



Town of East Longmeadow Department of Planning and Community Development Memorandum

To: Jeanne Quaglietti, Town Clerk/Clerk of the Council
East Longmeadow Town Council

From: Bailey Mitchell, Director of Planning and Community Development
East Longmeadow Planning Board

Date: August 16, 2023

Re: Recommendation of Bylaw Amendment – Home Office

At the August 15, 2023 meeting of the East Longmeadow Planning Board, the Board reviewed proposed amendments to the Town of East Longmeadow Zoning Bylaws Table 3-1 Schedule of Use Regulations and Article XI - Definitions in relation to Home Office (see attached). The Board voted unanimously to recommend that the Town Council review and adopt the amendments as presented.

The Board's discussion on this vote is duly noted in the minutes of their August 15, 2023 meeting.

Respectfully submitted,

Bailey Mitchell, Director of Planning & Community Development



Town of East Longmeadow
Department of Planning and Community Development
Memorandum

To: Town Council and Planning Board
From: Bailey Mitchell, Planning & Community Development Director
Date: May 4, 2023
Re: Proposed Bylaw Amendments Related to Home Office

RECOMMENDATION

For the purpose of improving administrative efficiency/clarity and improving consistency with Massachusetts General Laws, Town Staff recommends that the Town Council and Planning Board amend the Town of East Longmeadow Zoning Bylaws §450 Table 3-1 Schedule of Use Regulations, as written in the attached documents. The attached documents include (1) current language to be repealed (indicated by ~~red strikethrough text~~), (2) proposed language to be added (indicated by blue underlined text), and (3) current language to remain (indicated by black text). Note, omission of current language indicates there is no need for such language to be amended and it shall remain as is.

PROPOSED AMENDMENTS AND JUSTIFICATION

Article XI – Definitions

Terms used in Table 3-1 for use G-1 “Home office, Studio or Cottage Industry,” are not defined. The G-1 use is changed to “Home Occupation or Cottage Food Operation” to avoid contradictory and inconsistent language; therefore, definitions for “Home Occupation” and “Cottage Food Operation” are included in Section 11.2, Terms defined.

Ch. 450 Table 3-1 Schedule of Use Regulations

Use G-1 “Home office, Studio or Cottage Industry” should be renamed to “Home Occupation or Cottage Food Operation” for clarification as “home occupation” is used in the standards and conditions and is a more general term and includes “Home office” within the new definition. Under the Standards and Conditions, the text “The use” to “provided that:” is unnecessary as the “home occupation” is now defined in the appropriate section of the bylaws, section 11.2. The removal of “condition A” (the requirement for site plan review waiver) is necessary to remove contradiction of the exemption of residential properties from the requirement of Site Plan Review; although a home occupation is an accessory use on a residential property, the imposed standards and conditions of such use are adequately regulated through our business license process. Condition “e” is too restrictive to the residential use, so it should be removed (Condition “f” already covers exterior appearance related to the home occupation). The other small proposed changes to the language are made to remove incorrect references and confusing language.

Respectfully submitted.

ARTICLE XI
Definitions

§ 450-11.2 Terms defined.

Home Occupation - An occupation, trade, or profession, including a not-for-profit organization, which results in a product or service for compensation which is: (1) customarily carried on in a dwelling unit; (2) pursued by a person residing in the dwelling unit; and (3) incidental and secondary to the use of the dwelling unit for residential purposes. Such home occupations may include but are not limited to the following: office or studio of a building contractor, physician or surgeon, dentist, artist, lawyer, handicraft person, architect, professional engineer, realtor or real estate broker, insurance agent or broker, psychologist or counselor, notary public, teacher of scholastic subjects, accountant, hairdresser, beauty parlor operator, or teacher of piano. The use must conform to the standards and conditions which are shown in Table 3-1, Schedule of Use Regulations, included as an attachment to this chapter.

Cottage Food Operation - A home occupation use that includes the preparation of non-potentially hazardous (i.e., low-risk) food products such as cakes, cookies, breads and confectionaries in the home kitchen of that person's primary residence for off-premise sale to the consumer including through the internet or mail order.

Bylaw No.	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR	MUV
G.	ACCESSORY USES														
(1)	Home office, Studio or Cottage Industry <u>Home Occupation or Cottage Food Operation</u>	<p>The use of a portion of a home by a bona fide resident of the premises as an office or studio for the private conduct of a profession, home occupation, or trade shall be considered accessory to the use of the residence, provided that:</p> <p>a. A waiver of site plan approval for a private home office, studio or Cottage Industry must be granted by the Planning Board prior to any business being conducted at the residence.</p> <p><u>The Home Occupation, as defined in §450-11.2 is permitted only when the following standards and conditions are met:</u></p> <p>a. <u>A Business License from the Town of East Longmeadow shall be obtained.</u></p> <p>b. The home occupation is to be <u>shall be</u> conducted in an office or studio in the primary dwelling and is carried on only by members of the resident family living on the premises.</p> <p>c. The home occupation is <u>shall be</u> clearly incidental to and secondary to the use of the dwelling as a residence.</p> <p>d. The area devoted to the conduct of the home occupation does <u>shall</u> not exceed 20% of the habitable floor area of the dwelling unit.</p> <p>e. No external change is made which alters the residential appearance of the dwelling or the residential character of the lot</p> <p>e. There is no exterior display, signage or visible storage or other outward evidence that the premises are being used for any purpose other than for a residential use.</p>	Y	Y	Y	Y	N	Y	Y	N	N	Y	Y	N	Y

Bylaw No.	Land Use Classification	Standards and Conditions	AA	A	B	C	ER	COM	BUS	I	IGP	GR	PUR	PAR	MUV
(1)	Home office, Studio or Cottage Industry Cottage Food Operation (continued)	<p>f. The use will shall not constitute a nuisance by reason of an unacceptable level of air or water pollution, noise, vibration, smoke, dust, odor, heat, glare, unsightliness, electrical interference or other activity which, when produced, is detectable to normal sensory perception beyond the property line in amounts exceeding those normal to a residential property. The use shall not constitute a safety hazard to abutters.</p> <p>g. No articles are sold or offered for sale on the premises.</p> <p>h. Cottage Food Operation Exemption- A Cottage Food Operation, as defined in §450-11.2, is allowed as a home occupation subject to all the conditions listed herein under this section 3.090 provided the resident operator is issued and maintains a valid Residential Kitchen Permit from the East Longmeadow Board of Health and complies with the requirements imposed by the Massachusetts Department of Public Health regulations promulgated at 105 CMR 590.</p>	Y	Y	Y	Y	N	Y	Y	N	N	Y	Y	N	Y