



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 – Site Plan Review

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 Article III - Use Regulations, Table 3-1 - Schedule of Use Regulations, and Article IX - Site Plan Review in relation to Site Plan Review (see attached). The Board voted unanimously to recommend that the Town Council review and adopt the amendments as presented, with edits from the original proposed language. The edits made by the Board are shown in **green text** in the attached (~~green strikethrough text~~ for language to be removed and green underlined text for language to be inserted).

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

ARTICLE III
Use Regulations

§ 450-3.0 Applicability of use regulations.

A. Use designations. The restrictions and controls intended to regulate development in each district are set forth in Table 3-1, East Longmeadow Schedule of Use Regulations. The following notations apply to the Schedule of Use Regulations:

Y Yes - designates uses allowed by right in the district indicated. ~~Site plan review is required for all uses except for single-family residential dwellings.~~ Site plan review is required for all uses as prescribed in **Article IX** of this [Zoning Bylaw](#). (**NOTE: Subdivisions are covered by the Town of East Longmeadow Subdivision Rules and Regulations.)

N No - designates uses prohibited in the district indicated.

SP Special permit - designates uses only allowed in the district with a special permit and site plan review as outlined in **Article VIII**, Special Permits.

ARTICLE IX
Site Plan Review

§ 450-9.1 Purpose.

~~This section is enacted under the authority of Chapter 40A of the General Laws~~ The purpose of Site Plan Review is to accomplish the purposes set forth in Section 1 of the Zoning Bylaw. In considering a Site Plan, the Planning Board shall assure that all structures and uses other than a single-family dwelling 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 water drainage and protection of environmental features on the site and in adjacent areas.

§ 450-9.2 Design review.

B. Design Review Committee

- (1) ~~The Design Review committee is established in accordance with the provisions of Chapter 40A of the Massachusetts General Laws.~~ The Design Review committee shall be appointed by the Planning Board, to serve for a period of three (3) years, with member rotation every three years after the initial two-year period, and consist of five (5) members with the following credentials, if possible:
 - (a) ~~Planning Board Administrator~~ Planning Director (to serve as committee chair);
 - (b) One person qualified by training and experience in architecture or landscape design;
 - (c) One person owning and/or operating a business located in East Longmeadow governed by this by-law;
 - (d) One “at-large” resident of the Town; and,
 - (e) One member of the Board of Directors of the East Longmeadow Chamber of Commerce.

D. Initiating Design Review

- (1) The ~~Planning Board Administrator~~ Planning Director shall meet with the owner and/or representative of the project to discuss the project, the Design Review process and the items needed for Design Review, prior to the submittal of an application. Depending on the complexity of the proposed project, it may be necessary to submit the following:
 - (a) Color photographs showing buildings and site conditions adjacent to the proposed project.
 - (b) Building elevations at 1/8” =1’ scale showing configuration, details and adjacent site/building conditions. All elevations are to be titled and dated. Eight (8) copies are to be provided.
 - (c) Samples of finish materials
 - (d) Study model of the proposed project (three dimensional for major projects only as requested by the Design Review committee).
 - (e) Site line study indicating concealment of rooftop mechanical equipment from the street, if

applicable.

- (f) Site Development plan and architectural drawings specifying:
 - [1] The building footprint and dimensions, including all points of access and egress;
 - [2] Plans of interior spaces where applicable in order to determine dual formulas for parking requirements when affected by use;
 - [3] Architectural rendering specifying exterior elevations showing finish materials, windows, doors, light fixtures, stairways, balconies, decks and architectural details. The elevations shall be provided for all affected exterior surfaces;
 - [4] Exterior lighting on the proposed building including the location, size;
 - [5] Method of illumination of all exterior signs;
 - [6] Location of areas to be landscaped; and,
 - [7] Location of garbage disposal area and utility appurtenances, if visible.

§ 450-9.3 Projects Requiring Site Plan Review

- ~~A. Notwithstanding anything contained in the by-law to the contrary, no building permit for the construction, exterior alteration, or relocation, occupancy or change in use of any building, structure or premises shall be issued, nor shall an occupancy certificate for any new occupant, or any change of use of a building, structure, or premise be issued, without Site Plan Review and approval by the Planning Board; provided however, that a single family dwelling not within a residential development shall be exempt from these provisions. It is the intent of this section that no individual, corporation or any business entity, regardless of the form chosen, shall occupy any building structure or premises or change the use thereof or the construction or alteration to the exterior of any structure without first complying with the provisions of Site Plan Review.~~
- ~~B. For the purposes of this Section of the Bylaw, 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.~~
- ~~C. Further, if the Planning Board determines that there is no substantive change in use and the proposed use is less detrimental than its present or immediate prior use and that the external enlargement, if applicable, is less than 2,000 (two thousand) square feet, the Board may waive any or all of the requirements of Site Plan Review.~~

A. Projects requiring site plan review:

- (1) Any change in use of the subject building or unit from its most recent use determined to cause an increase to the number of required parking spaces by 10 or more parking spaces, in accordance with § 450-5.6;
- (2) The construction or exterior expansion of any structure or building, with the exception of single-family residential dwellings;
- (3) The expansion of any parking lot by 10 or more parking spaces;
- (4) The construction or exterior expansion of any educational institution or religious institution;

- (5) Any other use specified in Table 3-1, Schedule of Use Regulations, which indicates that site plan review is required, unless the use is locating in an existing structure and no additions to the structure are to be undertaken and the Planning Director determines no additional parking will be required to conform to the parking requirements outlined in Article V of the Zoning Bylaw (§ 450-5.6).
- (6) Where a use is allowed with only site plan review and no special permit is required, the use shall be approved if it satisfies the criteria in this Article IX.
- (7) Any use that requires a special permit as specified in the Use Regulations Schedule, in which case a single review and approval process shall be conducted, as provided in §450-8.2A.
- B. No special permit or building permit shall be applied for or issued for any of the above uses unless a site plan has been endorsed by the Planning Board, after consultation with other boards, including but not limited to the following: Building Commissioner, Board of Health, Town Engineer, Conservation Commission, DPW Superintendent, Fire Department and Police Department.
- C. Site plan review for any use exempt from zoning under MGL c. 40A is for the purpose of ensuring compliance with reasonable regulations as related to parking, open spaces, building height, and building setbacks requirements as provided for in MGL c. 40A.
- D. Waiver permitted. The Planning Board may grant a full waiver for all requirements of site plan review/approval for the following:
 - (1) New construction under 1,000 square feet; and
 - (2) Exterior expansions, provided that the expansion is less than 25% of the existing floor area of the structure. Where the structure is part of a complex consisting of multiple buildings functioning as a single facility, the sum of the total square footage of all structures comprising the complex may be used to determine the threshold for such a waiver.
- E. Finding required. Prior to granting any waiver of site plan review/approval, the Planning Board must make a finding that the Board determines the proposed development with the requested waiver(s) will have a de-minimis impact relative to the criteria set forth in §450-9.7 and §450-9.8.

§ 450-9.4 Content of Site Plan

- B. The Planning Board shall have the right to waive any of the above items under unique site conditions or request any additional data it should need to render its decision. A Request for Waiver (Form W) must be submitted for each requested requirement waiver, unless an applicant is requesting the full Site Plan Review be waived, the Site Plan Review (Form SITE) must be submitted, indicating such request. A majority vote of the Planning Board would be required to waive any of the site plan ~~items~~ requirements.

§ 450-9.5. Review Procedure

- ~~A. An applicant for Site Plan Review under this section shall file with the Planning Board at a regularly scheduled meeting seven (7) copies each of an application and site plan. A copy of the application shall be given to the Town Clerk by the applicant.~~

~~B. The Planning Board shall transmit to the Town Engineer, Conservation Commission, Board of Health and Building Inspector or other boards as deemed necessary copies of the application and site plan. The boards shall have up to forty-five (45) days to make recommendations to the Planning Board.~~

~~C. The applicant shall submit a filing fee to cover any expenses connected with the public hearing and review of the plan.~~

A. Each application for Site Plan Review shall be submitted to the Planning and Community Development Department on Form SITE, accompanied by two (2) hard copies of the site plan and complete application and one (1) electronic pdf version of the same. A copy of the complete application Form SITE shall be concurrently filed with the Town Clerk by the applicant.

B. The Planning Director shall, upon receipt of complete application and no later than two (2) business days of the established submittal deadline, transmit electronic copy of the complete application material and Site Plan to the Building Commissioner, Director of Public Health, Conservation Commission, Public Works Superintendent, Town Engineer, Water and Sewer Administrator, Fire Department and Police Department. These departments shall have fourteen (14) calendar days to provide comment to the Planning Board, prior to the meeting.

C. All applications for Site Plan Review must include payment of the application fee specified in Section ~~500-1~~ 500-10, Schedule of Town fees. The cost of advertising the public hearing is to be paid by the applicant.

D. The Planning Board may hire, at the expense of the applicant, independent consultants to review the plans and application materials submitted, or require new application materials completed by independent consultants be submitted, if it determines expert review is appropriate for the interest of the neighborhood and/or community. In such event, the Planning Director, shall:

(1) Select an expert independent consultant to perform the review and determine a Scope of Services agreeable to the Planning Board and the applicant.

(2) Require the applicant pay the estimated cost of said expert to the Town Collector/Treasurer prior the any review being undertaken. No site plan shall be approved until the total cost of said review has been paid by the applicant. Any excess of deposit, shall be returned to the applicant upon completion of the review.

E. Expiration

(1) A Site Plan Approval granted under this section shall lapse after a period of one year has passed if substantial use has not sooner commenced, except for good cause, or, in the case of permit for construction, if construction has not begun by such date, except for good cause. This period shall not include such time required to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17.

Types of Districts						Permitted Uses	
AA	Residence AA	ER	Elderly Residential	IGP	Industrial Garden Park	Y	YES, Use Permitted Use allowed by right – Site Plan Review required for all uses as prescribed in Article IX.
A	Residence A	COM	Commercial	GR	Golf Recreational		
B	Residence B	BUS	Business	PUR	Planned Unit Residential	N	NO, Prohibited Use prohibited
C	Residence C	I	Industrial	PAR	Planned Adult Residential	SP	Use allowed by Special Permit from the Planning Board
				MUV	Mixed Use Residential		