

**TOWN OF LONGMEADOW  
SPECIAL TOWN MEETING MINUTES  
Tuesday, November 7, 2017**

Acting under the authority of the posted warrant, the qualified voters of the Town met at the Longmeadow High School Gymnasium. At 7:00 PM o'clock in the evening the moderator declared the Special Town Meeting open, there being more than a quorum present and all provisions of the law having been met.

**ARTICLE 1.**

It was a Unanimous Affirmative Vote to raise and appropriate \$126,900.00 from the FY 2018 Community Preservation Fund revenues for: CPA Fund Balance Reserve for Open Space \$42,300.00, CPA Fund Balance Reserve for Community Housing \$42,300.00 and CPA Fund Balance Reserve for Historic Preservation \$42,300.00.

**ARTICLE 2.**

The Moderator Declared a 9/10ths Unanimous Affirmative Vote to transfer from the Water Retained Earnings account, the sum of \$108,163.40 for the purposes of paying Bills of Prior Year.

**ARTICLE 3.**

It was a Majority Affirmative Vote to raise and appropriate, the sum of \$30,000.00 for the purposes of providing supplemental funding to the FY 2018 budget for Law Dept. - Legal Expenses.

**ARTICLE 4.**

It was a Majority Affirmative Vote to raise and appropriate, the sum of \$29,373.00 for the purposes of providing supplemental funding to the FY 2018 budget for Interest on Short Term Debt.

**ARTICLE 5.**

The Moderator Declared a 2/3rds Majority Affirmative Vote to transfer from the DPW Reserve for Damages account the sum of \$62,092.00; from the Capital Stabilization Fund, the sum of \$56,458.00; from Sewer Retained Earnings the sum of \$28,225.00; and from Water Retained Earnings the sum of \$28,225.00, for the purposes of Purchasing a Dump Truck with Plow.

**ARTICLE 6.**

It was a Unanimous Affirmative Vote to transfer from available funds in the Treasury \$265,000.00 to the Operating Stabilization Fund.

**ARTICLE 7.**

It was a Unanimous Affirmative Vote to transfer from the Ambulance Fund \$130,000.00 and from available funds in the Treasury the sum of \$130,000.00 for the purchase and equipping a new ambulance to replace the 2005 Medic -1 Ambulance with such funds to be paid back to the General Fund by FY 2020.

**ARTICLE 8.**

It was a Majority Affirmative Vote to transfer from available funds in the Treasury, the sum of \$35,000.00 for the purpose of purchasing and equipping a Police vehicle.

**ARTICLE 9.**

It was Majority Affirmative Vote to transfer from available funds from Water Retained Earnings, the sum of \$20,000.00 for the purpose of replenishing the Water Reserve Account within the FY 2018 budget.

#### **ARTICLE 10.**

It was a Majority Affirmative Vote to accept the provisions of Massachusetts General Law Chapter 40, Section 3 with the additional provisions allowed by the statute to have any balance remaining in the cell phone rental account at the close of a fiscal year remain in the account and may be expended for the upkeep and maintenance of any facility under the control of the Department of Public Works.

#### **ARTICLE 11.**

It was Unanimous Affirmative Vote to transfer from available funds in the Treasury, the sum of \$16,500.00 for the purposes of providing supplemental funding to the FY 2018 budget for Planning / Community Development Expenses.

#### **ARTICLE 12.**

It was a Unanimous Affirmative Vote to transfer from available funds in the Treasury, the sum of \$20,000.00 for the purposes of upgrading the Town's valuation software and server.

#### **ARTICLE 13.**

It was a Unanimous Affirmative Vote to raise and appropriate the sum of \$64,391.00 for the purposes of providing supplemental funding to the FY 2018 budget for Interest on Long-Term Debt.

#### **ARTICLE 14.**

The Moderator Declared a 2/3rds Majority Affirmative Vote to amend the Zoning Bylaws by adding a new Article IV, Section L, to read as follows:

##### **Section L. Prohibition on Marijuana Establishments**

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption at a business location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Longmeadow. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time);

#### **ARTICLE 15.**

It was a Majority Affirmative Vote to amend the General Bylaws of the Town of Longmeadow by adding a new Article 2, Chapter 500, Section 2-515 to read as follows:

##### **Subsection 2-515. Prohibition on Marijuana Establishments**

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption at a business location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Longmeadow. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time);

#### **ARTICLE 16.**

It was moved and seconded that the Town vote to amend the Town of Longmeadow Zoning Bylaws by inserting into Section I of Article VI as follows:

1. **Existing Undersized Lots** – No lot or plot shall be used under a newly issued building permit where the area of the lot or plot or its anticipated improvements’ dimensions and/or setbacks are less or smaller than the zoning requirement of the zone within which the parcel is located, except as provided below.
2. **Infill and Lot Size Averaging** - The Board of Appeals may issue a Special Permit to allow for a reduction in the dimensional standards found in Article VI for existing lots to be used for residential purposes only within the Residence A-1 and A-2 Zones provided the Board of Appeals finds each of the following in that case:
  - (a) The lot's dimensions and density are equal to or greater than the average (the sum of the values divided by the number of values) dimensions and densities of at least sixty (60%) percent of the lots located within a 300 foot radius of the lot's property lines, but in no case, however, shall such lot have less than 50 feet of frontage and/or 5,000 square feet of lot size.

A list of all of the lot sizes, densities and frontages corresponding to the properties required above derived from the Town's Assessor's Maps, as well as the mathematical equations determining the averages of at least sixty (60%) percent, shall be filed by the Applicant as part of the Special Permit Application;
  - (b) The lot is or shall be serviced by both Longmeadow public water and public sanitary sewer;
  - (c) On-site parking is provided in accordance with the zoning parking requirements;
  - (d) No traffic congestion, health or safety limitations would be created; and
  - (e) The proposed dwelling is or shall be consistent with the architectural style, scale, setbacks and character of the immediate neighborhood (abutters and abutters-to-abutters).

The motion failed after a hand count was performed: Yes = 63 and No = 59.

The Moderator declared that the motion failed to meet the 2/3rds vote required.

#### **ARTICLE 17.**

The Moderator Declared a 2/3rds Majority Affirmative vote to amend the Town of Longmeadow Zoning Bylaws by amending Section C Side Yards of Article VI as follows:

- 1b. Within the area between the secondary set-back line and the rear lot line, no pool, as set forth under Article IV, Section B, sub-paragraph 1.2f, shall be constructed or placed nearer than 15 feet to a side lot line, no nearer than 10 feet to the dwelling, and no other accessory structure, except a fence, and no addition thereto, or extension or part thereof shall be constructed, erected, or placed nearer than 5 feet to a side lot line. (Amended at Annual Town Meeting of May 7, 2013, Article 26.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013.)

[Proposed changes in underline]

#### **ARTICLE 18.**

The Moderator Declared a 2/3rds Unanimous Affirmative vote to amend the Town of Longmeadow Zoning Bylaws by inserting into Section C Definitions and Section H Additional Standards of Article XII Sign Regulations as follows:

16. Sign, Window: A sign affixed to the surface of a window (inside or outside) constructed with translucent material (e.g. etching or clear vinyl) so as to attract attention from the outside. Windows are not considered to be primary signs.
6. Window signs are limited in aggregate to twenty five percent (25%) of total window area. Window signs must identify the name of the business or specify the products and/or services offered therein; they cannot be generic (i.e. “open,” “Sale”).

**ARTICLE 19.**

It was a Majority Affirmative vote to transfer from available funds in the Treasury, the sum of \$755,800.00 for the purpose of design and reconstruction of three intersections: Longmeadow Street & Forest Glen, Longmeadow Street & Converse Street, and Converse Street and Laurel Street.

The Special Town Meeting was dissolved at 8:34 pm.

The number of registered voters in attendance was 145, which represents 1.24% of the eligible voters, there being 11,683 total registered voters as of the deadline to register to vote, October 27, 2017.

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*Katherine T. Ingram*