



PLANNING BOARD
TOWN OF LONGMEADOW
20 Williams St.
Longmeadow MA 01106

Donald Holland, Chair
Walter Gunn, Clerk
Bruce Colton
Ken Taylor
Josh Levine

Remote
PUBLIC HEARING
Longmeadow Planning Board
October 26, 2020, 7:00 p.m.

1. Arrangements for remote participation by Planning Board members and members of the public are being made in accordance with Governor Baker's Emergency Order Modifying the State's Open Meeting Law (see attachment).
2. Participate in the meeting remotely via Zoom:
link: <https://zoom.us/j/93258460698?pwd=YVRMQWJoeFM3YU1SOG9ZR2ZEK3R5UT09> For general access please call (646) 558 8656 or visit www.zoom.us and enter Meeting ID: 932 5846 0698 / Passcode: 161910
3. Presentation, discussion, and public comment to amend Article I, Section E.6 of the Zoning Bylaws of the Town by adding the following:

Any violation of the provisions of the Bylaw, the conditions of a permit granted under this Bylaw, or any decision rendered by the Zoning Board of Appeals or Planning Board under this Bylaw shall be liable to a fine of not more than one hundred dollars (\$100.00) for each violation. Each day such violation continues shall be deemed a separate offense. In addition to the procedures for enforcement as described above, the provisions of this Bylaw, the conditions of a permit granted under this Bylaw, or any decisions rendered by the Zoning Board of Appeals or Planning Board under this Bylaw be enforced, by the Building Commissioner, by non-criminal complaint pursuant to the provisions of General Laws, Chapter 40, Section 21D. The fine for any violation disposed of through this procedure shall be one-hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed a separate offense. *Unpaid fine(s) shall be subject to the municipal charges lien pursuant to MGL. c. 40, sec. 58.*

4. Presentation, discussion, and public comment to amend Article II. Definitions of the Zoning Bylaws of the Town by adding the following:

“Commercial Vehicle.” Any vehicle registered for commercial use which has a gross vehicle weight rating of 12,000 or more pounds, *or is a van, truck, or SUV of any weight that has decals or painted lettering that represents a commercial enterprise.*¹

¹ Language added to the Fall Special Town Meeting Warrant October 5, 2020 by Select Board.

5. Presentation, discussion, and public comment to amend the Town's Zoning Bylaws Article IV, Section E, Subsection 1(b) by deleting:

If the non-conforming building is destroyed by fire, explosion, act of the public enemy, act of God to the extent of 50% or more of its replacement value, it shall not be rebuilt as a non-conforming building and any future use of the premises shall conform to the use regulations of the zone in which the building and lands are located. And replacing with:

If the non-conforming building is destroyed by fire, explosion, act of the public enemy, act of God to the extent of 50% or more of its replacement value, it may be rebuilt on the same footprint within a two-year time frame but any future use of the premises shall conform to the use regulations of the zone in which the building and lands are located.

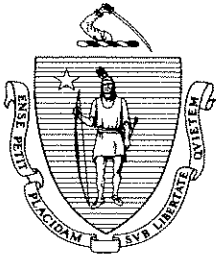
6. Presentation, discussion, and public comment to amend the Town's Zoning Bylaws Article IV, Section B, Subsection 1.2(a) by deleting:

Private garage, of such size and construction as to accommodate no more than three automobiles. A detached garage shall be permitted in lieu of, but not in supplement to, any existing like facility. A totally enclosed garage must be used for the overnight vehicular storage of commercial vehicles which include vans and pickup trucks used in connection with a business or trade or which have commercial lettering thereon. And replacing with:

Private garage, of such size and construction as to accommodate no more than three automobiles. A detached garage shall be permitted in supplement to an existing like facility, but in no case should the total number of spaces be greater than three. A totally enclosed garage must be used for the overnight vehicular storage of commercial vehicles which include vans and pickup trucks used in connection with a business or trade or which have commercial lettering thereon.

FOR THE PLANNING BOARD:

WALTER T. GUNN CLERK



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”); and

WHEREAS, many important functions of State and Local Government are executed by “public bodies,” as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention (“CDC”) and the Massachusetts Department of Public Health (“DPH”) have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

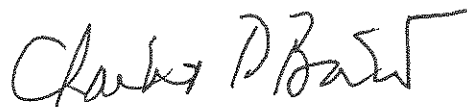
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 8:14 PM this 12th day of
March, two thousand and twenty.

A handwritten signature in cursive script, reading "Charles D. Baker". The signature is written in black ink and is positioned above a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts