

**ZONING BY-LAW**  
**TOWN OF LONGMEADOW**  
**MASSACHUSETTS**

**For the purpose of promoting the health, safety, convenience and welfare of the inhabitants of the Town of Longmeadow, under authority of the provisions of Chapter 40A of the General Laws, the height, number of stories, size of buildings and structures, the size and width of lots, the percentage of lot that may be occupied, the size of courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence and all other purposes, are hereby restricted and regulated as hereinafter provided.**

**(Amended at Special Town Meeting, May 19, 1988, Article 2.)**

**(Approved by the Attorney General, Commonwealth of Massachusetts, July 15, 1988.)**

**Revised as of May 14, 2019**



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**ARTICLE I. ADMINISTRATION AND ENFORCEMENT**

**SECTION A. AMENDMENT.**

This By-Law, and all maps incorporated in it, may be amended as provided in Chapter 40A of the General Laws. A finding by the Massachusetts Attorney General or by any court of competent jurisdiction that any section or subsection of this Zoning By-Law is unlawful shall not affect the validity of the remaining sections or sub-sections of this Zoning By-Law; (Article 22 of the Annual Town Meeting of May 14, 1991.) (Approved by the Attorney General, Commonwealth of Massachusetts, September 5, 1991.)

**SECTION B. CERTIFICATION OF OCCUPANCY.**

No premises or building or part thereof hereafter erected or altered wholly or partly in use or structure or the open spaces pertaining to which are in any way reduced, shall be used until the Building Commissioner shall have certified on the building permit or, in case no permit is issued, shall have issued a certificate of occupancy, specifying the use to which the premises, or the building upon being sufficiently completed to comply with the provisions and regulations relating thereto, may be put.

**SECTION C. BOARD OF APPEALS.**

1. There shall be a Board of Appeals of five members and three associate members appointed as provided in Section 14 of Chapter 40A of the General Laws, which shall act on all matters within its jurisdiction under this by-law and said Statute and any amendments thereof in manner prescribed therein and with the power, in appropriate cases, and subject to appropriate conditions and safeguards, to make special exceptions to the terms of this by-law in harmony with its general purpose and intent, and in accordance with general or specific rules herein contained, and the laws of the Commonwealth.
2. In addition to Appeals provided for under the provisions of Section 30 of the General Laws, Appeals may be taken to the Board of Appeals by any officer or Board of the Town, or by any person aggrieved by any order or decision of the Inspector of Buildings or other administrative official, in violation of any provisions of Sections 25 to 30A inclusive, of the General Laws, or this by-law. Any appeal under the provisions of this Section or under the provisions of Section 30 of Chapter 40 of the General Laws shall be taken within ten days from the denial of any permit, issuing of any order, or making of any decision, by reason of which such appeal is to be made.

**SECTION D. EXECUTION.**

The Building Commissioner shall enforce the provisions of this By-Law as hereinafter provided. No building shall be constructed, reconstructed, altered, moved, or changed in use in the Town without a permit from the Commissioner. Such permit shall be withheld unless construction, alteration or proposed use is in conformity with all provisions of this By-Law. Where a special permit from the Zoning Board of Appeals or the Planning Board is required (pursuant to the provisions of this By-Law), or where an appeal or petition involving a variance is pending, the

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Building Commissioner shall issue no such permit except in accordance with written decision of the Zoning Board of Appeals or Planning Board. (Article 22 of the Annual Town Meeting of May 14, 1991.) (Approved by the Attorney General, Commonwealth of Massachusetts, September 5, 1991.)

**SECTION E. ENFORCEMENT.**

1. If the Building Commissioner shall be informed or have reason to believe that any provision of this By-Law or any permit or decision thereunder has been, is being, or is about to be violated, he shall make an investigation of the facts, including the inspection of the premises where the violations may exist. Where written complaint is made to the Commissioner, he shall take action upon such complaint within 14 days of receipt thereof and shall report such action in writing to the complainant.
2. If the Commissioner finds no violation or prospective violation, any person aggrieved by his decision, or any officer or Board of the Town, may within 30 days' appeal to the Board of Appeals.
3. If the Commissioner finds a violation or prospective violation, he shall give immediate notice in writing to the owner and to the occupant of the premises and shall order him to cease and desist and refrain from such violation. Any person aggrieved by his decision, or any officer or Board of the Town, may within 30 days' appeal to the Board of Appeals.
4. If after such order, such violation continues and no appeal to the Board of Appeals is taken within 30 days, the Town Attorney shall, upon notice from the Building Commissioner, forthwith make application to a court having proper jurisdiction for an injunction or order restraining the violation and shall take such other action as is necessary to enforce the provision of the By-Law, including the imposition of a fine pursuant to Sub-section 6.
5. 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 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 Attorney shall, upon notice from the Building Commissioner, forthwith make application to a court having proper jurisdiction for an injunction or order restraining the violation and shall take such other action as is necessary to enforce the provision of this By-Law, including the imposition of a fine pursuant to Sub-section 6.
6. Any violation of the provisions of the By-Law, the conditions of a permit granted under this By-Law, or any decision rendered by the Zoning Board of Appeals or Planning Board under this By-Law 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 By-Law, the conditions of a permit granted under this By-Law, or any decisions rendered by the Zoning Board of Appeals or Planning Board under this By-Law be

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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.

7. Construction or operations under a building permit or special permit shall conform to any subsequent amendment of this By-Law 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.
8. A building permit or special permit shall lapse one (1) year from date of issue unless construction or operation under said permit has commenced. (Article 22 of the Annual Town Meeting of May 14, 1991.) (Approved by the Attorney General, Commonwealth of Massachusetts, September 5, 1991.)

**ARTICLE II. DEFINITIONS**

For purposes of this By-Law certain words and terms used herein shall be interpreted as follows:

1. "Abutting Property." A lot abuts upon another when it and the other have a common property line.
2. "Accessory Structure." "A structure which is subordinate and customarily incidental to the principal building and is located on the same lot. In residential zones, no such accessory structure shall exceed one story, nor shall it exceed ten (10) linear feet of height at the eave."
3. "Alterations." An alteration is a partial replacement, addition, change or rearrangement in the structural parts of a building, which result in an exterior change in the size, shape or height of the building. "Altered" is the act of completing an alteration.
4. "Aquifer." An aquifer is geologic formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable ground water.
5. "Area of a lot." The area of a lot is the total number of square feet contained within the lot lines. In determining lot areas no part thereof within the limit of the street shall be included.
6. "Building." A building is a combination of materials forming a structure which is enclosed on one or more sides and which is provided with a roof.
7. "Co-locate" A term meaning that more than one wireless communications facility can be installed and operated on a single tower.
8. "Dwelling." A dwelling is a building, with or without an attached private garage, occupied exclusively as a residence.
9. "Existing building." An existing building is one which was already erected or one in the

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process of construction under a legal permit upon the effective date of this By-Law.

10. "Family." One or more individuals living together as a single housekeeping unit and occupying one dwelling. For purposes of controlling residential density, not more than four (4) unrelated individuals shall constitute a family; any roomer living in the dwelling shall be included in determining the number of unrelated individuals.
11. "Fence." Any structure erected or planting allowed to grow in a manner so as to create a barrier against unobstructed passage from one side to the other.
12. "Frontage of a lot." The frontage of a lot is the distance measured on the street lines. On a curved street the frontage of the lot may be considered as the distance measured on the street set-back lines; provided that the distance measured on the street lines shall be at least 75% of the minimum frontage required for the zone in which the lot is situated.
13. "Front Lot Line." The front lot line for each lot shall be the street line opposite the rear lot line.
14. "Garage repair shop." A garage repair shop is a business building or part thereof in which repairs are made to motor vehicles.
15. "Gasoline filling station." A gasoline filling station is a business building or part thereof including the premises used in connection with pumps, tanks, and other appliances for supplying motor vehicles with gasoline, oil, water, compressed air and accessory supplies, but not for the purpose of making repairs.
16. "Ground water." All the water found beneath the surface of the ground. More specifically, the slowly moving subsurface water present in the aquifer and recharge areas.
17. "Half story." A half story is that portion of a building under a sloping roof the cubic contents of which is never more than 70 percent of the cubic content of the story below.
18. "Hazardous Material." Any material or combination of materials, which because of its quality, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to a present or potential threat to human health, safety or welfare or to the environment when improperly stored, treated, transported, disposed of, used or otherwise managed. This definition includes all substances which are included in the definition of hazardous materials contained in M.G.L. c. 21E.
19. "Hereafter." This shall mean after the effective date of this By-Law.
20. "Heretofore." This shall mean before the effective date of this By-Law.
21. "Housing, Affordable." Affordable housing units are those which may be rented or purchased by those who meet the guidelines for maximum annual income for low-income or moderate-income family or household. The income limit for low-income shall be 80 per cent of the median income for the Standard Metropolitan Statistical Area (SMSA) and the income limit for moderate-income shall be 120 per cent of median income for the SMSA. Median income for the SMSA shall be as calculated by the United States Department of Housing and Urban Development, or any successor agency and shall be



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adjusted to family size.

22. "Lattice Style." A style of tower characterizes by a lattice-work type of construction wherein the tower is much larger at its base (ground level) and grows smaller as it increases in height.
23. "Lot, Building." Any lot meeting the minimum lot area and lot frontage requirements of the zoning district in which it is located and which contains either 90 per cent of its total lot area or eighteen thousand seven hundred fifty (18,750) square feet in contiguous upland area.
24. "Monopole." A style of tower characterized by a single round pole having the general configuration of a flag pole. The monopole does not appear significantly larger at its base than at the point of maximum height.
25. "May." This is a term giving permission. "May Not" is prohibitive.
26. "New." When used herein, shall indicate that the item or matter in question came into being, or attained its then existing size, shape or location subsequent to the effective date of this By-Law or of any pertinent amendment thereof.
27. "Non-conforming Building." A non-conforming building one which does not conform to the regulations of the zone in which the building is located.
28. "Non-conforming use." A non-conforming use of a building or of land is a use which does not conform to the regulations of the zone in which the building or land is located.
29. "Occupied." Includes "designed or intended to be occupied."
30. "Off-Site Medical Marijuana Dispensary (OMMD)." A Registered Marijuana Dispensary that is located off-site from the cultivation/processing (and controlled and operated by the same registered and approved not-for-profit entity which operates an affiliated RMD) but which serves only to dispense the processed marijuana, related supplies and educational materials to registered Qualifying Patients or their personal caregivers in accordance with the provisions of 105CMR 725.00.
31. "One ownership." This means an undivided ownership by one person or by several persons whether the tenure be joint, in common, or by the entirety.
32. "Planting." Any vegetable matter place or left in the ground for the purpose of growth, including trees.
33. "Private garage." A private garage is a building or part of a building in which one or more motor vehicles are kept for the private or professional use of the owners, their families and employees.
34. "Private stable." A private stable is a building or a part thereof in which one or more horses are kept for the private use of the owner or his family, and in which no horses are kept for

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sale, rent, or hire, or for the carrying of merchandise for profit, for trucking or for other business.

35. "Public garage." A public garage is a business building or part thereof for the storage of motor vehicles, and for the sale, rent or hire, exhibition or demonstration of motor vehicles or the services and repair of such vehicles.
36. "Rear lot line." A rear lot line is the lot line opposite to the street line. In case of a corner or through lot, the owner may designate which line will be the rear lot line, provided his choice does not involve a violation of any of the provisions of this By-Law. In the case of a corner lot where the side lot lines are curved or angled or joined by a tertiary line or curve, the Building Commissioner shall designate the extent of the rear lot line.
37. "Rear Yard." A rear yard is a required open unoccupied space, the full width of the lot, between the rear wall of the building throughout its height and the rear lot line. Nothing herein shall prohibit the erection and maintenance of permitted accessory buildings within the rear yard.
38. "Recharge area." Recharge areas are areas composed of permeable stratified sand and gravel or till and certain wet lands that collect precipitation or surface water and carry it to the aquifer.
39. "Recorded by plan or deed." This shall mean recorded by plan or deed in the Hampden County Registry of Deeds.
40. "Registered by plan or deed." This shall mean registered by plan or deed in the Massachusetts Land Court.
41. "Registered Marijuana Dispensary (RMD)." A use operated by a not-for-profit entity registered and approved by the MA Department of Public Health in accordance with 105 CMR 725.000, and pursuant to all other applicable state laws and regulations, also to be known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as food, 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. A RMD shall explicitly include facilities which cultivate and process medical marijuana, and which may also dispense and deliver medical marijuana and related products. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning.
42. "Secondary Setback Line". The line running parallel or concentric with the front lot line which includes that part of the building nearest to such rear line.
43. "Story." That portion of a building contained between any floor and the floor or roof next above it, but not including a cellar, crawl space, or attic.

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44. "Street Set-back line." The street set-back line of a lot is a line running parallel or concentric to the street line and at a given distance therefrom, as hereinafter provided, and in front of which no building or part thereof except outside steps may be erected or maintained.
45. "Side Lot Line." Each lot line that is neither a front nor a rear lot line.
46. "Side yard." A side yard is a required open unoccupied space within the lot between a side lot line and the parts of a building which are nearest to such side lot line. Such a side yard must extend through from the street set-back line to the rear yard.
47. "Special Permit Granting Authority." The Zoning Board of Appeals and the Planning Board are designated as the Special Permit Granting Authorities.
48. "Street." The word "street" shall include public ways established by or maintained under public authority, private ways open for public use, and private ways plotted or laid out for ultimate public use, whether or not constructed.
49. "Street line." A street line is the dividing line between a street and a lot.
50. "Structure."  
  
"Anything constructed or erected, the use of which requires a fixed location on the ground, or attachment to something located on the ground, including buildings, mobile homes, billboards, tanks, solar panels, or the like, or the parts thereof, and swimming pools, but not including paved surfaces such as a driveway, a walk or a patio.
51. "Tower." A monopole or lattice style structure on which antennas or other wireless communications devices are placed.
52. "Upland Acreage." Lot area, not including watercourses, water bodies, banks or bordering vegetated wet land as defined by the Massachusetts Wetlands Protection Act Regulations.
53. "Used." Includes "designed or intended to be used."
54. "Wall, parapet." A parapet wall is a wall or part of a wall which extends above the roof of a building.
55. "Watershed." Lands lying adjacent to water courses and surface water bodies which create the catchment or drainage areas of such water courses and bodies.
56. "Wireless Communication Facility." Any tower (with antennas, if any), or antenna placed on existing building or structure, or any device, wiring or equipment designed to facilitate or utilized in connection with, the provisions of the following types of services: cellular telephone service, personal communications service, and enhanced specialized mobile radio service as well as any structures, buildings and appurtenances utilized primarily for the installation and operation of equipment necessary for the provision of such services. This definition does not include an antenna used by a federally licensed amateur radio

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operator or television antennas which are accessory to a residential use.

57. "Zoning Enforcement Officer." The Building Commissioner of the Town of Longmeadow.

(Article II Amended at Annual Town Meeting of May 7, 2013, Article 26.)  
(Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013.)

(Article II Amended at Annual Town Meeting of May 13, 2014, Article 29.  
Approved by the Attorney General, June 30, 2014.)

**ARTICLE III. ZONES**

**SECTION A. DIVISION OF ZONES**

The Town of Longmeadow is hereby divided into eight zones as follows. (Amended at Special Town Meeting of September 25, 1990, Article 1.) (Approved by the Attorney General, Commonwealth of Massachusetts, January 9, 1991.)

1. Residence A-2 Zone
2. Residence A-1 Zone
3. Agricultural Zone
4. Business Zone

In addition to any land currently lying within the Business District, the Business District shall also consist of the following land:

“Beginning at a point at the northwest intersection of the existing 20’-0” easement with the property line of Parcel 2 as previously described by a curve to the left having a radius of two hundred eighty-six and 82/100 (286.82) feet, thence **EASTERLY** on other land now or formerly of Daniel E. Burbank, Jr., et al, eighty and one hundred thirty-one and 90/100 (131.90) feet to land of The First Church of Christ Scientist; thence **SOUTHERLY** on said land of The First Church of Christ Scientist three hundred and 03/100 (300.03) feet to Williams Street; thence **SOUTHWESTERLY** on said Williams Street one hundred thirty-six and 16/100 (136.16) feet; thence **SOUTHWESTERLY** on said Williams Street and by a curve to the right having a radius of five hundred eighty-six and 82/100 (586.82) feet, one hundred sixty-four and 81/100 (164.81) feet to the southeasterly corner of the first parcel of land herein described; thence **NORTHERLY** on said first parcel of land herein described, three hundred and 3/100 (300.03) feet to a point beginning. Consisting of 79,230 square feet (1.819 acres).” (Article 1 of the Special Town Meeting of February 3, 2015. Approved by the Attorney General March 13, 2015)

5. Professional Zone

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6. Elderly Residential Zone (Article 17 of Annual Town Meeting of May 10, 1977.) (Approved by the Attorney General, Commonwealth of Massachusetts, August 18, 1977.)
7. Residential Condominium Reuse Zone (Article II of the Annual Town Meeting of May 8, 1984.) (Approved by the Attorney General, Commonwealth of Massachusetts, June 15, 1984.)
8. Elderly Congregate Residential Zone (Article 1 of the Special Town Meeting of September 25, 1990.) (Approved by the Attorney General, Commonwealth of Massachusetts, January 9, 1991.)

**SECTION B. ZONING MAP**

These zones are shown on a map on file in the office of the Town Clerk under the title "Zoning Map of Longmeadow, Massachusetts, January 1991." This map is hereby declared a part of this by-law. (Amended at the Special Town Meeting of September 25, 1990.) (Approved by the Attorney General, Commonwealth of Massachusetts, January 9, 1991.)

**SECTION C. DEFINITION OF PROFESSIONAL ZONE**

1. The professional zone shall consist of all of that land within the Town of Longmeadow, bounded on the south by Williams Street, on the west by Dwight Road, on the north by Franconia Golf Course and on the east by the Longmeadow/ East Longmeadow line.
2. "Beginning at an iron pin located on the westerly side of Dwight Road, said pin being at the northeast corner of land now or formerly owned by H. Beyerlein, thence N 89 12' 35" W sixty-two and 12/100 (62.12) feet to an iron pin: thence S 89 43' 25" one hundred fifty-four (154) feet to a brown stone bound; thence S 84 54' 56" W two hundred forty and 57/100 (240.57) feet to an iron pin; thence N 22 39' 25" E eighty-six and 91/100 (86.91) feet to a concrete bound; thence N 35 19' 55" E three hundred five and 12/100 (305.12) feet to a brown stone bound; thence N 84 11' 55" E sixty-two and 07/100 (62.07) feet to an iron pin located on said westerly side to Dwight Road, and thence S 30 21' 41" E three hundred sixty-four and 13/100 (364.13) feet to a point of beginning."(Article 9 of the Special Town Meeting of January 9, 1979.)(Approved by the Attorney General, Commonwealth of Massachusetts, March 29, 1979.)
3. "Beginning at an iron pin on the southwesterly side of Dwight Road and thence; S 29 11' E along Dwight Road fifty and 41/100 (50.41) feet, thence, southerly and westerly in a curved line marking the intersection of Dwight Road and Converse Street one hundred twelve and 36/100 (112.36) feet thence; N 80 23' W along Converse Street one hundred eighty-four and 28/100 (184.28) feet, to an iron pin, thence; S 88 51' E a distance of two hundred fifteen and 84/100 (215.84) feet to the point of beginning. (Article 2 of Special Town Meeting of June 30, 1986.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 17,

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1986.)

4. " Beginning at a point on the Southwesterly side of Dwight Road at land now or formerly of E.H. Ward, thence North 65' 7" West along said Ward land one hundred seventy-six and 97/100 (176.97) feet; thence North 74' 28" West along land now or formerly of George and Anna Bergmann two hundred sixty-four and 58/100 (264.58) feet to an iron pin; thence North 4' 22" West along land now or formerly of said Bergmann three hundred eighty-one and 63/100 (381.63) feet to an iron pin on the South side of Converse Street thence South 80' 23' East along Converse Street one hundred fifty and 49/100 (150.49) feet; thence Easterly and Southerly along a line marking the intersection of Converse Street and Dwight Road forty-four and 70/100 (44.70) feet; thence South 29' 11" East along Dwight Rd. five hundred thirty-eight and 69/100 (538.68) feet to a point of beginning."  
(Article 14 of the Special Town Meeting of September 25, 1990.)  
(Approved by the State Senate and House of Representatives in General Court, Commonwealth of Massachusetts, May 30, 1991.)

**SECTION D. DESCRIPTION AND LOCATION OF ELDERLY RESIDENTIAL ZONE.**

The Elderly Residential Zone shall consist of all land within the Town of Longmeadow bounded and described as follows:

The land in Longmeadow, Hampden County, Massachusetts, situated on the Northerly side of Emerson Road, more particular bounded and described as follows:

N. 89 56' 06" W. along the said Northwesterly side of Emerson Road, a distance of one hundred thirty-one and 94/100 (131.94) feet; thence running

N. 67 40' 55" W. along land now or formerly of Hammerick, a distance of six hundred fifty-eight and 56/100 (658.56) feet; thence running N. 19 00' 55" W. along land of the Town of Longmeadow a distance of one hundred twenty-two and 04/100 (122.04) feet; thence running

N. 10 10' 55" W. a distance of one hundred seventy-two and 22/100 (172.22) feet; thence running N. 9 23' 55" E. a distance of one hundred forty-four and 45/100 (144.45) feet, the last two courses along land of the Town of Longmeadow; thence running

S. 71 17' 05" E. a distance of eight hundred twenty-one and 65/100 (821.65) feet along land now or formerly of Joseph Chapdelaine, Inc., et al thence running

S. 18 41' 00" W. a distance of four hundred and 26/100 (400.26) feet; thence running S. 67 39' 52" E. a distance of eighty-four and 19/100 (84.19) feet to the point of beginning.

(Article 18 of the Annual Town Meeting of May 10, 1977.)

(Approved by the Attorney General, Commonwealth of Massachusetts, August 18, 1977.)

**AMENDMENT - ARTICLE III.**

Beginning at a point on the southeasterly end of that tract of land, presently owned by the Springfield Jewish Home for the Aged, Inc., and thence running northwesterly along Converse Street 499.78 feet to a point on land of said Springfield Jewish Home for the Aged, Inc., thence

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running N 68 11' 00" E, 863.62 feet to a point at land of Genesis Foundation, Inc.; thence running S 14 22' 05" W, 689.86 feet to a point; thence running S 88 11' 14" W, 266.00 feet to a point; thence running S 57 14' 29" W, 88.14 feet to the place of beginning; containing 7.31 acres, plus or minus. (Article 1 of the Special Town Meeting of February 1, 1983.) (Approved by the Attorney General, Commonwealth of Massachusetts, March 25, 1983.)

**AMENDMENT - ARTICLE III.**

Beginning at a point on the easterly side of Converse Street, said point being the southwesterly end of that tract of land, presently owned by Genesis House, Inc.; and thence running Northwesterly along Converse Street on a curve to the right with a radius of 1,420.00 feet, 499.78 feet to a point on land now or formerly of the Springfield Jewish Home for the Aged, Inc.; thence running

North 68 11' 00" East 863.62 feet to a point on land now or formerly of said Springfield Jewish Home for the Aged, Inc.; thence running North 14 22' 05" East 496.87 feet to a point; thence running South 77 56' 47" East 100.08 feet to a point; thence running South 14 22' 05" West 1,265.88 feet to a point; thence running South 88 11' 14" West 313.42 feet to a point; thence running South 57 14' 29" West 33.33 feet to a point; thence running

Northwesterly along Converse Street, on a curve to the right with a radius of 1,420.00, a distance of 103.64 feet to the place of beginning. Containing 10.93 acres, more or less.

(Article 13 of the Special Town Meeting of September 25, 1990.)

(Approved by the Attorney General, Commonwealth of Massachusetts, January 9, 1991.)

**SECTION E. DEFINITION OF FLOOD PLAIN ZONE**

1. **PURPOSE.** The purposes of the Flood Plain Zone are to protect the public health, safety, and general welfare, to protect the human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the flood plain, to preserve and maintain the ground water table and water recharge areas within the flood plain and to prevent the public from being burdened with costs resulting from unwise choices of land use.
  
2. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of 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 Longmeadow are panel numbers 25013C0403E, 25013C0404E, 25013C0408E, 25013C0411E, 25013C0412E, 25013C0413E, 25013C0414E, and 25013C0416E, 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. The FIRM and FIS report are incorporated herein by reference and are on file with the Board of Selectmen. (Amended at Annual Town Meeting of May 7, 2013, Article 27.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013.)

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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 floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

b. BASE FLOOD ELEVATION DATA. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

(Article 21 of the Annual Town Meeting on May 14, 1996) (Approved by the Attorney General, Commonwealth of Massachusetts, July 23, 1996.)

4. Notification of Watercourse Alteration. In a riverine situation, the following should be notified of alteration or relocation of a watercourse:

Adjacent Communities

Bordering States (optional)

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 I

99 High Street, 6th Floor

Boston, MA 02110

(Amended at Annual Town Meeting of May 7, 2013, Article 27.)

(Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013)

5. USE REGULATIONS. The flood plain zone is set up as an overlay district. All development, including structural and non-structural activities, whether permitted as a right or by special permit, must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

Section of the Massachusetts State Building Code which addresses flood plain and coastal high hazard areas (currently 780 CMR, "Flood Resistant Construction")

(Amended at Annual Town Meeting of May 7, 2013, Article 27.)

(Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013.)

Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00)

Inland Wetlands Restriction, DEP (currently 310 CMR 13.00)



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Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

(Amended at Annual Town Meeting of May 7, 2013, Article 27.)

(Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013.)

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.

All sub-division proposals shall be reviewed to assure that: a) such proposals minimize flood damage; b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; c) adequate drainage is provided to reduce exposure to flood hazards.

(Amended at Annual Town Meeting on May 14, 1996, Article 21.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 23, 1996.)

a. **PERMITTED USES** The following uses of low flood-damaged potential and causing no obstructions to flood flows shall be permitted provided they do not require structures, fill, excavation or storage of materials or equipment.

1. Agricultural uses such as farming, grazing, truck farming, horticulture.
2. Forestry and nursery uses.
3. Outdoor recreation uses, including fishing, boating, play area.
4. Conservation of water, plants, wildlife.
5. Wildlife management areas; foot, bicycle, and/or horse-paths.
6. Buildings lawfully existing prior to the adoption of these provisions.

b. **SPECIAL PERMITS** No structure or building shall be erected, constructed, substantially improved, reconstructed, or otherwise created or moved; no earth or other materials dumped, filled, stored, excavated, or transferred unless a special permit is granted by the Board of Appeals following a public hearing. Said Board may issue a special permit hereunder (subject to other provisions of this by-law), if the application complies with the following provisions:

1. The proposed use shall comply in all respects to all the provisions of the Zoning By-Laws of the Town of Longmeadow.
2. Within 10 days of the receipt of the application, the Board of Appeals shall transmit one copy of the development plan to the Conservation

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Commission, Board of Health, Board of Selectmen, Planning Board, Water and Sewer Commission, and Building Commissioner.

3. All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited in the floodway, unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood.
4. The Board of Appeals may specify such additional requirements and conditions as it finds necessary to protect the health, safety, and welfare of the public and the occupants of the proposed use.
5. The boards and agencies to which these development plans are referred for review shall make such recommendations as they deem appropriate and shall send copies thereof to the Board of Appeals and to the applicant; provided, however that failure of any such board or agency to make recommendations within thirty-five days of receipt by said board or agency or the development plan shall be deemed lack of opposition thereto.
6. **SEVERABILITY.** The invalidity, unconstitutionality, or illegality of any provision of this by-law shall not have any effect upon the validity, constitutionality or legality of any other provision of this by-law. (Article 19 of the Annual Town Meeting of May 11, 1982.) (Approved by the Attorney General, Commonwealth of Massachusetts, August 12, 1982.)

Sub-sections 4, 5 & 6 Amended at the Annual Town Meeting on May 9, 2000, Article 28.) (Approved by the Attorney General, Commonwealth of Massachusetts, August 17, 2000.)

**SECTION F. DESCRIPTION AND LOCATION OF ELDERLY CONGREGATE RESIDENTIAL ZONE.**

The Elderly Congregate Residential Zone shall consist of all land within the Town of Longmeadow bounded and described as follows:

Beginning at an iron pin in the Easterly end of land herein described and at the Southeasterly corner of land now or formerly of Town of Longmeadow (Inter-Faith Homes) as shown on said plan, said pin also being on the Northerly sideline of Emerson Road; and running thence South 71 11' 00" West along said Emerson Road 207.00 feet to a point; running thence

South 71 14' 05" West 97.54 feet along said Emerson Road; to a point thence

North 79 53' 00" West 111.84 feet along said Emerson Road; to a point thence  
North 69 41' 00" West 272.22 feet along said Emerson Road; to a point thence

South 74 17' 00" West 61.37 feet along said Emerson Road; to a point thence

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North 73 50' 11" West 25.08 feet along said Emerson Road to an iron pin; thence  
North 04 46' 46" East along land now or formerly of Scott Smith as shown on said plan 299.15  
feet to an iron pin; thence

South 66 50' 38" East 774.30 feet along land now or formerly of Town of Longmeadow (Inter-Faith  
Homes) as shown on said plan to the iron pin of the beginning.

(Article 2 of Special Town Meeting of September 25, 1990.) (Approved by the Attorney General,  
Commonwealth of Massachusetts, January 9, 1991.)

That parcel of land containing approximately 47.381 acres located on the northerly side of  
Converse Street which is bounded and described as follows: Beginning at an iron pipe on the  
northerly sideline of Converse Street at the southwest corner of the land herein described and the  
southeast corner of land now or formerly of the Springfield Jewish Home for the Aged, Inc., and  
running thence:

N 57 14' 29" E, along land now or formerly of the Springfield Jewish Home for the Aged, Inc.,  
33.33 feet to an iron pipe, thence;

N 88 11' 44" E, along last named land, 313.42 feet to an iron pipe thence;

N 14 22' 05" E, along last named land, 1,265.88 feet to an iron pipe at the boundary line of the  
Town of Longmeadow and the City of Springfield, thence;

S 77 56' 47" E, along said boundary line of the Town of Longmeadow and the City of Springfield,  
1,230.95 feet to an iron pipe, thence;

S 17 29' 20" W, along other land now or formerly of the City of Springfield, 213.04 feet to a  
concrete bound, thence;

S 57 17' 30" W, along last named land, 162.62 feet to a concrete bound, thence;  
S 66 39' 20" W, along last named land, 166.25 feet to a concrete bound, thence;

S 74 04' 10" W, along last named land, 285.28 feet to a concrete bound, thence;  
S 77 31' 25" W, along last named land, 228.00 feet to a concrete bound, thence;

S 03 52' 44" W, along last named land, 412.95 feet to a stone bound, thence;

S 86 29' 05" E, along last named land, 1,061.97 feet to a concrete bound at land now or formerly  
of Longmeadow Tennis Associates, thence;

S 05 26' 20 " W, along land now or formerly of Longmeadow Tennis Associates, 759.68 feet to a  
concrete bound on the northerly sideline of Converse Street, thence;

Westerly on a curve to the left having a radius of 1,942.69 feet, along the northerly sideline of  
Converse Street, 184.05 feet, thence;

Westerly on a curve to the right having a radius of 1,738.96 feet, along last named land, 916.71

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feet, thence;

N 61 55' 50" W, along last named land, 745.47 feet to a granite bound, thence;

Northwesterly on a curve to the right having a radius of 1,420.00 feet, along last named land, 294.97 feet to the point of beginning.

(Article 19 of the Annual Town Meeting of May 12, 1992.) (Approved by the Attorney General, Commonwealth of Massachusetts, June 30, 1992.)

**ARTICLE IV. USE REGULATIONS**

**SECTION A. GENERAL CONDITION**

General Condition. Any building or structure, use of building or structure, or use of land not herein expressly permitted for the zone in which the building or structure or land is located is hereby forbidden, except a building or structure, use of a building or structure, or use of land legally existing prior to the effective date of this by-law, or any pertinent amendment thereof, unless permission is obtained from the Zoning Board of Appeals as provided in Article I of this by-law.

The following use is specifically prohibited in all zones under this by-law: Wholesale or retail motor or recreational vehicle sales. Included herein would be any establishment whose principal or secondary business includes the sale of new and used automobiles, trucks or trailers, or the sale of new and used on- or off-road recreational or water sport vehicles, including but not limited to: boats, snowmobiles, jet engine or motor-powered water craft, motorcycles and two or four wheel all-terrain vehicles.

(Amended at Annual Town Meeting on May 9, 2000, Article 25.) (Approved by the Attorney General, Commonwealth of Massachusetts on August 17, 2000.)

**SECTION B. USES IN RESIDENCE ZONES**

Uses in Residence Zones. In the Residence Zones, except as may be hereinafter otherwise provided, no building or structure or land shall be used, and no building or structure shall be erected or altered, which is intended or designed to be used for any purpose except one or more of the following:

1. Detached, permanent, single-family dwelling, together with an integral or attached garage capable of housing not more than three automobiles, all of which shall be of non-commercial passenger type.
  - 1.1 In supplement to the use of a dwelling as residence for a single family, the following accessory uses are permitted:
    - 1.1a The renting of bedroom space by the week, or the furnishing of table board by the week, to not more than four persons other than members of the family.

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- 1.1b (Deleted by vote of the Special Town Meeting of October 8, 1968, Article 3.)
- 1.1c The renting of parking space in a completely enclosed garage to the extent that the same space is not required for the storage in a garage of all automobiles stored on the premises.
- 1.1d—Accessory uses shall not include the keeping upon the land of unused (for over thirty (30) days) or unsightly personal property, or the storing of any unregistered and uninspected motor vehicles, except within a totally enclosed garage.
- 1.1e Accessory uses shall not include the parking, storing, or maintaining of any type of trailer, motor home, boat, or recreational vehicle upon the property for over 48 hours except within a totally enclosed garage or to the rear of the secondary setback line with suitable natural screening.
- 1.1f Accessory uses shall not include the keeping of animals, except cats and dogs, except by special permit of the Board of Appeals, as hereinafter provided.
- 1.1g Accessory uses in the front yard shall not include the parking of any vehicle other than on a paved, gravel or other impervious surface area. For purposes of this bylaw, such area shall not exceed twenty percent (20%) of the area bounded by the side lot lines, the front of the residential structure, and the street line of any lot. This provision is not intended to ban parking on any paved or gravel area to the rear or side of the residential structure.
- 1.1h Accessory uses shall not include the keeping of a construction dumpster or a storage device commonly known as a “pod” for longer than a sixty (60) day period without permission from the Inspector of Buildings.
- 1.2 Detached buildings and structures, as enumerated hereunder, may be constructed and erected as accessory to the dwelling, provided that the total land area occupied by such accessory buildings and structures shall not exceed 50% of the gross land area within the property lines to the rear of the secondary set-back line as defined under Article VI, Section B, Sub-paragraph 2a.
  - 1.2a 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 private garage must be used for the overnight vehicular storage of commercial vehicles which includes vans and pick-up trucks used in connection with a business or trade or which have commercial lettering thereon.
  - 1.2b Garden tool house, summer house, or children's playhouse.
  - 1.2c Bicycle shed.

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- 1.2d An animal shelter, designed for and used by not more than two domestic pets of the resident family.
- 1.2e Pool, intended and used for the raising of aquatic plant life and fish, or for wading; whose major dimensions shall not exceed 18 inches in depth, 10 feet horizontally in any direction, and 50 square feet of surface area.
- 1.2f Pool, intended and used for bathing, swimming, and diving and to be located to the rear of the secondary set-back line shall be subject to the following area restrictions:

In the Residence A-2 Zone - 1500 square feet

In the Residence A-1 Zone - 1200 square feet

Such a pool, or the general area within which it is constructed, must be surrounded by a fence which complies with the regulations contained in the Massachusetts State Building Code. A bathhouse and enclosure for mechanical equipment incidental to the operation of the pool are permissible accessory structures and shall also be located to the rear of the secondary setback line. (Amended at Annual Town Meeting of May 13, 2003, Article 26.) (Approved by the Attorney General, Commonwealth of Massachusetts, September 23, 2003.)

- 1.2g A sign may be erected and maintained in any zone as shown on the Zoning Map of the Town, showing name and street number only, which is affixed to the dwelling or attached to a suitable support. In the case of a physician, surgeon, dentist, lawyer, accountant, engineer or architect, such sign may show, in addition to the name and street number, the class of profession. Such sign shall not exceed one square foot in area, or two feet in a linear dimension. A temporary sign relating to proposed sale or rental of a lot of real property, and any buildings thereon, may be displayed but may not exceed four square feet in area.

No other billboard, sign or other advertising device shall be posted, erected, displayed or maintained in the Town of Longmeadow except as the same may be permitted under the provision of the statutes of the Commonwealth of Massachusetts and rules and regulations adopted thereunder, or as may be permitted under the provision of Section 117-A of the General By-Laws of the Town of Longmeadow, or as may be permitted by this Paragraph 1.2g, or by Article IV, Section D, Paragraph 4 (b) and 8 of this Zoning By-Law.

- 1.2h (Deleted at Annual Town Meeting of May 13, 2003, Article 25) (Approved by the Attorney General, Commonwealth of Massachusetts, September 23, 2003)
- 1.2i Outdoor fireplace, or barbecue; subject to approval of the Fire Department.
- 2. Any church or other religious purpose or for any religious, sectarian or denominational education purpose. A church may erect and display a customary bulletin board.

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3. Public school, library, museum, park, playground, or recreational building.
4. Municipal buildings and facilities; together with the garaging of automotive equipment.
5. Off-the-street parking areas incidental to any of the installations under 2, 3, and 4 above.
6. Except as otherwise provided in the By-Law, the Zoning Board of Appeals may, in its discretion, in appropriate cases, and subject to appropriate conditions and safeguards, grant special permits for any of the following:  
  
(Amended at Annual Town Meeting on May 9, 2000, Article 27.) (Approved by the Attorney General, Commonwealth of Massachusetts, August 17, 2000.)
  - 6.1 Driveways over land for ingress to and egress from adjacent land in a Business Zone owned by the same person or persons.
  - 6.2 Private school, hospital, sanitarium, convalescent home, rest home, club not conducted for profit, or guest house together with serving of meals.
  - 6.3 Cemetery, together with chapel, and crematory whose use shall be restricted to the cemetery within which it is located.
  - 6.4 Private stable not conducted for profit, farm, truck garden, nursery, or greenhouse.
  - 6.5 Keeping of domestic fowl, or the keeping of domestic animals outside of the quantity restrictions of sub-paragraph 1.2d preceding.
  - 6.6 Any public utility service building or installation, not to include the garaging of trucks or the outside storage of materials and supplies; or any building for the exclusive use of the United States Government or any agency thereof.
  - 6.7 Garaging and maintaining of more than three automobiles under paragraphs 1, 2, and 3, and sub-paragraph 1.2a of this Section; or any automotive equipment under sub-paragraphs 6.2, 6.3, 6.4, 6.6 and 6.10 of this Section.
  - 6.8 Fence or planting on land owned by the Town of Longmeadow showing a greater density or extending to a greater height than that permitted under the preceding paragraph 1.2h.
  - 6.9 Pool, of the class set forth under sub-paragraph 1.2f hereof, whose normal water surface area exceeds the area limitation previously imposed but in no case violates any other restriction placed thereon.
  - 6.10 Home occupations may be carried on for gain by a resident occupant in any Residential Zone, not previously specifically permitted, limited to that which may be conducted within a residential dwelling without in any way changing the appearance or condition of the residence.

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- 6.10a There shall be no employment of help other than members of the resident family.
- 6.10b No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference off the premises. In the case of electrical interference, no equipment or process shall be used which creates audible or visual interference in any radio, television receiver, or telephone off the premises.
- 6.10c The home occupation shall not generate additional pedestrian or vehicular traffic.
- 6.10d No more than twenty-five (25) percent of the gross area of one floor of any residence shall be used for a home occupation. The use of accessory buildings for a home occupation is prohibited.
- 6.10e No outside display of advertising shall be permitted.
- 6.10f In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character.
- 6.10g No home occupation shall cause any considerable increase in the use of water, sewer or trash collection.
- 6.10h The petitioner must apply to, and a permit to conduct a home occupation must be obtained from the Zoning Board of Appeals. A permit shall initially be used for a period of one year. Any renewal shall be issued for a period not longer than three years. Each renewal shall be considered a new application.

(Uses in Residence Zones Amended at Special Town Meeting of May 10, 1988, Article 2.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 15, 1988.)

6.11 Wireless Communications Facilities - Purpose

The purpose of this section of the By-Law is to minimize the adverse impact of any wireless communication structures, buildings and appurtenances on adjacent properties and residential neighborhoods; to limit the number and height of such facilities to only what is essential; to promote shared use of existing facilities to reduce the need for new facilities; to protect, to the maximum extent practicable, the historic and residential character of the Town of Longmeadow, the property values of the community and the health and safety of citizens.

6.12 Wireless Communications Facilities - General Requirements

- 1. No wireless communications facilities shall be erected or installed except in compliance with the provisions of this Section. Any proposed modification to an existing wireless communications facility including, but not limited to extension in the height, addition of antennas or panels, or construction of a new or



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replacement of a facility shall be subject to these provisions and shall require a new application. The Planning or Zoning Board of appeals each may, at its discretion, waive any application requirements for modifications to existing facilities.

2. Wireless communication facilities shall, if feasible, be located on pre-existing structures, buildings or towers provided such installation shall preserve the character of the structure, building or tower. The applicant shall demonstrate that there are no feasible pre-existing structures, buildings or towers. If there are no feasible pre-existing structures, buildings or towers, then wireless communication facilities shall, if feasible, be located on public land.
3. Lattice style towers and/or any tower requiring guy wires shall not be permitted except on public land. All towers shall be pre-engineered to fail at a pre-determined height and "fold in half" in the event of catastrophic failure.
4. Providers of wireless communication service shall report to the Building Commissioner, any cessation in the use or operation of any wireless communications facility that exceeds 30 days, and such facilities shall be removed at the owner's expense within one (1) year of cessation of use or operation.

6.13 Wireless Communications Facilities - Design Guidelines

The following guidelines shall be used when preparing plans for the siting and construction of all wireless communication facilities.

1. The set-back of a tower from the property line of the lot on which it is located shall be at least equal to the height of the pre-engineered fault, as described in 6.12.3 above, measured at the man-finished grade of the tower base. Further, the tower shall be located a minimum 300 feet from the nearest existing residential building and 750 feet from any historic district.
2. All towers shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use. No wireless communications facility shall exceed 190 feet in height as measured from ground level at the base of the tower.
3. All wireless communications facilities shall be sited in such a manner that the view of the facility from adjacent abutters, residential neighbors and other areas of Town shall be as limited as possible. All wireless communications facilities shall be painted, colored, and/or constructed of materials that minimize the visual impact of the wireless communications facilities on adjacent abutters, residential neighbors and other areas of Town, and owners of wireless communications facilities in a manner that blends them into the structure, building, tower and/or landscape where they are located. The Zoning Board of Appeals may impose reasonable conditions to ensure this result, including painting and lighting standards.
4. To the extent feasible, all service providers shall co-locate on a single tower.

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Wireless communications facilities shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of towers which will be required within the community. New towers shall be considered only upon a finding by the Zoning Board of Appeals that existing or approved towers cannot adequately fulfill the applicant's service requirements or accommodate the wireless communications equipment contemplated by the applicant.

5. An applicant proposing a wireless communications facility shall demonstrate to the satisfaction of the Zoning Board of Appeals 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.
6. Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the scenic character of the Town and of abutting properties and shall not be of barbed or razor wire unless completely blocked from view by shrubs or other landscaping. A landscape buffer of evergreen shrubs or tree planting shall be provided on the outside of the fenced area. The shrub or tree planting shall mature to a height equivalent to the fence height and be planted at a height of at least four (4) feet and planted no less than three (3) feet apart. All landscape plantings must be continually maintained.
7. There shall be no signs except a sign identifying the facility, the owner and operator and an emergency telephone number where the owner can be reached on a twenty-four (24) hour basis; a no-trespassing sign; a sign displaying the FCC registration number and, any signs required to warn of danger. All signs shall comply with the requirements of the Longmeadow Zoning Bylaw.
8. No wireless communications facility installed within 750 feet of a single residence shall exceed the maximum height limitation established by the Federal Aviation Administration ("FAA") for required night lighting. Night lighting of towers shall be prohibited unless required by the FAA. Lighting shall be limited to that needed for emergencies and/or as required by the FAA. Lighting of buildings and the ground may be provided to ensure a safe and secure facility. All lighting shall be shielded to prevent undue impact on surrounding properties.
9. There shall be a minimum of one (1) parking space for each facility, 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.
10. To the extent feasible, all network interconnections from the communications site shall be via land lines.
11. Existing on-site vegetation shall be preserved to the maximum extent practicable. 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

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streams or wetlands.

12. Traffic associated with the tower and accessory facilities and structures shall not adversely affect abutting ways.
13. Applicants proposing to erect wireless communications facilities on municipally-owned land or structures shall provide evidence of contractual authorization from the Town of Longmeadow to conduct wireless communications services on municipally-owned property.

6.14 Wireless Communication Facility - Application Requirements

For an application to be considered complete, the following information must be submitted:

1. A color photograph or rendition of the proposed wireless communication facilities including, but not limited to, the proposed tower with its antenna and/or panels. A rendition shall also be prepared illustrating a view of the proposed wireless communication facilities from the nearest street or streets.
2. A landscape plan showing the proposed site before and after development including topography and screening proposed to protect abutters.
3. A description of the wireless communication facilities including, but not limited to, the height of any towers and antennas, access roads and power supplies, the type size and number of transmitters and a technical report which demonstrates that the maximum height of the installation is the minimum feasible to provide the intended service.
4. The technical, and other reasons for the proposed location, height and design including, but not limited to, a survey of all sites which are feasible for providing the intended services both within and outside of the Town of Longmeadow and the reason(s) the proposed site was selected over at least one alternative site.
5. A survey of all pre-existing structures, buildings or towers which are capable of supporting the equipment necessary to provide the intended service and a technical report which demonstrates why any such structure, building or tower cannot be used by the applicant.
6. A description of the capacity of the tower including the number and type of panels, antenna and/or transmitter receivers that it can accommodate and the basis for these calculations.
7. A statement that the sound levels under normal operating conditions, whether emanating directly from, or as a result of natural wind blowing through, the wireless communications facility, measured at the boundary of the lot on which it is sited, shall not be greater than would otherwise exist in the absence of such facility.
8. A statement of the services to be supported by the proposed wireless communication facilities and a delineation on the Zoning District Map of all

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areas in Longmeadow which will not be served by the proposed installation for the primary and an alternate site.

9. A description of the special design features utilized to minimize the visual impact of the proposed wireless communication facilities in accordance with Sections 6.13.3; 6.13.6 and 6.13.11.
10. A certification that the applicant has complied with all federal and state requirements to provide the proposed service.
11. Within thirty days after filing the application for any new tower or extension in height thereto, the applicant shall arrange to fly a balloon at the primary and an alternate site at the maximum height of the proposed installation on a weekend day between the hours of noon and 3 P.M. The balloon shall be of size and color that can be seen from every direction for a distance of one (1) mile. The date and location of the flights shall be advertised at least 14 days, but not more than 21 days, before the flights in at least two different issues of a newspaper with a general circulation in the Town of Longmeadow.

Special Permit applications must include a Planning Board decision per Article XI, Section G., 1.a. or 1.c., and include at least one copy of all documents submitted to the Planning Board and made part of that decision.

Severability.

The invalidity, unconstitutionality, or illegality of any provision of this by-law shall not have any effect upon the validity, constitutionality or legality of any other provision of this by-law.

(Article 25, Annual Town Meeting on May 13, 1997.) (Approved by the Attorney General, Commonwealth of Massachusetts on September 4, 1997.)

- 6.15 Monument Signs for Non-Residential Uses Located Within Residential Zones  
Monument Signs immediately adjacent to a non-residentially used property's entrance or driveway identifying the name of the entity or establishment located upon the same property. The following dimensional restrictions shall apply:
- Max. area: 15 square feet on lots with an area less than an acre;  
40 square feet on lots containing greater than an acre.
  - Max. height: 6 feet
  - Max. Number: 2 per vehicular ingress/egress
  - Min. setback: 10 feet

**SECTION C. USES IN THE AGRICULTURAL ZONE.**

In the Agricultural Zone, except as may be herein otherwise provided, no building or structure or land shall be used, and no building or structure shall be erected or altered, which is intended or designed to be used for any purpose except one or more of the following:

1. Any use permitted in the Residence Zones as delineated under Article IV, Section B, Paragraph 1 through 5 of this by-law.
2. Any use cited under Article IV, Section B, Sub-paragraphs 6.4, 6.5, 6.6, or 6.8 of

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this by-law; all without reference to or permission of the Zoning Board of Appeals.

3. Any use cited under Article IV, Section B, Sub-paragraphs 6.1, 6.2, 6.3, 6.7, 6.9, 6.10, 6.11, 6.12, 6.13 and 6.15 to Subsection 3 of this by-law; subject to the restrictions and procedure of Article IV, Section B, Paragraph 6 of this by-law.

(Amended at Annual Town Meeting on May 13, 1997, Article 25.) (Approved by the Attorney General, Commonwealth of Massachusetts on September 4, 1997.)

4. The raising and keeping of farm animals, restricted to horses, cows, and sheep.
5. The storage, maintenance, and operation of auxiliary farm equipment, the use of which is required within the zone.
6. In addition to the detached buildings and structures enumerated under Article IV, Section B, Sub-paragraph 1.2 of this by-law, those properties used for farming may include as primary or accessory structures the following:
  - 6a. Appropriate shelter and enclosure for those animals listed under Paragraph 4, or for that equipment listed under Paragraph 5 hereof, or both.
7. In addition to the detached buildings and structures enumerated under Article IV, Section B, Sub-paragraph 1.2 of this by-law, those properties which front upon the Connecticut River may include as primary or accessory structures one or more of the following:
  - 7a. Boat house, of such size and facility as to accommodate not more than one craft over 16 feet in length, together with not more than two lesser craft, or three lesser craft alone; and which shall be used exclusively for the storage of such craft and accessories thereto.
  - 7b. Dock, or similar riverside facility, intended for and used exclusively by craft belonging to the owner and to his non-paying guests, and not for hire.
8. Any permit granted under Article IV, Section B, Paragraph 6 and Sub-paragraph 6.2 of this by-law in connection with riverfront property may include permission for facilities of the class to which Paragraph 7 hereof is directed, but of appropriately larger dimension and utility.
9. Large-scale ground-mounted solar photovoltaic installations. The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

**9.1 Applicability**

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

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9.2 Definitions

9.2.1. As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site & design review to determine conformance with local zoning ordinances or bylaws.

9.2.2. Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

9.2.3. On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

9.2.4. Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

9.3 General Requirements for all Large Scale Solar Power Generation Installations

The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

9.3.1 Compliance with Laws, Ordinances and Regulations

The construction and operation of all large scale 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 State Building Code.

9.3.2 Building Permit and Building Inspection

No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

9.3.3 Fees

The application for a building permit for a large scale solar photovoltaic installation must be accompanied by the fee required for a building permit.

9.3.4 Site & Design Review

Ground-mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site & design review by the Planning Board prior to construction, installation or modification as provided in this section.

9.3.4.1 General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

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9.3.4.2 Required Documents

Pursuant to the site & design review process, the project proponent shall provide the following documents:

- (a) A site plan showing:
  - i. Property lines and physical features, including roads, for the project site;
  - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
  - iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
  - iv. One or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
  - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
  - vi. Name, address, and contact information for proposed system installer;
  - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
  - viii. The name, contact information and signature of any agents representing the project proponent; and
- (b) Documentation of actual or prospective access and control of the project site (see also Section 9.3.5);
- (c) An operation and maintenance plan (see also Section 9.3.6);
- (d) 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);
- (e) Proof of liability insurance; and
- (f) Description of financial surety that satisfies Section 9.3.12.3.

The Planning Board may waive documentary requirements as it deems appropriate.

9.3.5 Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

9.3.6 Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance

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of the large- scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

#### 9.3.7 Utility Notification

No large- scale ground –mounted solar photovoltaic installation shall be constructed until 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 or operator’s intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

#### 9.3.8 Dimension and Density Requirements

##### 9.3.8.1 Setbacks

For large - scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

- (a) Front yard: The front yard depth shall be at least 10 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.
- (b) Side yard. Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the side yard shall not be less than 50 feet.
- (c) Rear yard. The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a Conservation-Recreation or Residential district, the front yard shall not be less than 50 feet.

##### 9.3.8.2 Appurtenant Structures

All appurtenant structures to large- scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

#### 9.3.9 Design Standards

##### 9.3.9.1 Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. 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 reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic



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installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

**9.3.9.2 Signage**

Signs on large- scale ground-mounted solar photovoltaic installations shall comply with the town's sign bylaw. A sign consistent with the town's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation and in compliance with the town's sign bylaw.

**9.3.9.3 Utility Connections**

Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

**9.3.10 Safety and Environmental Standards**

**9.3.10.1 Emergency Services**

The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. 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.

**9.3.10.2 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 large – scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

**9.3.11 Monitoring and Maintenance**

**9.3.11.1 Solar Photovoltaic Installation Conditions**

The large - scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition and meeting the town's expectations. Maintenance shall include, but not be limited to, painting,

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structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

**9.3.11.2 Modifications**

All significant modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board.

**9.3.12 Abandonment or Decommissioning**

**9.3.12.1 Removal Requirements**

Any large- scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 9.3.12.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal along with a definitive time frame for completion. Decommissioning shall consist of:

- (a) Physical removal of all large- scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade

foundations in order to minimize erosion and disruption to vegetation.

**9.3.12.2 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 one year without the written consent of the Planning Board. If the owner or operator of the large- scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation at the expense of the owner.

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9.3.12.3 Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. 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. The amount shall include a mechanism for calculating increased removal costs due to inflation.

(Amended at Special Town Meeting on October 26, 2010. Article 11.)  
(Approved by Attorney General, Commonwealth of Massachusetts on December 17, 2010.)

**SECTION D. USES IN BUSINESS ZONES.**

In the Business Zones, except as herein otherwise provided, no building or land shall be used and no building shall be erected or altered which is intended or designed to be used for any purpose except one or more of the following:

1. Any use permitted in Residence Zones as designated in Article IV, Section B, Sub-sections 1 to 5 inclusive of this by-law.
2. Any use permitted in Residence Zones as designated in Article IV, Section B, Sub-section 6 of this by-law, all without reference to or permission of the Board of Appeals.
3. Bank, business or professional office, or place of retail business, or service, including parking lot for customers thereof, except those uses listed in this Section D, Sub-section 5, paragraphs (a) through (h) provided that any new or different use will be legal only if the Zoning Board of Appeals has found adequate off-street parking facilities are available to the patrons of the occupiers of any such place, and no Building Permit shall be issued until such finding has been made.

(Amended at Special Town Meeting of May 10, 1988, Article 2.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 15, 1988.)

4. Accessory uses to the foregoing shall include only the following:
  - a. Garaging and maintaining of not more than four motor vehicles.
  - b. An owner of premises in a business zone as shown on the Zoning Map of the

Town, or his lessee or tenant, may erect and maintain a single sign affixed to a structure, or the portion thereof devoted to the business transaction thereon, whose length shall not exceed two feet less than the width of said structure or said portion, as the case may be, and whose height shall not exceed three feet; affixed at a height determined by the Building Commissioner. Any sign or other advertising device which shall be painted or otherwise placed upon said structure, without the use of a separate board or other removable construction, shall be deemed to be so affixed under the provisions of this sub-paragraph. Said sign may advertise or indicate either the person occupying the premises in question or the business transacted thereon, but shall not make reference to a specific item. Signs relating to a specific item or items for sale with the premises may be displayed in the windows, or at any point within the area normally devoted to the service of customers, but in no case shall such a sign, or any item, be displayed or stored outside of the building, except in the case of a business devoted to the service of motor vehicles, and then only in the manner and to the extent approved by the Board of Appeals.

No other billboard, sign or other advertising device shall be posted, erected, displayed or maintained in the Town of Longmeadow except as the same may be permitted under the provisions of the statutes of the Commonwealth of Massachusetts and rules and regulations adopted thereunder, or as may be permitted under the provisions of Section 117-A of the General By-Law of the Town of Longmeadow, or as may be permitted by this Paragraph 4 (b) or by Paragraph 4 (c), or by Article IV, Section B, Paragraph 1.2g of this Zoning By-Law.

- c. The Board of Appeals may, in its discretion, in appropriate cases and subject to appropriate conditions and safeguards, permit an owner, lessee or tenant to display, under the provisions and limitations of paragraph (b) hereof, a sign or signs in addition to the single sign therein permitted.
5. The Board of Appeals, may, in its discretion, in appropriate cases, and subject to appropriate conditions and safeguards, including adequate parking facilities, grant special permits for any of the following uses:
    - a. Public garage.
    - b. Gasoline filling station.
    - c. Service station.
    - d. Theater or other place of amusement, not including open air drive-in theaters, so called.
    - e. Assembly hall.
    - f. Club.
    - g. Package store.

- h. Nothing in this section shall be construed so as to permit manufacturing of any kind whatsoever, except as incidental to retail business, the product to be sold on premises to ultimate consumer.
- 6. Any residential property which is adjacent to a business or professional zone shall not be paved for use as additional parking area and shall not be used in the determination of the adequacy of off-street parking. (Amended at Special Town Meeting of May 10, 1988, Article 2.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 15, 1988.)

## **SECTION E. NON-CONFORMING BUILDINGS AND USES.**

- 1. Any building or use of a building or part thereof, or any use of land or part thereof which, at the time of the adoption of the original Longmeadow Zoning By-law, or any amendment thereto, lawfully was and still is being put to a use not conforming to the use regulations of the zone in which such building or land is located, may continue to be used for the same purpose under the following conditions:
  - a. A pre-existing non-conforming use or structure may not be extended, altered or changed except by a special permit from the Zoning Board of Appeals (ZBA). The proposed extension alteration or change of a non-conforming use or structure must meet the following criteria:
    - 1. The proposed extension, alteration or change may increase any non-conformity as long as the proposed extension, alteration or change would not be substantially more detrimental to the neighborhood than the existing use or structure.  
  
(Article 14 of the Special Town Meeting of October 18, 1994.) (Approved by the Attorney General, Commonwealth of Massachusetts, January 18, 1995.)
  - b. If the non-conforming building is destroyed by fire, explosion, act of the public enemy, or 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.
  - c. If the non-conforming building is destroyed by fire, explosion, act of the public enemy, or act of God to an extent of less than 50% of its replacement value, it may be restored to its condition just prior to the destruction, but not enlarged, and the non-conforming use of the building and land may be resumed, but not increased or extended in any way nor changed to another non-conforming use.
  - d. If the non-conforming use of the building or land is discontinued for a period of one year, it shall not be reestablished and any future use shall conform to the use regulations of the zone in which such building or land is located.
  - e. A non-conforming use may not be changed to another non-conforming use, except by permission of the Board of Appeals.

- f. A non-conforming use if changed to a conforming use may not thereafter be changed back to any non-conforming use.
- g. Nothing herein shall prevent the restoration of a wall or roof declared unsafe by the Building Commissioner.

## **SECTION F. MOVING OF EARTH.**

No soil, loam, sand, or gravel shall be removed from or deposited upon any tract, parcel, or lot of land within the Town except under one or more of the following conditions:

- 1. As may be required to bring any tract or parcel of land to grade as established by a subdivision plan approved by the Planning Board.
- 2. As may be required to bring any lot or parcel of land to grade as established by a plan of building or structure and associated land approved by the Building Commissioner.
- 3. As may be required to bring approved street or way to grade as established by a plan approved by the Planning Board or accepted by the Town.
- 4. As may be required or customary in the normal maintenance or improvement of any developed property, including private domestic gardening.
- 5. As may be required in the performance of any public work under municipal, county, state, or federal authority.
- 6. The Building Commissioner shall issue a permit for the removal or deposit of earth in the absence of prerequisite conditions cited heretofore, but shall require other precedent conditions as follows:
  - 6a. The operation must be either an adjunct to a primary operation generating under one or more of the preceding paragraphs, or an inherent improvement of the land in question.
  - 6b. The operation must be of such character and extent as to leave the affected land no less desirable or useful than it was before the commencement of the operation, and must not be to the detriment of abutting property.
  - 6c. The owner of the affected land shall have filed a definitive contour plan or map with the Planning Board together with request for consideration and approval, and shall have obtained such approval as evidenced by an appropriate endorsement upon the plan. Said plan shall have been prepared by a licensed engineer from field data at the expense of the petitioner and shall be in such detail as the Board may direct in the particular instance.
  - 6d. A copy of said plan, so endorsed, shall be submitted to the Building Commissioner, together with an application for a permit to conduct the indicated operations.
  - 6e. A permit shall state, in addition to a description of the work permitted, a date on or before which the work must be completed according to plan.
  - 6f. The Building Commissioner shall require a bond in a sufficient penal sum, with sufficient surety or sureties, conditioned on the performance, by the permittee, of the work according

to the details of the plan and the conditions of the permit.

7. The penalty for the removal of soil, loam, sand or gravel in violation of this Section shall be as follows: for the first offense, fifty dollars (\$50.00); and for the second offense, one hundred dollars (\$100.00); and for subsequent offense, two hundred dollars (\$200.00); and for violation of any other provision of this Section, not exceeding twenty dollars (\$20.00) for each offense; recoverable as provided in Section 21 of Chapter 40 of the General Laws of the Commonwealth of Massachusetts.

#### **SECTION G. USES IN PROFESSIONAL ZONE.**

In the professional zones, except as herein otherwise provided, no building, structure or land shall be used and no building or structure shall be erected or altered which is intended or designed to be used for any purpose except one or more of the following:

1. Any use permitted in residence zones as designated in Article IV, Section B, Sub-sections 1 through 6 inclusive of the by-laws.
2. "Professional offices for physician, surgeon, chiropractist, podiatrist, dentist, lawyer, accountant, architect, psychologist or engineer, practicing individually or in a group, insurance offices, consultants, financial services, administrative offices, and real estate offices, including a parking lot for customers thereof, provided that any use will be legal only if the Board of Appeals has found adequate off-street parking facilities are available to the patrons of the occupiers of any such place, and no building permit shall be issued until such finding has been made." (Article 8 of the Special Town Meeting of February 4, 1986). (Approved by the Attorney General, Commonwealth of Massachusetts, March 3, 1986.)
3. Medical Marijuana Treatment Center/Registered Marijuana Dispensary.
4. Off-Site Medical Marijuana Dispensary.

(Amended Annual Town Meeting, May 13, 2014, Attorney General approved June 30, 2014.)

#### **SECTION H. USES IN THE ELDERLY RESIDENTIAL ZONES.**

In the elderly residential zones, no building or other structure shall be erected, altered or used and no land shall be used or occupied for any purpose except for one or more of the following purposes:

1. Any use permitted in residence zones as designated in Article IV, Section B, Sub-section 1 through 6 inclusive of this by-law.
2. No elderly residential zone shall be located on any parcel of land containing less than five (5) acres.
3. The elderly residential uses permitted within this zone shall permit the erection and maintenance of dwelling units for the aged or handicapped, including multiple dwelling units and including accessory meeting rooms and/or buildings and recreational facilities and dining and garage facilities, all conducted not for profit.

- 3.1 No more than twenty (20%) percent of the land area of any development within this zone shall be occupied by buildings.
- 3.2 All ways and roads installed pursuant to a development of the land under this zoning section shall be constructed in accordance with the existing Rules and Regulations and Standards adopted by the Town.
- 3.3 No land may be developed under this zoning section unless there are available in the public ways adjacent to the parcel municipal sewer, water, and storm drainage facilities adequate to service any proposed development; and if such facilities are lacking, then the developer must provide alternate facilities acceptable to the Planning Board.
- 3.4 No residential unit shall be leased to any person or persons less than sixty-two (62) years of age.
- 3.5 On site, off-street parking facilities, adequate to accommodate all of the users of any proposed development, must be included in any developer's final plans and actually included in the development of any land hereunder. The Planning Board shall have jurisdiction over the matter of the adequacy of off-street parking facilities, and no building permit shall be issued unless and until the Planning Board has made an appropriate endorsement on any developer's final plans in which it certifies that the off-street parking facilities shown thereon are deemed by it to be adequate.
- 3.6 Not more than ten (10) residential units per acre may be erected or created by alteration on any lot.
- 3.7 Vehicular access to a public way or ways must be provided at a minimum of two locations.
- 3.8 No residential building shall be located nearer than forty (40) feet to any other residential building.
4. Accessory uses to the foregoing shall include only the following:
  - 4.1 Garaging and maintaining of not more than four (4) motor vehicles and/or motorized maintenance equipment.
  - 4.2 A single detached sign may be erected and maintained on any land in this zone, showing the name of the owner, project name and lessee and street number only. Any such sign shall not exceed four (4) square feet in area. There shall be permitted in this zone one sign attached to each building which sign shall not exceed two (2) square feet in area.

A temporary sign relating to the proposed sale or rental of any land or dwelling unit in this zone and any building thereon and a temporary construction sign may be displayed, but any such sign may not exceed four (4) square feet in area.
5. Anyone desiring to develop land in the Town under this section of the Zoning



By-law must proceed as follows:

- 5.1 The developer must first have obtained the approval of the Town for a change of zone for the parcel or parcels to be developed to be zoned as " Elderly residential." He/she shall then submit to the Planning Board for its approval a schematic site plan which must depict all existing and proposed developments of any nature whatsoever, and without attempting to limit the generality of the foregoing, it is specifically provided herein that any such plan must show all existing and proposed buildings, driveway openings, fences, landscape features, such as planted areas, trees and walks, loading areas, parking areas recreational facilities, roads and signs. In addition to the foregoing the developer must also submit to the Planning Board for its approval architectural plans showing the exterior design and dimensions of all proposed buildings, structures and recreational facilities. The architectural plans must either contain or be accompanied by a statement setting forth the type of materials of which various improvements are to be constructed.

Unless otherwise specifically provided by law, only the majority vote of all the regular members of the Planning Board then in office shall be required in respect to the approval of the plans which any developer is required to submit to it hereunder.

In the event that any developer does obtain final approval of both his schematic site plan and architectural plans from the Planning Board, he/she shall not deviate, except to a minor extent therefrom in the actual development of any land hereunder without first obtaining approval and consent from a majority of the regular members of the Planning Board to any proposed alterations.

Before granting final approval of the plans which a developer is required to submit hereunder, the Planning Board may require the developer to enter into a written agreement with it setting forth a full and complete description of all improvements to be made on the subject parcel, including all utilities and services to be installed by the developer, and which shall contain a statement that in the development of any such project, the developer shall not deviate, except to a minor extent, from the architectural and engineering plans which have been approved by both the Planning Board and the Building Commissioner, under either Sub-paragraph 5.1 or 5.2 of this section, as the case may be, without first obtaining the approval of the Building Commissioner in respect to matters coming under his jurisdiction, and in all events the approval of the Planning Board in regard to all proposed changes.

The Planning Board shall require certificates of insurance for a surety licensed to do business in the Commonwealth of Massachusetts wherein the surety attests to the existence of a payment and a performance bond insuring the full and faithful performance of all obligations of the contractor in an amount equal to one hundred (100%) percent of the estimated fair market value of the proposed development naming the contractor as principal and the developer and mortgagee, if any, as obliges thereunder.

- 5.2 Any developer who obtains the final approval of the Planning Board as required under Sub-paragraph 5.1 of the Sub-section 5 shall then apply to the Building Commissioner for the issuance of a building permit, and the application must be accompanied by detailed architectural drawings which shall depict the location,

dimensions and type of construction of all the improvements approved by the Planning Board pursuant to Sub-paragraph 5.1 hereof, together with detailed engineering drawings which shall depict the location, dimensions and type of construction of both the above and below ground utilities; the location, dimensions, and type of disposal of sewage, refuse and other waste materials; and the location, dimensions and type of construction of any facilities designed for the purpose of providing the drainage of surface water.

After the Building Commissioner is satisfied that the detailed architectural and engineering plans submitted by the developer are in all respects in compliance with all applicable laws and regulations, he/she shall so notify the developer in writing, then the developer shall have thirty (30) days from the date of receipt of notice of final approval to obtain and submit to the Planning Board the certificate of insurance as required by Sub-paragraph 5.1 of this Sub-section 5. Upon receipt of the certificates of insurance, the Planning Board shall forthwith notify the Building Commissioner who shall immediately thereafter issue a building permit to the developer. Any building permit issued by the Building Commissioner hereunder shall contain a provision that construction must be commenced under the permit within one (1) year from the date of its issuance and that all construction permitted thereunder must be completed within three (3) years from the date of issuance.

(Article 17 of the Annual Town Meeting of May 10, 1977.) (Approved by the Attorney General, Commonwealth of Massachusetts, August 18, 1977.)

## **SECTION I. USES IN THE RESIDENTIAL CONDOMINIUM REUSE ZONE.**

In the Residential Condominium Reuse Zone, no building or other structure shall be erected, altered or used and no land shall be used or occupied for any purpose except for one or more of the following purposes:

- 1.1 Attached, permanent, multiple family condominium dwelling together with an integral or detached garage capable of housing not more than one (1) registered motor vehicle per unit, all of which shall be non-commercial passenger type. For the purposes of this by-law, all reference to "condominium" and "building" shall be as defined, and the permitted use of all property within this zone shall be in accordance with Massachusetts General Laws, Chapter 183 (a) in effect as of the date of the passage of this zoning by-law amendment.
- 1.2 Detached buildings and structures, as enumerated hereunder, may be constructed and erected as accessory to the dwelling, provided that the total land area occupied by such accessory buildings and structures shall not exceed 30% of the gross land area within the property lines and to the rear of the secondary set-back line as defined under Article VI,
- 1.3 (Deleted at Annual Town Meeting on May 13, 2003, Article 25) (Approved by the Attorney General, Commonwealth of Massachusetts on September 23, 2003)
- 1.4 Any other use allowed in the form of a variance or special permit, issued by the Town of Longmeadow Planning Board.
3. The uses permitted within the Residential Condominium Reuse Zone shall permit

the alteration and maintenance of primary existing structures within the existing floor plan area for multiple dwelling condominium units, and the alteration, erection and maintenance of accessory buildings to provide facilities for meetings, recreation, dining, storage or garaging.

- 3.1 Newly erected accessory buildings shall be allowed but only of such size that their area does not exceed twenty (20%) percent of the total floor plan area of the primary existing structures at the time of zoning passage.
- 3.2 All ways and roads installed on public land pursuant to a development of land under this zoning section shall be constructed in accordance with the existing Rules and Regulations and Standards adopted by the Town, with Planning Board approval.

Vehicular access to a public way must be provided.

- 3.3 No land may be developed under this section unless there are available in the public ways adjacent to the parcel municipal sewer, water, and storm drainage facilities adequate to service any proposed development; and if such facilities are lacking, then the developer must provide alternate facilities acceptable to the Planning Board and Board of Health.
- 3.4 On site, off-street parking facilities, adequate to accommodate all of the users of any proposed development, must be included in any developer's final plans and actually included in the development of any land hereunder.

Planning Board shall have jurisdiction over the matter of the adequacy of off-street parking facilities, and no building permit shall be issued unless and until the Planning Board has made an appropriate endorsement on any developer's final plans in which it certifies that the off-street parking facilities shown thereon are deemed by it to be adequate.

- 3.5 Not more than six (6) residential units per acre may be erected or created by alteration on any parcel of land within this zone.
- 3.6 No part of any newly erected building, except interior access roads, parking areas, walkways, steps, roof overhangs and decorative fencing, shall be within forty (40) feet of any off-site existing residential building.
4. Accessory uses in addition to uses outlined in Article 3 shall include only the following:
  - 4.1 Garaging and maintenance of not more than four (4) motor vehicles for maintenance purposes and/or motorized equipment.
  - 4.2 Subject to Planning Board approval, no more than two detached signs may be erected and maintained on any land in this zone, showing the project name. Any such sign shall not exceed eight (8) square feet in area. There shall be permitted in this zone an average of one sign attached to each building which sign shall not exceed two (2) square feet in area.

Subject to Planning Board approval, a temporary sign relating to the proposed sale

of any land or dwelling unit in this zone and any building thereon and a temporary construction sign may be displayed but each sign may not exceed sixteen (16) square feet; the signs referred to in this sub-paragraph shall be allowed from year to year subject to renewal by the Planning Board.

5. Anyone desiring to develop land in the Town under this section of the Zoning by-law must proceed as follows:

5.1 The developer must first have obtained the approval of the Town for a change of zone for the parcel or parcels to be developed to be zoned as "Residential Condominium Reuse". The developer shall then submit to the Planning Board for its approval a schematic site plan which must depict all existing and proposed developments of any nature whatsoever, and without attempting to limit the generality of the foregoing, it is specifically provided herein that any such plan must show all existing and proposed buildings, driveways, driveway openings, fences, landscape features, such as planted areas, trees and walks, loading areas, parking areas, recreational facilities, roads and signs. In addition to the foregoing the developer must also submit to the Planning Board for its approval architectural plans showing the exterior design and dimensions of all proposed buildings, structures and recreational facilities. The architectural plans must either contain or be accompanied by a statement setting forth the type of materials of which the various improvements are to be constructed.

Unless otherwise specifically provided by law, only the majority vote of all the members of the Planning Board then in office shall be required in respect to the approval of the plans which any developer is required to submit to it hereunder.

In the event that any developer does obtain final approval of both his schematic site plan and architectural plans from the Planning Board, the developer shall not deviate, except to a minor extent therefrom in the actual development of any land hereunder without first obtaining approval and consent from a majority of the regular members of the Planning Board to any proposed deviation.

Before granting final approval of the plans which a developer is required to submit hereunder, the Planning Board may require the developer to enter into a written agreement with it setting forth a full and complete description of all improvements to be made on the subject parcel, including all utilities and services to be installed by the developer, and which shall contain a statement that in the development of any such project, the developer shall not deviate, except to a minor extent, from the architectural and engineering plans which have been approved by both the Planning Board and the Building Commissioner, under either sub-paragraph 5.1 or 5.2 of this section, as the case may be, without first obtaining the approval of the Building Commissioner in respect to matters coming under his jurisdiction, and in all events the approval of the Planning Board in regard to all proposed changes. The Planning Board shall require either an irrevocable letter of credit or payment and performance bonds from a surety licensed to do business in the Commonwealth of Massachusetts for the full and faithful performance of all obligations of the contractor in an amount equal to one hundred (100%) percent of the estimated direct construction and site development costs of the proposed development as approved by the Planning Board, naming the contractor as principal and the developer and mortgagee, if any, as obliges thereunder or, in the case of a letter of credit, entitling the Planning Board to draw against it.

- 5.2 Any developer who obtains the final approval of the Planning Board as required under sub-paragraph 5.1 hereof shall then apply to the Building Commissioner for the issuance of a building permit, and the application must be accompanied by detailed architectural drawings which shall depict the location, dimensions and type of construction of all of the improvements approved by the Planning Board pursuant to sub-paragraph 5.1 hereof, together with detailed engineering drawings which shall depict the location, dimensions and type of construction of both the above and below ground utilities; the location, dimensions, and type of disposal of sewage refuse, and other waste materials; and the location, dimensions and type of construction of any facilities designed for the purpose of providing the drainage of surface water. After the Building Commissioner is satisfied that the detailed architectural and engineering plans submitted by the developer are in all respects in compliance with all applicable laws and regulations, the Commissioner shall so notify the developer in writing, and the developer shall have sixty (60) days from the receipt of notice of final approval to obtain and submit to the Planning Board the irrevocable letter of credit or the payment and performance bond as required by the sub-paragraph 5,1. Upon receipt of the letter of credit or bond the Planning Board shall forthwith notify the Building Commissioner who shall immediately hereafter issue a building permit to the developer. Any building permit issued by the Building Commissioner hereunder shall contain a provision that the construction must be commenced under the permit within one (1) year from the date of its issuance and that all construction thereunder must be completed within two (2) years from the date of issuance.

## **SECTION J. USES IN THE ELDERLY CONGREGATE RESIDENTIAL ZONE.**

In the Elderly Congregate Residential Zone, no building or other structure shall be erected, altered or used and no land shall be occupied for any purpose except for one or more of the following purposes:

1. Any use permitted in residence zones as designate in Article IV, Section B, Sub-section 1 through 6 inclusive of this by-law.
2. No elderly congregate residential zone shall be located on any parcel of land containing less than three (3) acres.
3. The elderly congregate residential uses permitted within this zone shall permit the erection and maintenance of single or multiple dwelling units for the aged or handicapped, which shall include congregate living facilities and services. The congregate living facilities and services may include accessory meeting rooms and/or buildings, recreational facilities and dining and garage facilities or other, similar congregate living facilities and/or services. All of the facilities and services devoted to such dwelling units do not, however, have to be congregate provided that some congregate facilities and/or services exist with respect to such dwelling units.
  - 3.1 No more than twenty (20%) percent of the land area of any development within this zone shall be occupied by buildings containing dwelling units.  
(Amended at Annual Town Meeting on May 14, 1996, Article 20.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 9, 1996.)

- 3.2 All ways and roads installed pursuant to a development of the land under this zoning section shall be constructed in accordance with the existing Rules and Regulations and Standards adopted by the Town.
- 3.3 No land may be developed under this zoning section unless there are available in the public ways adjacent to the parcel municipal sewer, water, and storm drainage facilities adequate to service any proposed development; and if such facilities are lacking, then the developer must provide alternative facilities acceptable to the Planning Board.
- 3.4 No residential unit shall be sold or leased to any person less than sixty-two (62) years of age; provided, however, that this requirement shall be satisfied if the unit is sold, leased or otherwise transferred to a trustee or trustees of a trust if the unit is occupied by a beneficiary of the trust who is not less than sixty-two (62) years old or leased to an individual who is not less than sixty-two (62) years old.

(Amended at Annual Town Meeting on May 9, 2000, Article 24.) (Approved by the Attorney General, Commonwealth of Massachusetts on August 17, 2000.)

- 3.5 On-site, off-street parking facilities adequate to accommodate all of the users of any proposed development, must be included in any developer's final plans and actually included in the development of any land hereunder. The Planning Board shall have jurisdiction over the matter of the adequacy of off-street parking facilities, and no building permit shall be issued unless and until the Planning Board has made an appropriate endorsement on any developers' final plans in which it certifies that the off-street parking facilities shown thereon are deemed by it to be adequate.
- 3.6 Not more than fifteen (15) residential units per acre may be erected or created by alteration on the land area of any development within this zone.
- 3.7 Vehicular access to a public way or ways must be provided at a minimum of two locations.
- 3.8 No residential building shall be located nearer than forty (40) feet to any other residential building.
4. Accessory uses to the foregoing shall include only the following:
  - 4.1 Garaging and maintaining of not more than one (1) motor vehicle for each dwelling unit within the zone.
  - 4.2 A single detached ground sign may be erected and maintained in this zone. Any such sign shall not exceed four (4) square feet in area. There shall be permitted in this zone one sign attached to each building which sign shall not exceed two (2) square feet in area.

A temporary sign relating to the proposed rental of any dwelling unit in this zone and any building thereon and a temporary construction sign may be displayed, but any such sign may not exceed four (4) square feet in area.

5. Anyone desiring to develop land in the Town under this section of the Zoning By-Law must proceed as follows:
  - 5.1 The developer must first have obtained the approval of the Town for change of zone for the parcel or parcels to be developed to be zoned as "Elderly Congregate Residential." The developer shall then submit to the Planning Board for its approval a schematic site plan which must depict all existing and proposed development of any nature whatsoever, and without attempting to limit the generality of the foregoing, it is specifically provided therein that any such plan must show all existing and proposed buildings, driveway openings, fences, landscape features, such as planted areas, trees and walks, loading areas, parking areas, recreational facilities, roads and signs. In addition to the foregoing, the developer must also submit to the Planning Board for its approval architectural plans showing the exterior design and dimensions of all proposed buildings, structures and recreational facilities. The architectural plans must either contain or be accompanied by a statement setting forth the type of materials of which the various improvements are to be constructed.

Unless otherwise specifically provided by law, only the majority vote of all the regular members of the Planning Board then in office shall be required in respect to the approval of the plans which any developer is required to submit to it hereunder. In the event that any developer does obtain final approval of both its schematic site plan and architectural plans from the Planning Board, the developer shall not deviate, except to a minor extent therefrom in the actual development of any land hereunder without first obtaining approval and consent from a majority of the regular members of the Planning Board to any proposed alteration.

Before granting final approval of the plans which a developer is required to submit hereunder, the Planning Board may require the developer to enter into a written agreement with it setting forth a full and complete description of all improvements to be made on the subject parcel, including all utilities and services to be installed by the developer and which shall contain a statement that in the development of any such project, the developer shall not deviate, except to a minor extent, from the architectural and engineering plans which have been approved by both Planning Board and Building Commissioner, under either Sub-paragraph 5.1 or 5.2 of this section, as the case may be, without first obtaining the approval of Building Commissioner in respect to matters coming under the Building Commissioners jurisdiction, and in all events, the approval of the Planning Board in regard to all proposed changes. The Planning Board shall require certificates of insurance from a surety licensed to do business in the Commonwealth of Massachusetts wherein the surety attests to the existence of a payment and a performance bond insuring the full and faithful performance of all obligations of the contractor in an amount equal to one hundred percent (100%) of the estimated fair market value of the proposed development naming the contractor as principal and the developer and mortgagee, if any, as obligees thereunder.

- 5.2 Any developer who obtains the final approval of the Planning Board as required under Sub-paragraph 5.1 of Sub-section 5 shall then apply to the Building Commissioner for the issuance of a building permit, and the application must be accompanied by detailed architectural drawings which shall depict the location,

dimensions and type of construction of all of the improvements approved by the Planning Board pursuant to Sub-paragraph 5.1 hereof; together with detailed engineering drawings which shall depict the location, dimensions and type of construction of both the above and below ground utilities; the location, dimension, and type of disposal of sewerage, refuse and other waste materials; and the location, dimensions and type of construction of any facilities designed for the purpose of providing drainage of surface water.

After the Building Commissioner is satisfied that the detailed architectural and engineering plans submitted by the developer are in all respects in compliance with all applicable laws and regulations, the Building Commissioner shall so notify the developer in writing, then the developer shall have thirty (30) days from the date of receipt of notice of final approval to obtain and submit to the Planning Board the certificates of insurance as required by Sub-paragraph 5.1 of Sub-section 5. Upon receipt of the certificates of insurance, the Planning Board shall forthwith notify the Building Commissioner who shall immediately thereafter issue a building permit to the developer. Any building permit issued by the Building Commissioner hereunder shall contain a provision that construction must be commenced under the permit within one (1) year from the date of issuance and that all construction permitted thereunder must be completed within three (3) years from the date of issuance. (Article 1 of Special Town Meeting on September 25, 1990.) (Approved by Attorney General, Commonwealth of Massachusetts January 9, 1991.)

## **SECTION K. FENCES**

No fence shall be erected in any zone except a fence which shall be within one of the classes and of a height as set forth herein, subject to the provisions of Article VI, Section H and which shall not be constructed forward of the street set-back line:

1. Wire mesh, if at least 80% open space to a maximum height of four (4) feet if between the street and secondary set back line, or to a maximum height of six (6) feet if elsewhere except that in the case of a fence to the rear of the secondary set back line specifically intended to enclose the area occupied by a tennis court or pool, the height may be increased to a maximum of ten (10) feet.
2. Rail, having not more than three (3) horizontal bars and having vertical posts spaced approximately their height apart, to a maximum height of three (3) feet if between the street and the secondary set back line or to a maximum height of four (4) feet if elsewhere.
3. Lattice, showing a minimum of fifty (50%) percent open space to a maximum height of four (4) feet if between the street and secondary set back line, or to a maximum height of six (6) feet if elsewhere.
4. Picket, showing a minimum of fifty (50%) percent open space to a maximum height of four (4) feet; picket stockade-type without restriction as to open space to a maximum height of four (4) feet if between the street and the secondary set back lines, or to a maximum height of six feet six inches if elsewhere except that in the case of a fence to the rear of the secondary set back line specifically intended to enclose the area occupied by a tennis court or pool, the height may be increased to a maximum of ten (10) feet.



5. Planting(s) in the nature of a fence as previously defined in this zoning by-law, to a maximum height of four (4) feet if between the street and secondary set back line or to an unrestricted height, if elsewhere. Trees may be permitted to grow to any height in any location and shall not constitute a fence so long as the location of the trunks and the positions of the branches with relation to other planting do not constitute a fence as defined in this zoning by-law.
6. Any combination of the above fence types, other than trees as permitted above, or any other type of fence, to a maximum height of four (4) feet if between the street and secondary set back line, or to a maximum height of six feet, six inches if elsewhere.

(Article 26 of Annual Town Meeting on May 7, 2013.) (Approved by the Attorney General Commonwealth of Massachusetts on July 26, 2013.)

#### **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 V.**

#### **SECTION A. BUILDING HEIGHTS.**

1. No building shall be erected or altered so as to exceed two and one-half stories above the lowest floor level not entirely below ground level or thirty-five (35) feet above ground level whichever is less, measured at any point on the building. (Amended at Special Town Meeting May 10, 1988, Article 2.) (Approved by the Attorney General, Commonwealth of Massachusetts July 15, 1988.)
2. No detached garage or other accessory building shall be erected or altered so as to exceed a height of one story above the grade of the lot at the front of building.

#### **SECTION B. HEIGHT EXCEPTIONS**

1. The provisions of this article shall not restrict the height of a chimney, church spire, tower or belfry, a flag pole, or television antenna.
2. The provisions of this article shall not apply to prevent the erection, in the Business Zone, above the height limit, of a parapet wall or cornice without windows for ornamental purposes, extending above said height limit not over five (5) feet.
3. In the case of structures erected under Article IV, Section B, Paragraphs 2, 3, 4, 6.2, and 6.6, the Zoning Board of Appeals may, in its discretion in appropriate cases

and subject to appropriate conditions and safeguards, grant special permits for exceptions not heretofore provided in this section.

## **ARTICLE VI. AREA REGULATIONS**

### **SECTION A. LOT SIZES AND FRONTAGE.**

No dwelling shall be erected or maintained except on a lot the frontage and areas of which shall be as hereinafter set forth, and only one dwelling and private garage shall be erected or maintained on each of such lots in the Residence Zones.

1. In the Residence A-2 Zone no dwelling shall be erected or maintained on a lot having a frontage of less than 150 feet or having an area of less than 30,000 square feet.  
(Article 10 of Special Town Meeting November 5, 1963.) (Approved by the Attorney General, Commonwealth of Massachusetts, November 12, 1963). In order to ensure general uniformity of lot shapes, no lot may, at its narrowest point, measure less than fifty feet in width or breadth. If the portion of the lot failing to meet this requirement is deemed an unnecessary appendage, this requirement may be waived by the Planning Board. (Amended at Special Town Meeting on November 30, 2004, Article 19) (Approved by the Attorney General, Commonwealth of Massachusetts on August 11, 2005)
2. In the Residence A-1 and the Agricultural Zones no dwelling shall be erected or maintained on a lot having a frontage of less than 125 feet for an interior lot and 140 feet for a corner lot or having an area of less than 18,750 square feet. (Amended Article 13 of Special Town Meeting, November 5, 1963.) (Approved by the Attorney General, Commonwealth of Massachusetts, November 12, 1963). In order to ensure general uniformity of lot shapes, no lot may, at its narrowest point, measure less than fifty feet in width or breadth. If the portion of the lot failing to meet this requirement is deemed an unnecessary appendage, this requirement may be waived by the Planning Board. (Amended at Special Town Meeting on November 30, 2004, Article 19) (Approved by the Attorney General, Commonwealth of Massachusetts on August 11, 2005)
3. (Deleted by vote at Special Town Meeting May 10, 1988) (Approved by the Attorney General, Commonwealth of Massachusetts, July 15, 1988.)
4. (Deleted by vote at Special Town Meeting May 10, 1988.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 15, 1988.)
5. A lot or parcel of land having an area or a frontage of lesser amounts than required by the foregoing paragraphs may be considered as coming within the area and frontage requirements of this section provided such lot or parcel of land was shown on a plan or described in a deed duly recorded or registered at the time of the adoption of this by-law and did not at the time of such adoption adjoin other land of the same owner available for use in connection with such lot or parcel.
6. In the Elderly Residential Zone and the Elderly Congregate Residential Zone no dwelling units or accessory buildings shall be erected, used or maintained on a lot having a frontage of less than one hundred (100) feet and a minimum of two

accesses to public way or ways. (Amended, Article 1 of the Special Town Meeting on September 25, 1990.) (Approved by the Attorney General, Commonwealth of Massachusetts, January 9, 1991.)

7. In the Residential Condominium Reuse Zone dwelling units or accessory buildings shall be erected, used or maintained on a parcel of land having a frontage of at least two hundred (200) feet and access to a public way. No Residential Condominium Reuse Zone shall be located on any parcel of land containing less than 120,000 square feet. (Article 11 of the Annual Town Meeting of May 8, 1984.) (Approved by the Attorney General, Commonwealth of Massachusetts, June 15, 1984.)

## **SECTION B. FRONT YARDS AND STRUCTURE SET-BACKS.**

Front yard and structure set-back requirements for the various zones shall be set forth in this section. (Amended at Annual Town Meeting of May 7, 2013, Article 26.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013.)

1. Street Set-Back
  - 1a. In the Residence A-2, the Residence A-1, and Agricultural Zones, no structure, and no addition thereto, extension or part thereof, except the minimum number of steps required for entrance into the main dwelling, together with cover and enclosure therefor, shall be erected, constructed, or placed nearer than 40 feet to the line of the street or way upon which the lot abuts. (Amended, Article 26 of the Annual Town Meeting on May 7, 2013.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013.)
  - 1b. (Deleted by vote at Special Town Meeting May 10, 1988.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 15, 1988.)
  - 1c. In the Business Zone and Professional Zone, the street set-back dimension as defined in sub-paragraph 1a hereof shall be that of the most restrictive abutting zone. (Amended, Article 26 of the Annual Town Meeting on May 7, 2013.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013.)
  - 1d. In the Elderly Residential Zone and the Elderly Congregate Residential Zone no structure and no addition thereto, extension or a part thereof, except interior access roads and walkways therefore, shall be erected, constructed or placed nearer than forty (40) feet from the line of the street or way upon which the lot abuts. (Amended, Article 26 of the Annual Town Meeting on May 7, 2013.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013.)
  - 1e. In the Residential Condominium Reuse Zone, no structure and no addition thereto, extension or a part thereof, except interior access roads, steps, roof overhangs, decorative fencing, parking areas and walkways therefore, shall be erected, constructed or placed nearer than the corresponding parts of the primary existing structures, from the line of the street or way upon which the lot abuts. (Amended, Article 26 of the Annual Town Meeting of May 7,

2013.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013.)

2. Secondary Set-Back
  - 2a. In the Residence A-2, the Residence A-1, and the Agricultural Zones, no structure, and no addition thereto, extension or part thereof except the main dwelling, together with any additions thereto, extensions, or parts thereof, and a garage and a fence may be constructed, erected, or placed between the front lot line and the secondary setback line. (Amended, Article 26 of the Annual Town Meeting of May 7, 2013.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013.)
  - 2b. In the Business Zone, the Professional Zone, the Elderly Residential Zone, the Elderly Congregate Residential Zone and the Residential Condominium Reuse Zone, no secondary set-back is specified. (Amended, Article 1 of the Special Town Meeting on September 25, 1990.) (Approved by the Attorney General, Commonwealth of Massachusetts, January 9, 1991.)

### **SECTION C. SIDE YARDS.**

Side yard requirements for the various zones shall be as set forth in this section, provided that, in the case of corner and through lots, the street set-back requirement shall control in case of a conflict. (Amended at Annual Town Meeting of May 7, 2013, Article 26.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013.)

1. Residence A-2, Residence A-1, and Agricultural Zones.
  - 1a. Within the area between the street and secondary set-back lines, no structure, and no addition thereto, or extension or part thereof, except a fence shall be constructed, erected, or placed nearer than 15 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.)
  - 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.)
2. (Deleted by vote at Special Town Meeting May 10, 1988.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 15, 1988.)
3. Business Zone and Professional Zone.
  - 3a. Within the Business Zone and Professional Zone, no structure, except a fence, and no addition thereto, or extension or part thereof may be

constructed, erected or placed nearer to a side lot line than the abutting zone within the area between the street and secondary set-back lines. (Amended at Annual Town Meeting of May 7, 2013, Article 26.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013.)

4. Within the Elderly Residential Zone and the Elderly Congregate Residential Zone, no structure except a fence, and no addition thereto or extension or part thereof may be constructed, erected or placed nearer to a side lot line than forty (40) feet. (Amended, Article I of the Special Town Meeting on September 25, 1990.) (Approved by the Attorney General, Commonwealth of Massachusetts, January 9, 1991.)
5. Within the Residential Condominium Reuse Zone, no structure except a fence, roof overhang, step, parking area, access way or walkway, and no additions thereto or part thereof may be constructed, erected or placed nearer to a side lot line than five (5) feet, nor shall be within forty (40) feet of any off site existing residential building. (Article II of the Annual Town Meeting of May 8, 1984.) (Approved by the Attorney General, Commonwealth of Massachusetts, June 15, 1984.)

#### **SECTION D. REAR YARDS.**

Rear yard requirements for the various zones shall be as set forth in this section, provided that, in the case of corner and through lots, the street set-back requirement shall control in case of conflict. (Amended at Annual Town Meeting of May 7, 2013, Article 26.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013.)

1. In the Residence A-2, the Residence A-1, and the Agricultural Zones, no pool as set forth under Article IV, Section B, sub-paragraph 1f, shall be constructed or placed nearer than 15 feet to a rear lot line, and no other accessory structure, except a fence, or addition thereto, or extension or part thereof, shall be constructed, erected, or placed nearer than 5 feet to a rear lot line. (Amended at Annual Town Meeting of May 7, 2013, Article 26.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 26, 2013.)
2. (Deleted by vote at Special Town Meeting May 10, 1988.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 15, 1988.)
3. In the Business Zone and Professional Zone, no structure except a fence, or addition thereto, or extension thereof shall be constructed, erected or placed nearer than 15 feet to a rear lot line. (Amended at Special Town Meeting, May 10, 1988.) (Approved by the Attorney General, Commonwealth of Massachusetts, July 15, 1988.)
4. In the Residence and Agricultural Zones, the secondary set-back line must be at least 30 feet removed from the rear lot line.
5. In the Elderly Residential Zone and the Elderly Congregate Residential Zone no structure except a fence, access ways or walkways and no addition thereto or extension or a part thereof may be constructed or placed nearer than 40 feet to a

rear lot line. (Amended, Article 1 of the Special Town Meeting on September 25, 1990.) (Approved by the Attorney General, Commonwealth of Massachusetts, January 9, 1991.)

6. In the Residential Condominium Reuse Zone no structure except a fence, roof overhang, step, parking area, access ways or walkways and no addition hereto or extension or a part thereof may be constructed or placed nearer than five (5) feet to a rear lot line, nor shall be within forty (40) feet of any off side existing residential building. (Article 11 of the Annual Town Meeting of May 8, 1984.) (Approved by the Attorney General, Commonwealth of Massachusetts, June 15, 1984.)

#### **SECTION E. APPURTENANT OPEN SPACE.**

No front yard, side yard, or rear yard or other open space required for a building by this by-law, during the existence of such building may be occupied or counted as a yard or open space for any other building.

#### **SECTION F. PROJECTIONS.**

Nothing in this article shall prevent the projection of steps, eaves, chimney, and cornices not exceeding 18 inches in width, or of window sills or belt courses into any required yard or open space.

#### **SECTION G. REDUCTION OF LOT AREA.**

Within the Town of Longmeadow, no lot or parcel of land on which a structure is erected or maintained, shall be subdivided so that the provisions of this article are required below the minimum requirements, except in the case of a land taking by eminent domain.

#### **SECTION H. VISION CLEARANCES.**

On corner lots in the Residence Zones, Professional Zones, Agricultural Zones, Business Zones, Elderly Residential Zones, Elderly Congregate Residential Zones, and Residential Condominium Reuse Zone no building, fence or other structure shall be erected and no tree, shrub, or other planting shall be planted or allowed to exist which prevents an unobstructed view through the space between 3 feet and 8 feet above the ground within the area formed by the intersecting street lines forming the corner of the intersecting streets and a line joining points on such lines 25 feet distant from the point of intersection of said street lines. When the junction of the street lines of the two intersecting streets forms a curve, the clearance area shall be determined by the Building Commissioner as nearly as may be in accordance with the foregoing and having regard for the safety of the public, and the foregoing provisions shall apply to the area thus determined. The Building Commissioner shall file with the Planning Board a plan showing the area so determined by him. The provisions of this section shall be superior to and control any inconsistent provisions of this Zoning by-law. (Amended, Article 17 of the Annual Town Meeting of May 10, 1977) (Approved by the Attorney General, Commonwealth of Massachusetts, August 18, 1977.) (Amended, Article 11 of the Annual Town Meeting of May 8, 1984.) (Approved by the Attorney General, Commonwealth of Massachusetts, June 15, 1984.)

#### **SECTION I. CHANGE TO GIVE UNIFORMITY.**

(Deleted at Annual Town Meeting of April 25, 2006, Article 42.) (Approved by the Attorney General, Commonwealth of Massachusetts, August 31, 2006.)

## **SECTION J. SUBMISSION OF PLANS.**

Definitive plans for all structures, and for all additions thereto, and extensions and parts thereof, together with a plot plan showing the new building or structure in its relation to the lot lines and to all prior existing buildings and structures, shall be submitted to the Building Commissioner for investigation as to compliance with the provisions of this By-law and other pertinent By-laws, Ordinances, and Regulations, and shall bear his endorsement of approval prior to construction, erection, placement, addition to or extension of such structure.

## **ARTICLE VII. TEMPORARY SPECIAL PERMITS.**

The Board of Appeals may, in its discretion, grant a special permit to the owner of a lot, or to the lessee or licensee of an owner, to store, repair and maintain equipment, trucks and other facilities for use in a Federal, State or County construction project. Said special permit shall not be effective prior to twenty days before the letting of the contract for the performance of which said equipment, trucks, and other facilities are to be used, nor later than twenty days after said contract has been performed, nor in any event after the Board of Appeals shall have determined that such use of the premises is no longer necessary for said project. The special permit may include the right to erect a building or buildings for said purposes. Said special permit shall require said owner, lessee or licensee to file forthwith, with the Town Clerk, a written agreement with the Town of Longmeadow, that, within sixty days after the expiration of said special permit, he will restore said lot to its condition prior to the issuance thereof. Said agreement shall be in such form, with such sureties, as the Board of Selectmen shall determine.

The Board of Appeals may impose other conditions and terms in connection with the issue of such special permit not inconsistent with the foregoing provisions.

## **ARTICLE VIII. RULES AND REGULATIONS.**

### **SECTION A.**

The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof.

### **SECTION B. EFFECTIVE DATE.**

This by-law shall take effect when the provisions of Section 32 of Chapter 40 of the General Laws have been complied with.

## **ARTICLE IX.**

(Deleted at Annual Town Meeting on May 14, 1991.) (Article 22 approved by the Attorney General, Commonwealth of Massachusetts on September 5, 1991.)

## **ARTICLE X. SPECIAL PERMITS**

1. A Special Permit may be issued for specific types of uses, as defined in the zoning by-law, which shall only be permitted in specific districts upon the issuance of a special permit. Such uses shall be in harmony with the general intent of the zoning

by-law.

2. The Special Permit Granting Authority shall be the Zoning Board of Appeals.
3. Deleted by Attorney General.
4. Except as herein provided, petitioners and the Special Permit Granting Authority shall follow procedures for issuance of a special permit as stated in Massachusetts General Laws Chapter 40A, as amended.
5. Construction or operations under a building or special permit shall conform to any subsequent amendment of the zoning by-law unless the use or construction is commenced within a period of not more than six (6) months after the issuance of the special permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
6. All special permits and variances shall lapse two (2) years or less from date of issue at the discretion of the Special Permit Granting Authority, unless construction or operation under said permit or variance has commenced. If a matter is under court appeal, a special permit or variance shall be deemed issued on the date that a final court determination enters in the case.

(Article 10 of the Special Town Meeting of October 8, 1991.) (Approved by the Attorney General, Commonwealth of Massachusetts, February 3, 1992.)

## **ARTICLE XI. SITE AND DESIGN REVIEW**

### **SECTION A. AMENDMENT**

See Article I, Section A.

### **SECTION B. PURPOSE**

The purpose of this section is to protect the health, safety, convenience and general welfare of the inhabitants of the Town by providing for a review of plans for uses and structures which may have significant impacts. The Planning Board shall be the reviewing authority for purposes of this article. In considering a site plan the Planning Board shall assure that all structures and uses other than single-family dwellings 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 drainage, and protection of environmental and historic features on the site and in adjacent areas.

### **SECTION C. APPLICABILITY**

1. Notwithstanding anything contained in this by-Law to the contrary, no construction, exterior reconstruction or exterior alteration of a structure, and no relocation or change in use of any building, structure or premises other than a single-family dwelling not within a residential development shall be allowed until the provisions of this section of the By-Law have been fulfilled. For purposes of



this section of the By-Law, a Residential Development is any residential use of land made possible by the provision of adequate frontage through the subdivision of land. No permit for the construction of a single family dwelling located within a Residential Development shall be granted until the Planning Board has reviewed and approved a site plan for the Residential Development as required by this Section. A Residential Development shall be considered to be a single project for the purposes of site plan review. (Amended at Special Town Meeting on November 28, 2006, Article 13.) (Approved by the Attorney General, Commonwealth of Massachusetts, February 12, 2007.)

2. For external enlargement of less than two thousand (2,000) square feet or for any changes it judges to be insignificant, the Planning Board may waive any or all of the requirements of site plan review.

#### **SECTION D. CONTENT OF PLAN**

1. A site plan shall be prepared by a Registered Professional Engineer and/or a Registered Land Surveyor at a scale of 1" = 20' or such scale as may be approved by the Planning Board on standard 24" x 36" sheets and continuation on 8 2" x 11" sheets as necessary for narrative. The site plan shall include:
  - a. Name of the project, locus, boundaries, date and scale of the plan.
  - b. Name and address of the record owner, developer, and seal of the engineer or surveyor.
  - c. Name and addresses of all record owners within three hundred (300) feet of the 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 three hundred (300) feet of the site.
  - e. The location and uses of all existing and proposed buildings and structures within the site plan, including dimensions, height and architectural elevations, and showing exterior entrances, exits and all anticipated future additions or alterations. The requirements of this subsection do not apply to Residential Developments.
  - f. 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.
  - g. Location of all present and proposed utility systems including sewage or septic system, water supply system, existing and proposed surface and subsurface drainage systems, telephone cable and electric lines. Storm drainage system will include existing and proposed drain lines, culverts, drainage swells, catch basins, walls, endwalls, hydrants, manholes, channels, and subdrainage along with soil logs, percolation tests when necessary, and drainage calculations.

- h. The applicant shall submit plans to prevent the pollution of surface or ground water, erosion of soil, excessive run-off of precipitation, excessive raising or lowering of the water table and flooding of other properties.
- i. 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 Bench Mark.
- j. 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, flood plains, and drainage retention areas.
- k. Zoning District boundaries within five hundred (500) feet of the site's perimeter shall be drawn and identified on the plan. Flood plain boundaries and the square feet within this district shall be shown.
- l. Drawings of existing and proposed business signs and traffic signs located on the site and within one hundred feet of the site, and the size, dimension, height, color and illumination of all signs.
- m. A traffic study to include:
  - (1) Traffic flow patterns within the site, egresses and entrances, loading and unloading areas, and curb cuts on site and within one hundred feet of the site.
  - (2) 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.
  - (3) 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.
  - (4) 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.
  - (5) As a result of subsection items 1-4 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.
- n. 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.

- o. A lighting plan for all proposed exterior lighting.
- p. For a locus in the Historic District, the applicant shall submit a plan showing all existing historic buildings within one-quarter (1/4) mile of the locus with sufficient information to allow the Historic District Commission and the Planning Board to determine the impact of the project on the Historic District.
- q. For alterations to any existing or new professional/business/commercial uses a table containing the following:
  - (1) Maximum area of building to be used for selling, offices, industrial or other uses.
  - (2) Maximum seating capacity where applicable.
  - (3) Maximum number of employees where applicable.
  - (4) Number of parking spaces existing or planned for the intended use.
- 2. The Planning Board shall have the right to waive or modify any of the above items where there are unique site conditions, or request any additional data it should need to render its decision. A vote of four members of the Planning Board is required to waive any of the site plan items.
- 3. Site and Design Review shall be used to judge the appropriateness and impacts of the site development characteristics of a proposed project.
- 4. Application Requirements for Wireless Communications Facilities shall be as per Article IV, Section B, Sub-section 6.14. The Planning Board may, at its discretion, impose additional application requirements as outlined in this section of the by-law. (Amended at Annual Town Meeting on May 13, 1997, Article 25.) (Approved by the Attorney General, Commonwealth of Massachusetts on September 4, 1997.)

## **SECTION E. PROCEDURE**

- 1. An Applicant for Site and Design Review under this section shall file with the Planning Board at a regularly scheduled meeting seven (7) copies each of an application and a site plan. A copy of the application shall be given to the Town Clerk by the Applicant.
- 2. The Planning Board shall transmit to the Town Engineer, Conservation Commission, Board of Health, Building Commissioner, Fire Chief, Historic Commission and other Boards as deemed necessary copies of the application and site plan. The boards, commissions and individuals shall have up to forty-five (45) days to make recommendations to the Planning Board. Failure to report in the allotted time shall constitute approval by that board, commission or individual of the application submitted. Where variances are needed for a project that requires Site and Design Review, the project shall be presented to the Planning Board as stipulated herein, and the Planning Board shall forward all materials to the Zoning Board of Appeals with its comments. If any of the above-named boards, commissions or individuals shall require one or more special studies to evaluate a

site plan, the board, commission or individual shall transmit a request to the Planning Board which shall order such special study or studies to be done.

3. The Applicant shall submit a two hundred fifty (\$250.00) dollar filing fee and pay any expenses connected with the public hearing and review of the plan. In addition to the filing fee, the Applicant shall be responsible for the cost of any special studies ordered by the Planning Board pursuant to Article XI, Section E, Sub-section 2.
4. Any person proposing a Development may, at such person's election, combine the process of the Site Plan Review under this Section of the By-Law with any review by the Planning Board required under the Subdivision Control Law. The Applicant shall make such request in writing upon the submission of a proposed Definitive Plan of Subdivision to the Planning Board. Such written request shall include a request to extend the Definitive Plan review process for an additional ninety-five (95) days. Upon such request, the Planning Board shall, for the purposes of review, treat the Residential Development and the Definitive Plan of Subdivision as a unified submission under the Site Plan Review By-Law and the Subdivision Control Law. The Planning Board shall hold a hearing for such submission pursuant to Article X of the By-Law. Persons proposing a Residential Development who do not elect to make a unified submission must satisfy individually this Section's requirements under the Subdivision Control Law.
5. The Planning Board shall hold a public hearing within sixty-five (65) days of receipt of an application, as provided in G. L. Chapter 40A, Sections 9 and 11, and in Article X this By-Law relating to Special Permit procedures. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the Town, once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the date of such hearing and by mailing notice of the hearing, postage prepaid, to "parties of interest" as provided in Section 11 Chap. 40A of the General Laws. Parties of interest shall include the Applicant, owner of the property if other than the Applicant, abutters, owners of land directly opposite on any public or private street or way and owners of land within three hundred (300) feet of the property line, as they appear on the most recent applicable tax list.
6. The Planning Board shall schedule a viewing of the property for the purpose of making an informed decision, unless, pursuant to Article XI, Section C, Sub-section 2, the Board judges the changes to be insignificant and does not require a visit.

## **SECTION F. REVIEW CRITERIA/DESIGN GUIDELINES**

The following criteria and guidelines shall be used by the Board in evaluating the site plan and all information submitted as part of the application.

1. GENERAL
  - a. Conformance with all appropriate provisions of the Zoning By-Law.
  - b. Protection of Town amenities and abutting properties through minimizing detrimental or offensive actions.
  - c. Protection of abutting properties from detrimental site characteristics.

- d. Preservation of character of the neighborhood and community.
- e. Control of density.
- f. Preservation of open space.
- g. Appropriateness of the size, dimension, height, color and illumination of all signs.

2. ENVIRONMENTAL

- a. Protection of unique or significant environmental, historic or scenic features of Longmeadow.
- b. Adequacy of proposed methods of refuse disposal.
- c. Ability of proposed sewage disposal and water supply systems within and adjacent to the site to serve proposed use.
- d. Adequacy of the proposed drainage system within and adjacent to the site to handle the increased runoff resulting from the development.
- e. Provision of adequate landscaping, including the screening of adjacent residential uses, provisions of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage.
- f. Adequacy of the soil erosion plan and any plan for protection of steep slopes, both during and after construction.
- g. Protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and building exterior lighting, through the use of cut-off luminaries, light shields. Lowered height of light poles, screening or similar solutions.
- h. Protection from flood hazards considering such factors as: elevation of buildings; drainage; adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant material; extent of paving; effect of fill; roadways or other encroachment of flood run-off and flow; storage of chemicals and other hazardous substances.
- i. Protection of wetlands by building in accordance with the provisions of the Wetland Protection Act, Chapter 131, Section 40, and the Longmeadow Wetlands By-Law.

3. DESIGN

- a. The development shall be reasonably consistent with the respect to setbacks, placement of parking, landscaping and entrances and exits with surrounding buildings and developments.
- b. Building sites shall avoid, to the extent feasible, impact on steep slopes, flood

plains, scenic views, grade changes and wetlands.

- c. If there is more than one building on the site, the buildings shall relate harmoniously to each other in architectural style, site location and building exits and entrances.
- d. Screening shall be provided for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings, and similar features.

#### 4. TRAFFIC/PARKING

- a. The site shall be designed to provide for the convenience and of vehicular and pedestrian movement both within the site and in relation to adjoining ways and properties.
- b. The location and number of curb cuts shall be such to minimize turning movements, and hazardous exits and entrances.
- c. The location and design of parking spaces, drive aisles, loading areas and sidewalks shall be provided in a safe and convenient way.
- d. An adequate number of parking spaces shall be required.
- e. Provision for access to adjoining properties shall be provided as appropriate.
- f. Joint access driveways between adjoining properties shall be encouraged.
- g. A traffic impact report shall be required, unless waived under Section D, Subsection 2.
- h. When a traffic impact report is required, the proposed development shall comply with the following standards:
  - 1. Level of Service (LOS) at nearby intersections shall not be degraded more than one level as a result of traffic by the proposed development, nor shall any nearby intersection degrade below the Level of D.
  - 2. Adjacent streets shall not exceed design capacity at the peak hour as a result of traffic generated by the proposed development.
  - 3. Safety hazards shall not be created or added to as a result of traffic generated by the proposed development.
  - 4. If any of the standards in Section F, Sub-section 4, Paragraph h (1) - (3) are violated, the applicant shall provide alternative proposals to meet the standards, including but not limited to: reduction in the size of the development, change in proposed uses on the site, contributions to off-site street and intersection improvements or construction of off-site street and intersection improvements.

## SECTION G. PLANNING BOARD DECISION

1. The concurring vote of four (4) of the five (5) members of the Board shall be required for any decision on a site plan application. The Board's written decision shall consist of either:
  - a. Approval of the site plan based on a determination that the proposed project meets all of the requirements of Section F.
  - b. Denial of the site plan based on a determination that either (a) insufficient information was submitted with the application in for the Board to adequately review the proposal; or (b) a determination that the project does not meet the requirements of Section F.
  - c. Approval of the site plan subject to conditions, modifications and reasonable restrictions necessary to ensure compliance with the requirements of Section F. Such conditions may include the following:
    - (1) Controls on location and type of access to the site.
    - (2) Requirements to reduce the traffic impact of the development in accordance with Section F (4).
    - (3) Requirements to minimize impacts on the capacities of structure serving the site, including but not limited to, water, sewer, storm drains, and site ways.
    - (4) Requirements to minimize any environmental degradation during construction.
    - (5) Other conditions designed to ensure compliance with the criteria and guidelines of Section F (2).
2. The Planning Board shall render a decision within ninety (90) days following the public hearing and shall file its written decision with the Town Clerk's office and other appropriate parties in accordance with the provisions of Chapter 40A of the General Laws.
3. For the purpose of securing the performance of all proposed work, including landscaping and off-site improvements, the Board may require any of the following: a performance bond, deposit of money, bank passbook, or letter of credit in an amount and form determined by the Board to be sufficient to cover the cost of all or any part of improvements required.
4. Any site plan approval granted under this Section shall expire in two (2) years if substantial construction has not begun by such date.
5. Decision of the Planning Board regarding site plan approval may be appealed as set forth in MGL, Chapter 40A, Section 17.
6. Violations of the approved site plan or any conditions of approval shall be subject to the provisions of Article I, Section E, of the Zoning By-Law.

## **SECTION H. AMENDMENT**

The Planning Board may, after a public hearing, adopt and periodically amend or add rules and regulations relating to the procedures and administration of this section and shall file a copy of said rules with the Town Clerk.

(Article 22 of the Annual Town Meeting of May 14, 1991). (Approved by the Attorney General, Commonwealth of Massachusetts, September 5, 1991).

## **ARTICLE XII. OFF-STREET PARKING AND LOADING AREA STANDARDS**

### **SECTION A. PURPOSE**

The purpose of this section is to ensure that all zoning districts are provided with adequate off-street parking and loading facilities to meet the needs of persons employed at and/or utilizing such uses; to ensure that off-street parking and loading areas are designed so as to reduce hazards to pedestrians and drivers; to reduce congestion in the streets; and to protect the health, safety and welfare of the general public in the Town of Longmeadow.

### **SECTION B. GENERAL REGULATIONS**

1. With the exception of single and two-family dwellings, any new structure or the enlargement of an existing structure or the extension or change of an existing use shall be required to provide off-street parking and loading and unloading areas in accordance with the provisions of this by-law. Fire lanes shall be provided, designed and constructed in accordance with the provisions of the Massachusetts Board of Fire Prevention Regulations, 527 CMR 25.00. No building permit shall be issued until the Zoning Board of Appeals has found that such structure or use is in accordance with the provisions of this by-law.
2. The Zoning Board of Appeals may require off-street parking spaces or loading and unloading areas, standards, or conditions in addition to those set forth in this by-law, if it deems it necessary for the use.
3. The Zoning Board of Appeals may grant a variance to allow the reduction of the minimum number of required parking spaces to not less than 75% of the total required by this by-law where conditions unique to the site reasonably justify such a reduction.
4. When the computation of required spaces results in a fractional space, any fraction of one-half (2) or more shall require one space.
5. The parking spaces required by the provisions of this by-law shall be located on the same lot as the use they are intended to serve, or on an immediately adjacent lot as long as said lot is located within the same zoning district or within different zoning districts that allow the same use.
6. No parking space shall be used for any storage of material or equipment, including snow and waste disposal facilities, dumpsters, or display of merchandise or any purpose or activity which interferes with the availability of said space to meet any



minimum applicable requirement of this by-law.

7. In no case shall the minimum required parking spaces be part of the area used to satisfy any minimum loading space requirements of this by-law.
8. Parking spaces needed for the storage, whether temporary or permanent, of business vehicles or any other vehicle related to the intended use shall not be used to meet any minimum applicable requirement of this by-law.
9. Any specific provision in any section of this by-law shall prevail over provisions in this section.

### **SECTION C. PARKING SPACE AND AREA DESIGN REQUIREMENTS**

1. With the exception of handicapped spaces, each parking space shall have dimension of not less than nine (9) feet in width and not less than eighteen (18) feet in length and a minimum area of one-hundred-sixty-two (162) square feet exclusive of adequate access to said space.
2. All driveways and parking areas shall be designed with due regard to topography, integration with surrounding streets, general interior circulation and separation of vehicular and pedestrian traffic as to reduce hazards to pedestrians, motorists and property.
3. All parking and loading facilities shall be laid out so that each vehicle may proceed to and from its parking space without requiring the movement of any other vehicle.
4. All parking areas shall be designed so that vehicles will not need to encroach upon public property, and shall be designed so that vehicles will not need to back into the street.
5. In no case shall any parking space or loading area be located less than ten (10) feet from a side, rear or front lot line or be located less than ten (10) feet from any structure.
6. All parking area and access driveways shall be graded, surfaced and drained in accordance with acceptable engineering practices as to dispose of all water in an adequate manner to prevent nuisance of erosion or flow of surface water across public or private ways and abutting property.
7. Lighting shall be provided to improve safety and visibility. Driveways and parking areas shall be illuminated in such a way that there shall be no glare for motorists, pedestrians or adjacent premises.
8. Parking spaces and loading areas shall be effectively screened to provide visual relief on each side which adjoin or face any residence zone, elderly residential zone, residential condominium reuse zone or elderly congregate residential zone.
9. No access drive shall be located closer than forty (40) feet from the intersection of any two streets or from any other access drive.

10. The design of all access drives shall be approved by the Fire Chief.

**SECTION D. HANDICAPPED SPACE REQUIREMENTS**

1. All parking facilities shall provide specifically designed parking spaces for the physically handicapped in accordance with the Architectural Access Board Rules and Regulations of the Commonwealth of Massachusetts Department of Public Safety. Such spaces shall be located nearest to the handicapped entrance to the use or building served.
2. Handicapped spaces shall be clearly identified by signs indicating that the spaces are reserved for the physically handicapped.

**SECTION E. MIXED USE FACILITIES**

A structure or a lot containing more than one use is considered a Mixed Use Facility. The number of required parking spaces for a Mixed Use Facility shall be the sum of the various uses calculated separately.

**SECTION F. USE NOT OUTLINED**

Any use not expressly included within this by-law shall require the number of parking spaces for the closest similar use as determined by the Building Commissioner.

**SECTION G. MINIMUM PARKING SPACE REQUIREMENTS**

1. Definitions:
  - a. Gross building area shall be defined as total building area measured by outside dimensions at each floor level intended for occupancy or storage exclusive of basements and garages utilized solely as storage and utility areas.
  - b. Number of employees on the largest shift shall include unpaid persons engaged in any type of activity related to the use.
2. All structures or uses that are required by Section B, paragraph 1, of this section to comply with this section shall provide not less than the minimum parking spaces as set forth in the following Table of Minimum Parking Space Requirements herein below:

	PRINCIPAL USE	REQUIRED PARKING SPACES
a.	Nursing Home, Assisted Living Complex or Similar	One (1) space for each employee on the largest shift plus one (1) space per two (2) beds
b.	Child Care Facility	One (1) space per each employee on the largest shift plus one (1) space per eight (8) students

c.	Library or Museum	One (1) space per 400 square feet of gross building area
d.	Assembly Place (church, gymnasium, theater, club or similar)	One (1) space for each employee on the largest shift plus one (1) space per four (4) persons of total design capacity
e.	Elementary or Junior High School	One (1) space per each employee and adequate space for visitors
f.	High School	One (1) space per each employee and adequate space for visitors and student drivers
g.	College Classroom Building	One (1) space per each employee on the largest shift plus five (5) spaces per classroom plus minimum requirements for assembly places including gymnasiums and auditoriums
h.	College Dormitory	One (1) space per each employee on the largest shift plus one (1) space per each room
i.	Food Service Facility (restaurant, delicatessen or similar)	One (1) space per each employee on the largest shift plus one (1) space per four (4) persons of total design capacity
j.	Professional Office (attorney=s office, bank, real estate office or travel agency or similar)	One (1) space per 300 square feet of gross building area
k.	Government Offices	One (1) space per 300 square feet of gross building area
l.	Dentist or Physician's Office or Health Clinic	One (1) space per each employee on the largest shift plus five (5) spaces per practitioner
m.	Retail Stores or Consumer Services (pharmacy, convenience store, laundromat, clothing store, gift shop, florist)	One (1) space per 200 square feet of gross building area
n.	Additional minimum requirements for any use or structure utilizing a drive through window or lane	Six (6) stacking spaces for each drive through window or lane

o.	Salon or Barber Shop	One (1) space per each employee on the largest shift plus three (3) spaces per station
p.	Golf Course	One (1) space per each employee on the largest shift plus four (4) spaces per hole
q.	Gasoline or Service Station (exclusive of minimum requirements for retail store or other use)	One (1) space per each employee on the largest shift plus two (2) spaces per service stall plus six (6) stacking spaces per pump area
r.	Any single retail use over 10,000 square feet	Six (6) spaces per 1,000 square feet of gross building area
s.	Funeral Establishment	One (1) space per each employee on the largest shift plus one (1) space per three (3) persons of total design capacity

## SECTION H. LOADING AND UNLOADING AREA REQUIREMENTS

1. Each structure, parking area or Mixed Used Facility shall have one loading and unloading area for each fifty (50) spaces of required minimum off-street parking as set forth in this by-law.
2. The loading and unloading area shall be designed and constructed to accommodate the largest vehicles likely to service the use of the property, but in no case shall the area be less than twelve (12) feet in width and twenty-five (25) in length and be a minimum of three-hundred (300) square feet and have a minimum of fourteen (14) feet of overhead clearance from the roadway grade.
3. The loading and unloading areas required by the provisions of this by-law shall be located on the same lot as the use they are intended to serve, or on an immediately adjacent lot as long the lot is located within the same zoning district or within different zoning districts that allow the same use.
4. No loading or unloading areas shall be used for any storage of materials or equipment or display of merchandise or any purpose or activity which interferes with the availability of said loading or unloading area to meet the minimum applicable loading and unloading area requirement.
5. In no case shall the minimum required parking spaces be part of the area used to satisfy any minimum loading space requirements of this by-law.
6. The loading and unloading area shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete loading and unloading operations without obstructing

or interfering with any public or private right-of way or impede the circulation of traffic within any off-street parking or driving area.

(Article 26, Annual Town Meeting on May 13, 1997.) (Approved by the Attorney General Commonwealth of Massachusetts, September 4, 1997.)

## **ARTICLE XIII SIGN REGULATIONS**

### **SECTION A. PURPOSE**

The purpose of this article is:

1. To encourage signs which, by location and design, are harmonious to the buildings and sites on which they are placed and to adjacent buildings and sites;
2. To promote effective visual identification of businesses and residences;
3. To prevent hazards to vehicular and pedestrian traffic;
4. And to preserve the physical character and visual quality of the community.

### **SECTION B. APPLICABILITY**

The provisions of this article shall apply to the construction, erection, alteration, use, location, placement, replacement, relocation and maintenance of all signs affixed to the interior or exterior of any building or free standing for the explicit purpose of being visible from any public way or adjacent property. All signs shall be placed in accordance with the provisions of this article and section 6-314 of the Town of Longmeadow General By-laws. Any more specific provision of the General By-laws shall take precedence over the terms of this article.

### **SECTION C. DEFINITIONS**

1. Commercial Message B Any sign, wording, logo, insignia, slogan or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
2. Sign - A sign shall mean any object, device, structure, which is placed outdoors, or which is visible from outdoors; which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, commercial activity, service, event, or location by any means, including words, letters, figures, designs, symbol fixtures, colors, illumination or projected images. A sign shall include billboards, bulletin boards, pennants, insignias, ribbons, streamers, moving devices, strings of lights, awnings, marquees, canopies, blimps, balloons and similar devices. It shall include any supporting structure or bracing.
3. Sign Area -
  - a. The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed; any frame around the sign and any Acutouts@ or extensions, but shall not include any supporting structure or bracing.
  - b. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest quadrangle or triangle which encompasses all of the letters and symbols.
  - c. The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross-section of that object.

- d. The surface area of a sign shall be calculated by multiplying the largest width in any direction times the largest height. Except where specifically provided for, supporting structures shall not be included in the calculation of sign surface area so long as the supporting structures or bracing is incidental to the display.
4. Sign, Awning B A sign painted on or attached to a roof-like cover that projects from the exterior wall of a building for the purpose of shielding a doorway or window from the elements. For the purpose of this article an awning shall be regulated as a facade sign.
5. Sign, Blade - A sign that extends perpendicularly from the facade of a building over a sidewalk, walkway or other pedestrian way.
6. Sign, Bulletin Board - A bulletin board shall mean any display or structure, which is placed outdoors, or which is visible from outdoors, which is used to provide notice to the public of activities, events and hours of operation which is not essential for safety or normal operation of the organization or facility at which the bulletin board is located.
7. Sign, Directory - An on premise sign giving instructions or facility information which may include the name or logo of an establishment, but no advertising.
8. Sign, Facade - A sign that is attached to the exterior wall of a building below the roof line.
9. Sign, Free-Standing - A self-supporting sign not attached to any building, wall, or fence, but in a fixed location. This does not include portable or trailer-type signs.
10. Sign, non-accessory B Any sign which advertises or identifies any business product or service which is not located on the same premises on which the sign is erected or maintained, or which advertises the sale or rent of different premises.
11. Sign, Projecting - A sign which is affixed to a building, tree, or other structure and which extends more than six (6) inches beyond the surface to which it is affixed.
12. Sign, Roof - A sign which is located above, or projected above, the lowest point of the eaves or the top of the parapet wall of any building, or which is painted on or fastened to a roof.
13. Sign, Temporary - Any sign, including its support structure, intended to be maintained for a continuous period of not more than thirty (30) days in any calendar year.
14. Sign, Tag Sale - A sign designed to promote the sale of private goods in conjunction with a ATag Sale@ for which a valid permit has been issued by the Town of Longmeadow.
15. Sign, Wall B Any sign which is painted on, incorporated into, or affixed parallel to the wall of a building, and which extends not more than six (6) inches from the surface of that building.
16. Sign, residential property protection - Any sign that has the intent to protect ones residential property, such as, but not limited to, signs that specify A no trespassing, A beware of dog, A keep out. (Amended at Special Town Meeting on November 30, 2004, Article 17) (Approved by the Attorney General, Commonwealth of Massachusetts, August 11, 2005)
17. 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.
18. Sign, Monument – A sign made of durable materials where the entire bottom of the sign is affixed to the ground that is not internally illuminated and does not have variable/digital message boards.

## **SECTION D. GENERAL REGULATIONS**

### **1. Permitted Signs**

Only signs which are accessory to uses permitted by right or by special permit are permitted, provided such signs conform to the provisions of this article.

2. Prohibited Signs
  - a. Billboards or non-accessory signs are not permitted.
  - b. Signs with moving parts, or signs designed to appear to have moving parts or containing reflective elements which sparkle or twinkle are not permitted.
  - c. Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted.
  - d. In no case shall any sign exceed forty (40) square feet, and all signs shall conform to the size standards in Section I.
  - e. A trailer or vehicle which has a sign or signs placed thereon, which is so situated, parked or used as to appear that its purpose is to display a commercial message is not permitted. Exceptions to this include only vehicles performing a delivery function or providing a service.
  - f. Flags, buntings, banners, blimps and/or balloons which have as their primary purpose a commercial message are not permitted.

## **SECTION E. GENERAL STANDARDS**

Any exterior sign or advertising device hereafter erected or maintained shall conform to the following restrictions in all districts, unless otherwise expressly provided:

1. Any traffic, informational, warning or directional sign owned and installed by a governmental agency shall be permitted.
2. The limitations as to the number of signs permitted does not apply to traffic, warning or directional signs which are necessary for the safety and direction of residents, employees, customers and visitors, whether in a vehicle or on foot, of any business, industry or residence. Such signs shall not contain a commercial message.
3. No private sign shall be placed on a public property, except as provided for in Section 6-314 of the Town of Longmeadow General By-laws.
4. Signs necessary to warn of a hazard or to post land shall be permitted as required by law.
5. Signs should be neat and uncluttered and letters should be carefully formed and properly spaced.
6. Sign materials should be durable and easy to maintain.

## **SECTION F. PLACEMENT STANDARDS/SIGN HEIGHT**

1. Signs shall not be mounted on roofs or extend above the roof line.
2. No free-standing sign together with its supporting framework shall extend above the maximum building height allowed in the district. Moveable signs shall not extend more than six (6) feet above ground level.
3. All signs shall be maintained in good structural condition at all times. All signs, including support structures thereof, shall be neatly painted.
4. No sign shall be placed so as to obstruct the movement or view of vehicular or pedestrian traffic or to interfere with public safety.
5. Any sign that the Building Commissioner, Police Chief or Fire Chief deems a threat to public safety shall be removed immediately at the expense of the owner.

## **SECTION G. ILLUMINATION STANDARDS**

1. No sign shall incorporate, or be lighted by, flashing or blinking lights, or be designed to attract attention by a change in intensity or by repeated motion. Electronic devices using

- changeable lights to convey time, temperature shall be exempt from this prohibition.
2. Any illumination provided for signs shall be a steady white light only.
  3. Signs shall be illuminated in such a way as to prevent glare or direct light shining onto a public way, adjacent property or interfering with pedestrian or vehicular traffic.
  4. No commercial sign shall be illuminated between the hours of 11 p.m. and 6 a.m. unless the premises on which it is located is open for business.
  5. No sign shall be illuminated by exposed gas-filled tubes, (generally referred to as neon).

## **SECTION H. ADDITIONAL STANDARDS FOR SPECIFIC TYPES OF SIGNS**

1. **Awning Signs**  
Awning signs shall be painted on or attached flat against the surface of the awning, but not extend beyond the valance.
2. **Construction Signs**  
One unlighted sign of an architect, engineer, or contractor erected during the period such person is performing work on the premises or no longer than fourteen (14) days (whichever is less). Such sign shall be permitted, provided that it shall not exceed four (4) square feet in surface area.  
(Amended at Special Town Meeting on November 30, 2004) (Approved by the Attorney General, Commonwealth of Massachusetts, August 11, 2005)
3. **For Sale, Rent, or Lease Signs**  
Any temporary sign advertising property for sale or lease shall be permitted provided that:
  - a. Only one unlighted sign shall be erected, it shall not exceed six (6) square feet.
  - b. Such signs shall be located only on the property which is for sale, rent or lease.
  - c. The sign shall be removed by the owner or agent within thirty (30) days of rent, sale, or lease.
4. **Directory Signs**  
A directory sign may be used to list several occupants of the same building or building complex or development, subject to the following restrictions:
  - a. The sign shall be of an integrated and uniform design.
  - b. The allowable sign area shall be computed at 10% of the building front face square footage (FFSF), as computed by the length times the width of the building facade, to achieve the base square footage, or forty (40) square feet, whichever is smaller.
5. **Commercial Event Signs**  
Temporary signs relating to an event of a commercial nature that is expected to occur within a reasonably short or definite period may be erected on premises on which the event is to occur, provided that:
  - a. A maximum of one (1) temporary sign on the premises is allowed.
  - c. Such signs shall not be in place more than fourteen (14) days prior to the date of the function, event, or activity and shall be removed no later than two (2) days after the function, event or activity.
  - d. Tag sale signs shall be placed in accordance with Section 6-310 of the Town of Longmeadow General By-Laws.
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").



## SECTION I. DISTRICTS AND SPECIAL REGULATIONS

### 1. Signs in Residential Districts

- a. No permanent sign shall be permitted except as provided below.
- b. Any permanent sign erected in the residential district shall not exceed four (4) square feet except where specifically provided.
- c. One sign per lot relating to an allowed accessory use shall be permitted provided said sign shall not exceed two (2) square feet in area.
- d. Signs designating historical places or points of interest, erected by governmental authority or by a duly chartered historical association or the like are permitted, not to exceed four (4) square feet in area.
- e. Signs relating to residential property protection or hunting shall not exceed two (2) square feet in area. The number of signs shall not exceed two (2) signs within sight from any given point. (Amended at Special Town Meeting on November 30, 2004, Article 16) (Approved by the Attorney General, Commonwealth of Massachusetts, August 11, 2005)
- f. One professional nameplate for each medical doctor or dental practitioner, provided: such sign shall not exceed one square foot in surface area.
- g. One identification or address sign for each dwelling unit, provided: such sign shall not exceed one square foot in surface area; if lighted, it shall be illuminated with white light by indirect method only; and it shall not be used other than for identifying the occupants.
- h. One identification sign for each membership club, community facility or public utility, provided: the sign shall not exceed ten (10) square feet in surface area; and if lighted, it shall be illuminated with white light by indirect method only.
- i. One unlighted temporary sign relating to a new residential subdivision during the actual period of construction, provided: it shall not exceed twenty (20) square feet in surface area; and it shall be set back at least ten (10) feet from any street line.
- j. Except for professional and residential nameplates, any other sign in a Residential District shall be set back at least one-half of the required depth of the front yard.
- k. Any signs allowed under Section I, subsection 1 shall be permitted in a non-residential district subject to the same regulations as outlined under Section I, subsection 1.

### 2. Signs in Non-Residential Districts

- a. Each establishment shall not display more than one (1) permanent exterior sign, (to be considered the primary sign), which may include one (1) of the following:
  - i. One (1) facade sign for each establishment, provided: it shall be attached and parallel to the main wall of a building.
  - ii. One (1) free-standing sign for each multiple tenant parcel in a non-residential district, provided: no portion of it shall be set back less than ten (10) feet from any street line; where a single parcel is occupied by more than one business, whether in the same structure or not, there shall be no more than one free-standing sign.
  - iii. One (1) awning sign.
- b. Each establishment in a multiple-tenant parcel shall be permitted to display no more than one (1) blade sign in addition to the primary sign, provided that the blade sign:
  - i. Shall not exceed three (3) square feet in surface area.
  - ii. Shall not exceed four (4) feet in length.

- iii. Shall not be illuminated, unless indirectly.
- iv. Shall be designed to be consistent with other signs at that location.
- c. Each establishment shall be permitted to display one (1) facade or awning sign in addition to the primary sign, upon a determination by the Sign Officer of one (1) of the following:
  - i. The establishment is located on a street corner.
  - ii. The establishment contains more than 20,000 square feet.
- d. Such signs shall not exceed forty (40) square feet in area.
- e. Temporary advertising signs inside windows are permitted.
- f. The allowable size for a free-standing sign or wall sign shall be computed at 10% of the building front face square footage (FFSF), as computed by the length times the width of the building facade, to achieve the base square footage of width along the wall on which the business has its main entrance. In no case shall the area for any sign be greater than forty (40) square feet.
- g. Any free-standing sign shall be set back from all adjacent public rights-of-way at a distance of at least two (2) feet. Signs, in all cases, shall avoid conflicts with public facilities and services.
- h. Signs on adjacent storefronts should be coordinated in height and proportion. The use of a continuous sign band for adjacent shops within the same building is encouraged, as a unifying element.
- i.

## **SECTION J. ADMINISTRATION AND ENFORCEMENT**

- 1. Permits
  - a. No permanent sign shall be erected, altered, displayed, relocated, enlarged or created without first obtaining a permit from the Building Inspector or Sign Officer, except for the following:
    - i. Signs permitted in the Town of Longmeadow General By-laws;
    - ii. Government signs for control of traffic or other regulatory purposes;
    - iii. Signs permitted under the jurisdiction of the Board of Selectmen.
  - b. The Building Inspector or Sign Officer shall issue a permit for a sign when an application therefor has been made and the sign complies with all applicable regulations of the Town and the State Building Code, Article 14. Such application may be filed by the owner of the land or building, or any persons who have the authority to erect a sign on the premises.
  - c. The Building Inspector or Sign Officer shall act within thirty (30) days of receipt of said application together with the fee. The Building Inspector's or Sign Officer's action or failure to act may be appealed to the Zoning Board of Appeal.
- 2. Enforcement
  - a. Designation of the Sign Officer  
The Building Inspector, (or any other qualified person), shall be appointed by the Board of Selectmen as the Sign Officer. The Sign Officer is authorized to order the repair or removal of any sign and supporting structure which is erected or maintained contrary to this by-law. Whenever a Sign Officer is designated, the Selectmen should notify the State Outdoor Advertising Board.
  - b. Maintenance and Removal  
Every sign shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are

not galvanized or of rust resistant material. The Building Inspector or the Sign Officer shall inspect and shall have the authority to order the painting, repair, alteration or removal of a sign which shall constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation or obsolescence.

c. Abandoned Signs

Except as otherwise provided in this Section, any sign that is located on property which becomes vacant and is unoccupied for a period for three (3) months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned, unless the property remains vacant for a period of six months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

d. Dangerous or Defective Signs

No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.

e. Removal of Signs by the Building Inspector or Sign Officer

i. The Building Inspector or Sign Officer shall cause to be removed any sign that endangers the public safety; such as an abandoned, dangerous, or materially, electrically, or structurally defective sign, or a sign for which no permit has been issued.

ii. The Building Inspector, or Sign Officer, shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that, if the sign is not removed or the violation is not corrected within twenty (20) days, the sign shall be removed in accordance with the provisions of this section.

iii. All such notices shall be either hand delivered or sent by certified mail to the sign owner (if known) and to the owner of the property on which the sign is maintained. Any time periods provided in this section for removal or compliance or for appeals shall commence on the date the notice is mailed.

iv. Any person having an interest in the sign or the property on which the sign is maintained may appeal the determination of the Building Inspector or Sign Officer ordering removal or compliance by filing a written notice of appeal with the Town Clerk within thirty (30) days from the date of the determination as provided in M.G.L. c. 40A, Section 15.

3. Penalties

Violation of any provision of this by-law or any lawful order of the Sign Officer shall be subject to a fine of \$50 for the first offense, and \$100 for each additional offense. Each day that such violation continues shall constitute a separate offense.

4. Non-Conforming Signs

a. Continuance

A non-conforming sign lawfully existing at the time of adoption or subsequent amendment of this bylaw may continue, although such sign does not conform to the provisions of this by-law.

b. Replacement

Any sign replacing a non-conforming sign shall conform with the provisions of this Section, and the non-conforming sign shall no longer be displayed.

c. Abandonment

If a nonconforming sign associated with a permitted use or structure has been abandoned for no less than six months (i.e. the structure has not been occupied for six months) then the non-conforming sign shall be removed and its non-conformity shall not continue.

5. Severability

The invalidity, unconstitutionality or illegality of any provision of this article shall not have effect upon the validity, constitutionality, or legality of any other provision of this article.

(Article 25, Annual Town Meeting on May 11, 1999.) (Approved by the Attorney General Commonwealth of Massachusetts, August 30, 1999.)

**ARTICLE XIV. REGISTERED MARIJUANA DISPENSARY (RMD) AND OFF-SITE MEDICAL MARIJUANA DISPENSARY (OMMD)**

**SECTION A. Purposes.**

It is recognized that the nature of the substance cultivated, processed, and/or sold by medical marijuana treatment centers and off-site medical marijuana dispensaries may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as patients seeking treatment. The specific and separate regulation of Registered Marijuana Dispensaries (hereafter referred to as a RMD) as Medical Marijuana Treatment Centers and Off-site Medical Marijuana Dispensary (hereafter referred to as an OMMD) facilities is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors and households in the Town of Longmeadow. Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, and 105 CMR 725.000, Registered Marijuana Dispensaries and Off-site Medical Marijuana Dispensaries shall be permitted to provide medical support, security, and physician oversight that meet or exceed state regulations as established by the Massachusetts Department of Health (hereafter referred to as MDPH).

**SECTION B. Additional Requirements/Conditions.**

In addition to the standard requirements for uses permitted by Site and Design Approval, the following shall also apply to all Registered Marijuana Dispensaries and Off-Site Medical Marijuana Dispensaries:

1. Use:

- a. RMD and OMMD facilities may only be involved in the uses permitted by its definition and may not include other businesses or services.
- b. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.
- c. The hours of operation shall be set by the Planning Board, but in no event shall an RMD or OMMD facility be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.
- d. RMD facilities that can demonstrate that they comply with the agricultural exemption under M.G.L. Chapter 40A, Section 3 must still apply for Site and Design Approval.

2. Physical Requirements:

- a. All aspects of the use/facility relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.
  - b. No outside storage is permitted.
  - c. No OMMD Facility shall have a gross floor area in excess of 2,500 square feet.
  - d. Ventilation – all RMD and OMMD facilities shall be ventilated in such a manner that no:
    - i. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and/or
    - ii. Odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.
  - e. Signage shall be displayed on the exterior of the RMD and OMMD facility’s entrance in plain sight of clients stating that “Registration Card issued by the MA Department of Public Health required” in text two inches in height.
3. Location:
- a. No RMD and OMMD facility shall be located on a parcel which is within three hundred (300) feet (to be measured in a straight line from the nearest points of each property line) of parcel occupied by a public or private elementary, junior high, middle, vocational or high school, college, junior college, university or child care facility or any other use in which children commonly congregate in an organized ongoing formal basis.
  - b. No RMD or OMMD facility shall be located on a parcel which is within three hundred (300) feet (to be measured in a straight line from the nearest points of each property line) of a residential use.
4. Reporting Requirements:
- a. All Site and Design Approval holders for an RMD or OMMD facility shall provide the Police Department, Fire Department, and Building Commissioner with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.
  - b. The local Building Commissioner, Board of Health, Police Department, Fire Department and Planning Board shall be notified in writing by an RMD or OMMD facility owner/operator/ manager:
    - i. A minimum of 30 days prior to any change in ownership or management of that facility.
    - ii. A minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the RMD or OMMD.
  - c. Permitted RMD and OMMD facilities shall file an annual report to and appear before the Planning Board no later than January 31st, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Site and Design Approval.
  - d. The owner or manager is required to respond by phone or email within twenty-four hours of contact by a city official concerning their RMD or OMMD at the phone number or email address provided to the Town as the contact for the business.
5. Issuance/Transfer/Discontinuance of Use:

- a. Site and Design Approvals shall be issued to the RMD Operator
- b. Site and Design Approvals shall be issued for a specific site/parcel
- c. Site and Design Approvals shall be non-transferable to either another RMD Operator or site/parcel
- d. Site and Design Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a RMD or OMMD, and shall lapse:
  - i. If the permit holder ceases operation of the RMD, and/or
  - ii. The permit holder's registration by MDPH expires or is terminated
- e. The permit holder shall notify the Zoning Enforcement Officer and Planning Board in writing within 48 hours of such lapse, cessation, discontinuance or expiration.
- f. An RMD or OMMD facility shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state Registration or ceasing its operation.

### **SECTION C. Application Requirements.**

In addition to the standard application requirements for Site and Design Approvals, such applications for an RMD or OMMD facility shall include the following:

1. The name and address of each owner of the RMD or OMMD facility/operation;
2. A copy of its registration as an RMD from the Massachusetts Department of Public Health or documentation that demonstrates that said RMD or OMMD facility, and its owner/operators, qualify and are eligible to receive a Certificate of Registration and meet all of the requirements of a RMD in accordance with 105 CMR 725.000 of the Massachusetts Department of Public Health.
3. Evidence that the Applicant has site control and right to use the site for a RMD or OMMD facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement;
4. A notarized statement signed by the RMD or OMMD organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, 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 all such responsible individual persons;
5. In addition to what is normally required in a Site and Design, details showing all exterior proposed security measures for the RMD or OMMD including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
6. A detailed floor plan identifying the areas available and functional uses (including square footage)
7. All signage being proposed for the facility.
8. A traffic study to establish the RMD or OMMD impacts at peak demand times.
9. A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of medical marijuana and related products to OMMDs or off-site direct delivery to patients.

### **SECTION D. Findings.**

In addition to the standard Findings for Site and Design Approval the Planning Board must also find all the following:

1. That the RMD or OMMD facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
2. That the RMD or OMMD facility demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and
3. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw;
4. That the RMD or OMMD project meets a demonstrated need
5. That the RMD or OMMD facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured.
6. That the RMD or OMMD facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

(Amended Annual Town Meeting, May 13, 2014, Atty. General approved June 30, 2014.)

## **ARTICLE XV. RESTRICTIONS FOR FACILITIES OF NATURAL GAS UTILITIES**

### **A. PURPOSE**

The purpose of this by-law is to provide that the Town's planning and zoning by-laws are used to ensure that there is adequate protection of its citizens and its environment from noise, pollutants, emissions, discharges, leaks and other risks and hazards that are associated with facilities of natural gas utilities. Facilities of natural gas utilities (hereinafter referred to as "facilities") are defined herein.

In addition to site and design review, these facilities are required to obtain a special permit from the Planning Board, as designated in Articles II and X of the Longmeadow zoning by-laws. Such proceedings are to be consolidated

### **B. DEFINITIONS**

**1. Compressor Station:** A Facility designed and constructed to compress natural gas in its function as a midstream Facility for the delivery of gas to a transmission pipeline, distribution pipeline, or processing plant, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

**2. Gate Station:** Point at which a local gas *utility* receives gas from a pipeline company.

**3. Metering Station:** A Facility that is a pipeline station designed for the continuous and simultaneous analysis of the quantity and quality of the natural gas being transported in the pipeline, and is used to branch off the pipeline, meter the gas and reduce pressure.

**4. Operator:** Any private or public entity which operates a Facility.

**5. Pigging Station:** This is the Facility that controls the devices known as "pigs" (pipeline inspection gadget) to perform various maintenance operations. These operations include but are not limited to cleaning and inspecting the pipeline, storing and removing waste and other products found in the natural gas pipelines.

**6. Protected Structure:** Any occupied residence, commercial, business, school, religious institution or other public building located within one mile of the surface location of a Facility, including structures such as garages and barns or other accessory buildings and structures which may be impacted by noise and/or emissions generated by any of the facilities.

**7. Valve Station:** This is the junction where pipes in a network have a central control system.

### **C. COMPREHENSIVE HEALTH IMPACT ASSESSMENT (CHIA):**

As a component of the Special Permit Application, an independent Comprehensive Health Impact Assessment (CHIA) shall be required within a designated perimeter of any proposed Facility in order to identify potential health threats as a means of mitigating negative health impacts on residents. The CHIA shall be prepared by an independent health and safety expert in accordance with nationally recognized standards, to be paid for by the Operator and specifically designed to identify and evaluate potential short-term and long-term human health impacts by identifying potential pathways for Facility-related contaminants to harm human health, quantifying the cumulative risks posed by any contaminants, and recommending necessary avoidance, minimization, or mitigation. An ongoing annual monitoring of resident health shall be required after infrastructure is built which may have any health impact. The Town of Longmeadow Select Board shall receive copies of all monitoring and environmental reports required under this provision.

### **D. EMISSIONS:**

1. Any Special Permit issued hereunder shall require that the emissions from any Facility and accessory equipment shall be monitored monthly by the Operator, to ascertain whether they equal or exceed the threshold of toxic air pollutants or hazardous air pollutants designated as such by state or federal Environmental Protection Agency classifications. The Town of Longmeadow Select Board shall receive copies of all monitoring and environmental reports, including but not limited to, reports submitted to federal and state regulatory agencies.

2. Any applicant hereunder shall demonstrate that the best available engineering, inspection, oversight and monitoring practices shall be used to minimize any emissions and ensure public safety.

### **E. NOISE:**

1. **Residential/Business/Agricultural Districts:** Any Facility contemplated hereunder shall be designed such that, at no point beyond the boundary of any lot within these districts, shall the exterior noise level resulting from any use or activity located on such lot, at any time, exceed a maximum of 55 Dba.

2. **Sound Barriers:** Any Special Permit issued hereunder may require the temporary or permanent erection and use of sound barriers to minimize the impact of noise from the facilities on residents.

3. **Monitoring:** Any Special Permit issued hereunder shall include the following protocol for complaints: if a signed complaint is received by the issuing body of the Special Permit or any other town official, designated pursuant the Special Permit, from any resident using a Protected Structure for any lawful purpose regarding noise generated from any Facility and its activities, the Operator shall, within 48 hours of receipt of the complaint, continuously monitor for a 72 hour period at a point which is the closer to the complainant's Protected Structure to:

- a. The property line nearest to the Facility generating the noise; or
- b. One hundred (100) feet from the property line of the Protected Structure.



The Operator shall provide the final result to the Town Manager or designee within 10 business days of the Operator's receipt of the final results to determine compliance.

**4.Exhaust Muffler or Exhaust Box:** Any internal combustion engine or compressor used in any Facility shall be equipped with 1) an exhaust muffler or 2) an exhaust box. The exhaust muffler or exhaust box shall be constructed of non-combustible materials designed and installed to suppress noise and disruptive vibrations. All such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.

**5. Testing and Low Frequency Noise:** As a condition of approval of any Special Permit, the Planning Board shall require that independent baseline testing of background noise shall be done prior to construction of any site which may have a high impact on noise within a designated perimeter of one mile to the site, and such testing must address low frequency noise (LFN) and pure tones as well as mid and high frequency noise.

#### **F. LIGHTING:**

**The Operator shall take steps to direct site lighting downward and inward toward the Compressor Station** so as to attempt to minimize glare on property nearby the Facility site. No exterior lighting at any proposed Facility location shall project above the horizontal plane or project beyond property lines, and be restricted to a minimum. Any permanently installed exterior lighting shall comply with bylaws to protect abutters.

#### **G. FIRST RESPONDERS:**

**1.** In deliberating upon any application for a Special Permit hereunder, the Planning Board may consider whether first responders, including but not limited to the Longmeadow Fire Department and the Longmeadow Police Department, have the requisite training and equipment to adequately respond to any potential dangerous conditions that may result due to unique aspects of the operation of a Facility station.

**2.** Prior to construction of the Facility, Operator shall provide to the Town's First Responders, including the Fire Department, Police Department, Ambulance service and the Town Clerk, a copy of its Preparedness, Prevention Contingency Plan, which shall address methods to handle the following:

- a. Pipeline leakage
- b. Spill containment
- c. Vandalism creating unknown conditions
- d. Defective pipelines
- e. Potential contamination of the public water supply and well water of residents, and streams and wetlands

#### **H. SETBACKS:**

The site plan submitted by any applicant for a Special Permit hereunder shall include a showing of the location of structures on neighboring properties within 1 mile of property lines upon which the Facility will be located. The site plan and other submitted materials shall also detail the effects of an

explosion or other emergency situation involving such structures on properties within the Town's boundaries, including measures taken to minimize such effects. The Planning Board, as a condition of approval, may impose setback requirements that are reasonably necessary to address potential emergencies at the locus.

**I. PENALTIES AND FINES:**

In the event of any violation of this by-law that results in harm to residents, property or Town's resources, including, but not limited to, public water supply and well water of residents, and streams and wetlands, vegetation, or Protected Structures, the Operator shall be responsible for payment of clean-up costs as well as reimbursement of all costs incurred by the Town in responding to such violations.

**J. SEVERABILITY:**

It is the intention of this law that each separate provision of this Article shall be deemed independent of all other provisions herein, and it is further the intention that if any provision of this Article be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this Article shall remain valid and enforceable.