided for an ADU.
- (10) The ADU shall have a separate address from the Primary Dwelling for the purposes of receiving mail and deliveries. An ADU may have the same street number as the Primary Dwelling and be followed by an Alphanumeric Character (ex. 121A, 121B). Both dwelling units shall be easily distinguishable and properly numbered from the street in order for emergency services to identify each building.
- (11) An ADU shall have separate trash and recycling receptacles from the Primary Dwelling and must comply with Board of Health requirements.
- (12) In order to encourage the development of ADUs for disabled and handicapped individuals and persons with limited mobility, the permit granting authority may allow reasonable deviation from the dimensional requirements of the Zoning Bylaw

(where necessary) to install features that facilitate access and mobility for disabled persons.

(13) Detached ADUs

- (a) A Detached ADU may either be the result of new construction or the rehabilitation/conversion of an existing Accessory Building or Structure. The rehabilitated/converted building or structure shall abide by the provisions of this section (§ 450-5.11.) in order to be considered an ADU.
- (b) Detached ADUs shall have separate water and sewer connections from the Primary Dwelling, and shall adhere to the DPW Water and Sewer Regulations.
- (c) Detached ADUs shall meet all primary building setback requirements for the district in which it is located (see Table 3-2 Dimensional Regulations).
- (d) Detached ADUs that may require a separate curb cut and driveway shall adhere to the DPW Curb Cut Regulations and gain the necessary approvals.
- (e) Detached ADUs shall adhere to the height requirement for the district in which it is located.
- (f) There shall be no occupancy of a Detached ADU until the Building Commissioner has issued a certificate of occupancy.

E. Review Process

(1) Attached and Contained ADUs:

- (a) Attached and Contained ADUs shall require a building permit and must conform to § 450-5.11.D.

(2) Detached ADUs:

- (a) Detached ADUs shall require a building permit, site plan review approval, and must conform to § 450-5.11.D.
- (b) The applicant for a Detached ADU shall furnish a site plan that conforms to the requirements under § 450-9.4 and § 450-5.11.D.
- (c) The provisions of § 450-9.5, § 450-9.6, § 450-9.7, and § 450-9.8 shall apply to the permitting of Detached ADUs.
- (d) In accordance with § 450-9.3, no building permit for a Detached ADU may be issued until a site plan has been endorsed by the Planning Board.

F. Enforcement

- (1) The Building Commissioner, or their designee, shall administer and enforce the provisions of this bylaw as detailed in § 450-7.1.
- (2) No building shall be constructed or changed in use or configuration until the Building Commissioner has issued appropriate building permits.

- (3) Relative permits shall be obtained from the Department of Public Works and Board of Health before the ADU may be inhabited.

ARTICLE IX Site Plan Review

§ 450-9.3. Projects requiring site plan review.

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.
- (8) Detached Accessory Dwelling Units (ADUs).

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.

ARTICLE XI

Definitions

§ 450-11.2. Terms defined. [Terms included below are those relevant to ADUs]

Unless otherwise specified in other sections of this bylaw, the following terms shall have the meanings indicated:¹

ACCESSORY BUILDING OR STRUCTURE — A building or 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. An accessory building shall not be used for residence purposes, unless it adheres to the special use regulations set forth in § 450-5.11.

ACCESSORY DWELLING UNIT (ADU) — An accessory building or addition containing a housing unit inclusive of sleeping, cooking and sanitary facilities on the same lot as a single-family dwelling. An ADU maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. An ADU is not larger in gross floor area than ½ the gross floor area of the principal dwelling or 900 square feet, whichever is smaller. ADUs are incidental and subordinate to the primary building. An ADU cannot exist without a single-family dwelling 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.

ATTACHED — Connected to or united.

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]**

DETACHED — Separated from.

DWELLING — A building occupied exclusively as a residence for one or more persons.

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, 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".

GROSS FLOOR AREA — The sum of the areas of all floors of the building, including basements, cellars, mezzanine and intermediate floored tiers and penthouses of headroom height, measured from the interior faces of exterior walls or from the centerline of walls separating buildings, but excluding: (i) covered walkways, open roofed-over areas, porches and similar spaces; and (ii) pipe trenches, exterior terraces or steps, chimneys, roof overhangs and similar features.

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.

PRIMARY BUILDING — The main or most important building on a lot.

PRIMARY DWELLING — The main or most important dwelling on a lot.

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

SHORT TERM RENTAL — An occupied property that is not a hotel, motel, lodging or bed and breakfast establishment, where at least one room or unit is rented out by an operator through the use of advance reservations. A short-term rental includes an apartment, house, cottage, and condominium. It does not include property that is rented out through tenancies at will or month-to-month leases. It also does not include time-share properties, or bed and breakfast homes.

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.

450 Attachment 1

Town of East Longmeadow

Table 3-1: East Longmeadow Schedule of Use Regulations [Amended 6-15-2021; 9-14-2021; 12-22-2021; 4-12-2022]

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

Bylaw No.	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR	MUV
G.	ACCESSORY USES														
(1)	Home office, studio or cottage industry	<p>The use of a portion of a home by a bona fide resident of the premises as an office or studio for the private conduct of a profession, home occupation, or trade shall be considered accessory to the use of the residence, provided that:</p> <p>a. A waiver of site plan approval for a private home office, studio or cottage industry must be granted by the Planning Board prior to any business being conducted at the residence.</p> <p>b. The home occupation is to be conducted in an office or studio in the primary dwelling and is carried on only by members of the resident family living on the premises.</p> <p>c. The home occupation is clearly incidental to and secondary to the use of the dwelling as a residence.</p> <p>d. The area devoted to the conduct of the home occupation does not exceed 20% of the habitable floor area of the dwelling unit.</p> <p>e. No external change is made which alters the residential appearance of the dwelling or the residential character of the lot.</p>	Y	Y	Y	Y	N	Y	Y	N	N	Y	Y	N	Y

Bylaw No.	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR	MUV
	Home office or studio (cont.)	<p>f. There is no exterior display, signage or visible storage or other outward evidence that the premises are being used for any purpose other than for a residential use.</p> <p>g. The use will not constitute a nuisance by reason of an unacceptable level of air or water pollution, noise, vibration, smoke, dust, odor, heat, glare, unsightliness, electrical interference or other activity which, when produced, is detectable to normal sensory perception beyond the property line in amounts exceeding those normal to a residential property. The use shall not constitute a safety hazard to abutters.</p> <p>h. No articles are sold or offered for sale on the premises.</p> <p>i. Cottage food operation exemption. A cottage food operation is allowed as a home occupation, subject to all the conditions herein under this Subsection G(1), provided the resident operator is issued and maintains a valid residential kitchen permit from the East Longmeadow Board of Health and complies with the requirements imposed by the Massachusetts Department of Public Health regulations promulgated at 105 CMR 590.</p>													
Bylaw No.	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR	MUV
(2)	Private garage	A private garage or storage space for not more than 5 vehicles shall be permitted on a lot. Not for lease. The standards and conditions in this section shall not apply to any business, commercial or industrial use in the COM, BUS or IGP Districts.	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	N	Y

450 Attachment 2

Town of East Longmeadow Table 3-2

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

District	Use	Minimum Lot Area (square feet or as noted)	Minimum Frontage (feet)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Setback, Accessory ² (feet)	Maximum Height ¹ (feet)	Maximum Lot Coverage	Comment
AA	Any permitted use	40,000	175	50	35	50	60	35	25%	Private stable - for stabling 1 horse, a lot must have a minimum lot size of 10,000 square feet. For stabling additional horses, a lot shall have 10,000 square feet of additional area for each additional horse.
	Town building	40,000	175	50	35	50	60	50	25%	
	Hospital, sanitarium, medical clinic, convalescent, nursing home, congregate-care, handicapped or assisted-living facility	40,000	175	50	50	50	60	35 ³	25%	No building shall be built within 50 feet of any property line. See § 450-8.6.
	Church, building for educational purposes, public library, museum	80,000	350	70	49	70	80	45	60%	There shall be no parking or access driveways closer than 25 feet to a residential district boundary. See § 450-5.10. The entire length of the side and rear yards abutting a residential district shall be landscaped for a depth of 20 feet from the lot line.
District	Use	Minimum Lot Area (square feet or as noted)	Minimum Frontage (feet)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Setback, Accessory ² (feet)	Maximum Height ¹ (feet)	Maximum Lot Coverage	Comment
A	Any permitted use	25,000	140	50	20	50	60	35	25%	Private stable - for stabling 1 horse, a lot must have a minimum lot size of 10,000 square feet. For stabling additional horses, a lot shall have 10,000 square feet of additional area for each additional horse.
	Town building	25,000	140	50	20	50	60	50	25%	

	Hospital, sanitarium, medical clinic, convalescent, nursing home, congregate-care, handicapped or assisted-living facility	25,000	140	50	50	50	60	35 ³	25%	No building shall be built within 50 feet of any property line. See § 450-8.6.
	Church, building for educational purposes, public library, museum	50,000	280	70	28	70	80	45	60%	There shall be no parking or access driveways closer than 25 feet to a residential district boundary. See § 450-5.10. The entire length of the side and rear yards abutting a residential district shall be landscaped for a depth of 20 feet from the lot line.
		Minimum Lot Area (square feet or as noted)	Minimum Frontage (feet)	Minimum Setback (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)	Minimum Setback, Accessory² (feet)	Maximum Height¹ (feet)	Maximum Lot Coverage	Comment
B	Any permitted use	15,000	100	40	15	35	50	35	25%	Private stable - for stabling 1 horse, a lot must have a minimum lot size of 10,000 square feet. For stabling additional horses, a lot shall have 10,000 square feet of additional area for each additional horse.
	Town building	15,000	100	40	15	35	50	50	25%	
	Hospital, sanitarium, medical clinic, convalescent, nursing home, congregate-care, handicapped or assisted-living facility	15,000	100	50	50	50	60	35 ³	25%	No building shall be built within 50 feet of any property line. See § 450-8.6.
	Church, building for educational purposes, public library, museum	30,000	200	56	21	49	66	45	60%	There shall be no parking or access driveways closer than 25 feet to a residential district boundary. See § 450-5.10. The entire length of the side and rear yards abutting a residential district shall be landscaped for a depth of 20 feet from the lot line.

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

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

¹ Height shall not apply to chimneys, steeples or flagpoles. However, no radio, television antenna or other aerial devices which are mounted on an existing man-made structure, other than an antenna structure, shall increase the overall height of such man-made structures by more than 20 feet, and in all cases they shall be stayed in such a manner to assure stability.

² Any accessory building or structure (excluding Accessory Dwelling Units) constructed at least 10 feet behind the principal building can be erected no closer than five feet to the rear and/or side yard property line. Any other accessory building or structures must meet the required side and rear yard setbacks for the principal building.

³ Height may be increased to 45 feet upon special permit application and Planning Board review and approval.