

TOWN OF LONGMEADOW PERMITTING GUIDEBOOK

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Please check the town website at www.longmeadow.org for the most up to date information in this guide or call the Department of Planning and Community Development at 565-4153.

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INTRODUCTION

The purpose of this guidebook is to summarize for you the various staff persons, departments and boards involved with the development process in the Town of Longmeadow. The development process requires a number of permits, approvals and licenses be obtained for nearly every development project; only the most common ones related to land based development are summarized in the guidebook. If at any time, before and during your application process you may have questions, please do not hesitate to contact the appropriate staff person.

We hope this guidebook is a valuable tool for anyone pursuing residential, commercial or industrial development. For detailed information, please contact the appropriate staff person.

BOARD OF HEALTH

Department:	Board of Health	
Staff Liaison:	Beverly Hirschhorn, <i>Health Director</i> 565-4140 townhall@longmeadow.org	
Board/Commission/Committee:	Board of Health	
Meeting Schedule:	Scheduled as necessary	
Members:	Robert Rappaport, Chair Barry Izenstein Richard Steingart	Michael Coppola Mary P. Toye
Description of Board/ Commission/Committee:	The Board of Health is committed to keeping the Town of Longmeadow a healthy environment in which to reside and work.	
Permits Issued:	Food Service Permit Bakery Permit Frozen Dessert Permit Temporary Food Service Permit Wading Pools Permit Camp Permit Mobile Food (pushcart) Permit Tobacco Sales Permit Septic Cleaner & Hauler Permit Installation or Repair of Septic System Witness Percolation test Witness Septic System Inspection Swimming Pool Permit	Retail Food Permit Milk Permit Catering Permit Methyl Alcohol Permit Health Club Permit Septage Hauler Permit Septic System Installer Permit Permit to Site Private Well Tanning Parlor Permit Witness Soil profile
Process for Obtaining Permit(s):	Application is obtained from Secretary to Board of Health; all permits issued by the Board of Health; depending on circumstances, permit may need to be reviewed by Board at a scheduled meeting	
Advertising Requirements:	Not applicable	
Time Frame for Public Hearing:	Not applicable	
Time Frame for Decision:	Dependent on type of permit	

Appeal Process: Depending on type of permit, appeals made to D.E.P., Mass. Plumbing and Gas Commission, Mass. Division of Food and Drugs

Fee Schedule: Fee schedule can be obtained at <http://www.longmeadow.org/towngovt/new%20fee%20schedule%207-16-07.pdf>

Applicable Local, State and Federal Statutes: 105 C.M.R.
10 C.M.R.

BUILDING DEPARTMENT

Department:	Office of Planning and Community Development	
Staff Liaison:	Mark Denver, <i>Building Commissioner</i> Beverly Rose, <i>Secretary</i> (413) 565-4153	
Board/Commission/Committee:	Not applicable	
Meeting Schedule:	Office hours: Monday through Thursday, 8:15 am - 3:30 pm Friday, 8:15 am - 12:00 pm	
Members:	Not applicable	
Description of Board/ Commission/Committee:	Not applicable	
Permits Issued:	Building Permits Plumbing Permits Miscellaneous Permits	Electrical Permits Gas Permits Fence Permits
Process for Obtaining Permit(s):	All construction requires a building permit. For advice regarding compliance with zoning bylaws and sign regulations and for permit applications, please contact the Building Department.	
Advertising Requirements:	Not applicable	
Time Frame for Public Hearing:	Not applicable	
Time Frame for Decision:	After all required documentation and plans are submitted, permit review shall not exceed 30 days.	
Appeal Process:	The owner, landlord or tenant may appeal a ruling first to the Zoning Board of Appeals and subsequently to the Hampden County Housing Court or Hampden Superior Court.	
Fee Schedule:	Fee schedule can be obtained at http://www.longmeadow.org/towngovt/new%20fee%20schedule%207-16-07.pdf	
Applicable Local, State and Federal Statutes:	Mass. Building Code 780 C.M.R.	

PLANNING BOARD

Department:	Office of Planning and Community Development	
Staff Liaison:	Mark Denver, <i>Building Commissioner</i> Beverly Rose, <i>Secretary</i> (413) 565-4153	
Board/Commission/Committee:	Planning Board	
Meeting Schedule:	Usually, the first Thursday of each month. Office hours: Monday through Thursday, 8:15 am - 3:30 pm Friday, 8:15 am - 12:00 pm	
Members:	Walter Gunn, <i>Chair</i> Stacy Wieners, <i>Recording Secretary</i> Gerard Nolet	Bruce Colton Roy Johansen Ken Taylor
Description of Board/ Commission/Committee:	The purpose of the Planning Board is to guide the development of the Town in the best interests of all its residents.	
Decisions Rendered:	Site Plan Review Subdivision Plan	Approval Not Required (ANR) Sign Permits
Process for Obtaining Approval(s):	All applications are made to the Planning Board at a regular meeting except Approval Not Required Plans (Form A) which are filed with the Town Clerk. Applicants are strongly encouraged to meet with the Building Inspector prior to the submission of any plans	
Advertising Requirements:	Legal ad published twice in local newspaper, first ad must be at least 14 days prior to date of public hearing and the second seven days prior to the public hearing; all abutters within three hundred feet of the property line of the petitioner must be notified as least 14 days prior to date of public hearing; public hearing is necessary for: Site Plan Approval & Subdivision Plans.	
Time Frame for Public Hearing:	Upon application submission, the Planning Board will schedule a hearing no later than 65 days from date of submittal for Site Plan Review and no later than 45 days for a subdivision plan.	

Time Frame for Decision:	Preliminary Subdivision Plan, 45 days Definitive Subdivision Plan preceded by Preliminary Plan, 90 days Definitive Plan where no Preliminary Plan was filed, 135 days Site Plan Review, 90 days Special Permit for Common Driveway and Wireless Communications Facility, public hearing to be held within 65 days of submittal and decision within 90 days of close of public hearing
Appeal Process:	Within 20 days after decision is filed, appeal filed in accordance with M.G.L. Chapter 40A, Section 17
Fee Schedule:	Fee schedule can be obtained at http://www.longmeadow.org/towngovt/new%20fee%20schedule%207-16-07.pdf
Applicable Local, State and Federal Statutes:	M.G.L. Chapter 40A Town of Longmeadow Zoning Bylaw & Subdivision Rules and Regulations

ZONING BOARD OF APPEALS

Department:	Office of Planning and Community Development	
Staff Liaison:	Mark Denver, <i>Building Commissioner</i> Beverly Rose, <i>Secretary</i> (413) 565-4153	
Board/Commission/Committee:	Zoning Board of Appeals	
Meeting Schedule:	Once a month	
Members:	David A. Lavenburg, Esq., Chairman Daniel Plotkin James Ryan	Ellen W. Freyman, Esq. H. Russell Preston III
Associates:	Kate Bean	Mark Sirulnik
Description of Board/ Commission/Committee:	Zoning Board of Appeals makes determinations in cases where there may be legitimate cases where residents should be allowed a certain exception to the town's zoning ordinances.	
Permits Issued:	Special Permit Board of Appeals to Zoning Officer Decisions	Variances
Process for Obtaining Permit(s):	Application is included with this guide or may be obtained at http://www.longmeadow.org/towngovt/zba/zba.htm	
Advertising Requirements:	Legal ad published twice in local newspaper, first ad must be at least 14 days prior to date of public hearing and the second seven days prior to the public hearing; all abutters within three hundred feet of the property line of the petitioner must be notified as least 14 days prior to date of public hearing; public hearing is necessary for Special Permits, Variances & Zoning Officer Appeals.	
Time Frame for Public Hearing:	Public hearing to be held within 65 days of submittal.	
Time Frame for Decision:	For special permit applications, decision within 90 days of close of public hearing. For variance applications, decision within 100 days of filing of the application.	
Appeal Process:	Anyone aggrieved by a decision by the Board of Appeals may appeal to the land court, superior court, or housing court, up to 20 days from the decision being filed with the Town Clerk.	
Fee Schedule:	Fee schedule can be obtained at http://www.longmeadow.org/towngovt/new%20fee%20schedule%207-16-07.pdf	
Applicable Local, State and Federal Statutes:	M.G.L. Chapters 40A, 40B Town of Longmeadow Zoning Bylaw & Subdivision Rules and Regulations	

DEPARTMENT OF PUBLIC WORKS

Department:	Department of Public Works	
Staff Liaison:	Mike Wrabel, <i>Superintendent</i> (413) 567-3400 publicworks@Longmeadow.org	
Board/Commission/Committee:	Not applicable	
Meeting Schedule:	Not applicable	
Members:	Not applicable	
Description of Board/Commission/Committee:	Not applicable	
Permits Issued:	Street Opening Permit Sewer Permits Tree Warden Inspections	Water Permits Recycling/ Waste Permits
Process for Obtaining Permit(s):	Applications may be obtained at the Department of Public Works offices at 31 Pondsides Road.	
Advertising Requirements:	Not applicable	
Time Frame for Public Hearing:	Not applicable	
Time Frame for Decision:	Not applicable	
Appeal Process:	Not applicable	
Fee Schedule:	Fee schedule can be obtained at http://www.longmeadow.org/towngovt/new%20fee%20schedule%207-16-07.pdf	
Applicable Local, State and Federal Statutes:	M.G.L. Chapter 84	

CONSERVATION COMMISSION

Department:	Conservation Commission
Staff Liaison:	Esther Moomjian, <i>Secretary</i> (413) 565-4140 ext.344 concom@longmeadow.org
Board/Commission/Committee:	Conservation Commission
Meeting Schedule:	The second and fourth Thursday of each month
Members:	John Bresnahan, Chair Peter Bouvier Karen Chadwell James Simon Steve Gazillo Albert Laakso Esther Moomjian, <i>Secretary</i> James Wheeler
Description of Board/ Commission/Committee:	The purpose of the Conservation Commission is to protect Longmeadow's wetland resource areas in accordance with the Massachusetts Wetlands Protection Act and the Longmeadow Wetlands Bylaw and supporting regulations.
Permits Issued:	Order of Conditions
Process for Obtaining Permit(s):	Applications may be copied from http://www.mass.gov/dep/water/approvals/wwforms.htm .
Advertising Requirements:	A legal notice must be published a minimum of five (5) business days prior to a hearing.
Time Frame for Public Hearing:	A hearing will be scheduled within 21 days after receipt of the Notice of Intent and a file number has been issued by the Massachusetts Department of Environmental Protection.
Time Frame for Decision:	Twenty-one (21) days after the close of the public hearing.
Appeal Process:	Appeals may be made by applicant, landowner, any aggrieved person, abutter, group of 10 citizens, or MassDEP and must be submitted to the Massachusetts Department of Environmental Protection within ten (10) days of the outcome of a permit review.
Fee Schedule:	Fee schedule can be obtained at http://www.longmeadow.org/towngovt/new%20fee%20schedule%207-16-07.pdf
Applicable Local, State and Federal Statutes:	M.G.L. Chapter 131, Section 40 Massachusetts Wetlands Protection Act Longmeadow Wetlands Bylaw

HISTORIC DISTRICT COMMISSION

Department:	Historic District Commission	
Staff Liaison:	Mark Denver, <i>Building Commissioner</i> (413) 565-4153	
Board/Commission/Committee:	Historic District Commission	
Meeting Schedule:	Second Tuesday of each month	
Members:	Ed Burt Hunter Golden Diane Nadeau	Crystal Diamond Karen Lazeration
Description of Board/ Commission/Committee:	The purpose of the Longmeadow Historic District is to preserve the unique tapestry of the historic areas and to assure the preservation of its historic values to the community.	
Permits Issued:	Certificate of Appropriateness Certificate of Hardship Certificate of Non-Applicability	
Process for Obtaining Permit(s):	Applications may be copied from the town website at http://www.longmeadow.org/towngovt/histdistcomm/histdistcomm.htm or obtained from the Town Office, and submitted by noon 15 days before a scheduled meeting.	
Advertising Requirements:	Not applicable	
Time Frame for Public Hearing:	Not applicable	
Time Frame for Decision:	Within sixty (60) days after the filing of the application.	
Appeal Process:	As described in M.G.L., Chapter 40C, Section 12(a)	
Fee Schedule:	Fee schedule can be obtained at http://www.longmeadow.org/towngovt/new%20fee%20schedule%207-16-07.pdf	
Applicable Local, State and Federal Statutes:	M.G.L. Chapter 40C, Sections 10(b), 10(c), 11 & 12A Longmeadow Historic District Bylaw	

FIRE DEPARTMENT

Department:	Fire Department	
Staff Liaison:	Eric Madison <i>Fire Chief</i> 567-3311	
Board/Commission/Committee:	Not applicable	
Meeting Schedule:	Not applicable	
Members:	Not applicable	
Description of Board/ Commission/Committee:	Not applicable	
Permits Issued:	Smoke Detector Above Ground Tank Installation Under Ground Tank Installation Storage Tank Renewal Fireworks Display LP Gas Storage Tar Kettles Salamanders Annual Inspections New Construction Inspections Burning Permits	Oil Burner UST Removal Residential UST Removal Commercial Gas Station Inspection Ammunition/Powder Storage Unvented Gas Heaters Welding & Cutting Processes Firing of Cannon Quarterly Inspections Commercial Plan Review
Process for Obtaining Permit(s):	Applications may be obtained at the Fire Department offices at 44 Williams Street.	
Advertising Requirements:	Not applicable	
Time Frame for Public Hearing:	Not applicable	
Time Frame for Decision:	Variable but usually one week or less.	
Appeal Process:	Not applicable. Time frame to fix violations that prevent the award of a permit vary with type of permit.	
Fee Schedule:	Fee schedule can be obtained at http://www.longmeadow.org/towngovt/new%20fee%20schedule%207-16-07.pdf	
Applicable Local, State and Federal Statutes:	M.G.L Chapter 403	

POLICE DEPARTMENT

Department:	Police Department	
Staff Liaison:	Robert Danio <i>Chief of Police</i> 567-3357	
Board/Commission/Committee:	Not applicable	
Meeting Schedule:	Not applicable	
Members:	Not applicable	
Description of Board/ Commission/Committee:	Not applicable	
Permits Issued:	Class A- Large capacity firearms Class C- Firearms Identification Card Gunsmith License Dealers License	Class B- Small capacity firearms Class D- Chemical Spray License to Carry Ammunition Solicitors Permit
Process for Obtaining Permit(s):	Applications may be obtained at the PoliceDepartment offices at 34 Williams Street.	
Advertising Requirements:	Not applicable	
Time Frame for Public Hearing:	Not applicable	
Time Frame for Decision:	Not applicable	
Appeal Process:	Not applicable	
Fee Schedule:	Fee schedule can be obtained at http://www.longmeadow.org/towngovt/new%20fee%20schedule%207-16-07.pdf	
Applicable Local, State and Federal Statutes:	M.G.L. Chapter 140, Sections 121-136	

**TOWN OF LONGMEADOW
STAFF LIAISONS**

Department/Board	Liaison Name	Liaison Title	Phone #
Town Manager	Robin Crosbie	Town Manager, Department of Planning and Community Development	(413) 565-4110
Board of Health	Beverly Hirschhorn	Health Director	(413) 565-4140
Building Department	Mark Denver	Building Inspector	(413) 565-4153
Planning Board	Mark Denver	Building Inspector	(413) 565-4153
Zoning Board of Appeals	Mark Denver	Building Inspector	(413) 565-4153
Department of Public Works	Mike Wrabel	Director of Public Works	(413) 567-3400
Conservation Commission	Esther Moomjian	Conservation Commission Secretary	(413)
Historic District Commission	Mark Denver	Building Inspector	(413) 565-4153
Fire Department	Eric Madison	Fire Chief	(413) 567-3311
Police Department	Robert Danio	Chief of Police	(413) 567-3357
Town Clerk	Katherine T. Ingram	Town Clerk	(413) 565-4103

PERMIT MATRIX

	Board of Health	Inspector of Buildings Zoning Enforcement Officer	Planning Board	Zoning Board of Appeals	Department of Public Works	Conservation Commission	Historic District Commission	Fire	Police
Allowed Use Determination		X							
Appeal				X					
Building Permit		X							
Certificate of Compliance						X			
Certificate of Occupancy		X							
Demolition Delay Permit		X							
Fire Detection and Suppression Systems								X	
Fire Flow/Pump Test					X			X	
Form A – Approval Not Required			X						
Form B – Preliminary Subdivision Plan			X						
Form C – Definitive Subdivision Plan			X						
Hazardous Material Storage Permit								X	
Industrial Sewer Permit				X					
Natural/Propane Gas Permit								X	
Order of Conditions						X			
Plumbing Inspection		X							
Removal of Town Trees					X				
Road Opening Permit					X				
Septic System Installation	X								
Sewer Connection Permit				X	X				
Site Plan Review			X						
Special Permit				X					
Variance				X					
Water Connection Permit					X				
Well	X								
Wiring Permit		X							

LIST OF FEDERAL AND STATE PERMITS AND/OR APPROVALS

The following list was adapted from the North Andover Development Guidebook. The list is by no means exhaustive, and if any question exists you are encouraged to seek legal counsel. The majority of small development projects will not have need for any federal or state permits or approvals, but as projects increase in size and complexity, the applicant should be aware of the potential applicability of any one or more of the following:

Federal Permits

1. **National Environmental Policy Act, or "NEPA"** requires the preparation of an environmental impact statement (EIS) to assess the impact of a major federal action, i.e. projects and programs entirely or partly financed, assisted, conducted, regulated or approved by federal agencies, that may have a significant impact on the quality of the human environment. Major federal actions are either defined by statute or determined by agency officials.
2. **Clean Water Act, Section 404 Permit** requires a project involving the discharge of dredged or fill material into waters of the United States (including federally defined wetlands) to obtain a permit from the Army Corps of Engineers. The permit may be a programmatic general permit, an individual permit or an official letter of permission.
3. **Clean Water Act, .Water Quality Certification Approval** requires the state to determine whether certain activities meet state water quality standards; if they don't, the Corps of Engineers is prohibited from issuing a Section 404 permit for the activity.
4. **Rivers and Harbors Act of 1899, Section 10 Permit** requires a federal permit from the Army Corps of Engineers for dredging, filling or obstruction of navigable waters; the Section 10 permit is often applied for in conjunction with a Section 404 permit
5. **National Flood Insurance Act and Flood Disaster Protection Act Certification** requires that banks not make, extend or review any loan secured by improved real estate located in an area having flood hazards, and in which flood insurance is available, unless the building securing the loan is covered by flood insurance. This usually requires architectural or engineering review and certification of building plans to the lender.
6. **Clean Air Act Permits or Approvals** may be required directly from the Environmental Protection Agency for certain emissions and hazardous air pollutants from new sources of these regulated air pollutants; most of the federal requirements, however, are incorporated by Massachusetts in its State Implementation Plan, or SIP (see State Clean Air Act).
7. **National Historic Preservation Act Section 106 Review** requires that certain federally assisted, permitted and licensed activities that might have an adverse effect on properties listed with, or eligible for listing with, the National Register of Historic Places be reviewed concerning that effect and its consequences; Section 106 review is accomplished by submitting a Project Notification Form to the Historical Commission.
8. **Environmental Protection Agency Stormwater Notices of Intent and/or NPDES Permits** are required for stormwater discharges associated with certain industrial activities. Industrial activity was recently redefined to include "construction activity including clearing, grading, and excavation activities except operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale". The project owner and operator is required to file a Notice of Intent and pollution abatement plan with the Environmental Protection Agency.

State Permits

1. **Massachusetts Environmental Policy Act, or 'MEPA'** requires state agencies to evaluate the environmental impact of all projects or activities undertaken by state agencies, and of private projects seeking state funding or permits. An

Environmental Notification Form must be **filed** if the project meets one or more of the thresholds specified in the regulations, whereas certain activities automatically require the preparation of an Environmental Impact Report.

2. **Massachusetts Clean Waters Act, Sewer Extension/Connection Permits** are required for the connection of a project to a sewer system unless exempted. There are pretreatment requirements for industrial users, which must be coordinated with the permitting requirements of the Marlborough Westerly Wastewater Treatment Plant.
3. **Massachusetts Clean Waters Act, Surface Water and/or Groundwater Discharge Permits:** Surface Water Discharge Permits, administered jointly by the federal Environmental Protection Agency and the Massachusetts Department of Environmental Protection, are required for point source discharges to U.S. Waters and application should be made simultaneously to both agencies. A permit may also be required for stormwater discharges where runoff is substantially contaminated or if contamination exists because the discharge is located within an industrial area or is associated with industrial activity. If the project is in an unsewered area, a Disposal Works Construction Permit must be obtained from the local board of Health in accordance with Title 5 of the State Environmental Code. If a sewage disposal system with capacity in excess of 15,000 gallons per day will be constructed, a groundwater discharge permit must be obtained.
4. **Waterways, Great Ponds and Tidelands Construction License** must be obtained from the Department of Environmental Protection, Wetlands and Waterways Division, for any construction below the high water line of state waterways, great ponds (ponds over 10 acres in their natural state) and tidelands.
5. **Massachusetts Clean Air Act Approval** must be obtained in writing from the Department of Environmental Protection for the plans, specifications, and proposed operating procedures for the construction, substantial reconstruction or alteration of any stationary source of air pollution, unless specifically exempted. Stationary sources emitting certain pollutant levels must register with DEP as well. Anyone constructing or demolishing a commercial building, or residential building with 20 or more units, must notify DEP at least 10 working days prior to starting work, if it will create emissions that cause or contribute to a condition of air pollution.
6. **Massachusetts Endangered Species Act** prohibits taking or possession of any plant or animal species listed in the federal Endangered Species Act, or the alteration of a significant habitat. A project developer should review the list of endangered species available from the Division of Fisheries and Wildlife, and habitat maps available for inspection at Town Hall from the Conservation Commission.
7. **Hazardous Waste Management Permits** may be required from the federal Environmental Protection Agency or state Department of Environmental Protection if any wastes generated by the project are hazardous, depending on the types of quantities generated; contact the Longmeadow Fire Department for information.
8. **Massachusetts Historical Commission Approval** must be obtained if a designated historical or archeological landmark will be altered or effected by a project undertaken by a state agency or any private party seeking any state funding, permits or licenses for the project.
9. **State Highway Access Permit** must be obtained in writing from the Massachusetts Highway Department if a project will involve the creation, alteration, expansion or substantial impact upon an opening onto a state highway. This includes property which has access directly onto state highways and property which abuts a state highway layout.

DEFINITIONS

For the purposes of obtaining permits in the Town of Longmeadow certain words and terms used herein shall be interpreted as follows:

"Abutting Property." A lot abuts upon another when it and the other have a common property line.

"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.

"Approval Not Required" Approval Not Required refers to projects involving the division of a tract of land into two or more lots not deemed to constitute a Subdivision within the meaning of the Subdivision Control Law. Such a project is deemed not to be a Subdivision if, at the time when the division is made:

- a. every lot within the tract so divided has frontage on a public way or a way which the Clerk of the Town of Longmeadow certifies is maintained and used as a public way, or
- b. a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or
- c. a way in existence on June 25, 1956, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

"Aquifer." An aquifer is geologic formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable ground water.

"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.

"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.

"Dwelling." A dwelling is a building, with or without an attached private garage, occupied exclusively as a residence.

"Existing building." An existing building is one which was already erected or one in the process of construction under a legal permit upon the effective date of this By-Law.

"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.

"Frontage of a lot." The frontage of a lot is the distance between the lot side lines measured on the street line. On a curved street the frontage of the lot may be considered as the distance between the side lines measured on the set-back line; provided that the distance measured on the street line shall be at least 75% of the minimum frontage required for the zone in which the lot is situated.

"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.

"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.

"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.

"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 adjusted to family size.

"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.

"Non-conforming Building." A non-conforming building one which does not conform to the regulations of the zone in which the building is located.

"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.

"Occupied." Includes "designed or intended to be occupied."

"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.

"Planting." Any vegetable matter place or left in the ground for the purpose of growth, including trees.

"Primary Setback Line." The line running parallel or concentric to the street line which includes that part of the building nearest to such street line. In the case of a corner lot the primary setback requirement shall be observed from all bordering streets.

"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.

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

"Rear lot line." A rear lot line is the lot line opposite to the street line. In case of a corner 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.

"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.

"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.

"Recorded by plan or deed." This shall mean recorded by plan or deed in the Hampden County Registry of Deeds.

"Registered by plan or deed." This shall mean registered by plan or deed in the Massachusetts Land Court.

"Request for Determination" A Request for Determination of Applicability (RDA) is to allow the Conservation Commission to determine whether the proposed project will alter a resource area, under the provisions of the Massachusetts Wetlands Protection Act, such that the filing of a Notice of Intent will be required.

"Secondary Setback Line." The line running parallel or concentric with the street line which includes that part of the building nearest to the rear property line.

"Set-back line." The 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.

"Side yard." A side yard is a required open unoccupied space within the lot between a side lot line which is not a street line and the parts of a building which are nearest to such side lot line. Such a side yard must extend through from the set-back line to the rear yard.

"Site and Design Review" Site and Design Review shall be used to judge the appropriateness and impacts of the site development characteristics of a proposed project.

"Special Permit Granting Authority." The Zoning Board of Appeals and the Planning Board are designated as the Special Permit Granting Authorities.

"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.

"Street line." A street line is the dividing line between a street and a lot.

"Structure." A structure shall be anything composed of any material or combination of materials which is erected, constructed, or placed upon the property for apparent permanent or seasonal use, and which occupies more than four square feet in projected base area, or two feet in maximum horizontal dimension, and shall include a fence as hereinafter defined. The presence of a structure upon land shall constitute a use of such land.

"Subdivision" "Subdivision" shall mean the division of a tract of land into two or more lots in such manner as to require provision for one or more new ways not in existence on June 25, 1956 when the Subdivision Control Law became effective in the Town of Longmeadow, and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided.

"Upland Acreage." Lot area, not including watercourses, water bodies, banks or bordering vegetated wet land as defined by the Massachusetts Wetlands Protection Act Regulations.

"Used." Includes "designed or intended to be used."

"Wall, parapet." A parapet wall is a wall or part of a wall which extends above the roof of a building.

"Watershed." Lands lying adjacent to water courses and surface water bodies which create the catchment or drainage areas of such water courses and bodies.

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

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

**INSTRUCTIONS FOR:
HEARING BEFORE THE LONGMEADOW ZONING BOARD OF APPEALS**

The Longmeadow Zoning Board of Appeals, under the authority granted under M.G.L. Ch. 40A, makes decisions on appeals relative to the Town of Longmeadow's Zoning Bylaws. Eight residents of the town, appointed by the Board of Selectmen, serve on a volunteer basis. The following instructions have been prepared to help you, the petitioner, prepare and submit the required documentation so that your application may be processed in the best manner possible.

Applications must be:

1. Presented on the official Longmeadow ZBA Form: **Application for Hearing.**
2. Accompanied by a filing fee of \$150.00 which is used to reimburse the Town for the costs of advertising and notifying abutters. Checks should be made payable to the Town of Longmeadow.
3. Accompanied by five sets of plans and supporting documentation.

Application procedure:

Step One: Obtain an application form from the Office of the Town Clerk or the Community Development Department (CDD), both of which are located in the Town Hall, 20 Williams Street, Longmeadow, MA 01106. If your application is for a variance, be sure to obtain an Appendix 1 form.

Step Two: Complete the official Application for Hearing form, prepare filing fee and five sets of plans and supporting documentation. If your application is for a variance, be sure to complete the Appendix 1 form.

Step Three: File the application with the Town Clerk. The Town Clerk will give back to you a certified copy of the application noting the date and time of the application.

Step Four: Deliver the certified copy of the application and the five sets of plans and supporting documentation to the Community Development Department (CDD). **The CDD will not accept your application and schedule a hearing if they determine that all required documents are not present.**

The Hearing:

1. Upon acceptance of the application, the CDD will request from the Assessors a certified list of names and addresses of all parties of interest. This list will include all abutters, owners of land directly opposite the Applicant's property on any public or private street or way and abutters to the abutters within 300 feet of the property line.

2. The hearing date will be scheduled within 65 days of the acceptance of the application and advertised by the ZBA. The Longmeadow ZBA schedules hearings regularly as needed, generally scheduling no more than five hearings on a particular date. Applications are scheduled in the order in which they are received. If the date scheduled is inconvenient to the applicant, you may have a representative present your application. You or a representative must attend the meeting to present your application to the ZBA.

3. All hearings of the ZBA shall be open to the public. If your neighbors have no objection to the allowance of your application, the ZBA will consider their written statements to that effect. The decision of the ZBA shall be made within 100 days after the date of the filing of the variance application except in regard to special permits, wherein the ZBA is allowed 90 days from the date of the close of the hearing.

4. Failure to submit sufficient documentation may constitute a reason for denial or continuation of the application. Applicants with insufficient documentation may request approval from the ZBA to withdraw their application without prejudice at the time of the hearing and the time limits for a public hearing and a decision may be extended, by written agreement between the applicant and the ZBA, if such agreement is filed in the office of the Town Clerk. Applications that are denied may not be re-filed for two years from the date of the hearing at which the final decision is rendered unless the unanimous consent of all members of the ZBA is obtained

After the Decision:

1. If the application is granted, you will not be able to act upon it until the ZBA has issued the decision and submitted it in writing to the Town Clerk. Once the decision is filed with the Town Clerk, there is a 20 day appeal period during which the ZBA's decision can be appealed. However, once the 20 day appeal period expires, the applicant obtains a Certificate of No Appeal from the Town Clerk. The applicant must then file the decision and the Certificate of No Appeal at the Hampden County Registry of Deeds in Springfield. Under Massachusetts General Law, special permits and variances do not legally take effect until recorded.

Filing Instructions: Application Form

Line 1: The **applicant and applicant designation:** The name of the applicant and whether he/she is the owner, tenant, licensee or prospective purchaser.

Line 2: The **address of the applicant:** should be the mailing address including the zip code.

Line 3: The **name of property owner:** The present owner of the property must be stated exactly as it appears on the most recent deed. If there is more than one owner, all names must be stated.

Line 4: The **location of the property:** should be the street and number or lot number.

Line 5: The **map and parcel number:** as designated in the records of the Board of Assessors. (Assessors Office 565-4115)

Line 6: The **book and page number:** referencing the deed as recorded in the Hampden County Registry of Deeds. (This information may be obtained from the Assessors Office 565-4115)

Line 7: **Type of Application:** The type of application should be indicated: you must choose one:

- 1) Appeal from decision of the Building Commissioner or issuance of a permit
- 2) Variance
- 3) Special Permit
- 4) Finding of adequate off-street parking
- 5) Exemption
- 6) Permission

Line 8: **Nature of Request:** The exact nature of the request should be stated in detail. The applicable section of the Zoning By-laws or General Laws should be cited.

Note: If you are applying for a variance: The applicant or the applicant's representative or Attorney must establish to the satisfaction of the Board, that:

"Only due to circumstances relating to the soil conditions, shape or topography of the land or structures, and especially affecting such land or structures but not generally affecting the zoning district in which it is located, that a literal enforcement of the Zoning By-law would involve substantial hardship, financial or otherwise to the petitioner and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of such by-law".

It is the responsibility of the applicant or the applicant's representative or Attorney to be prepared to present all of the facts that support the specific criteria contained in above parenthetical statement, to the Board at the public hearing.

Line 9: Applicable section of Zoning By-laws: Please cite the section of the applicable by-laws relating to your request. The Zoning By-laws of the Town are available for your guidance in the Building Department. You may also purchase copies in the Building Department.

Filing Instructions: Drawings and Photographs

All applications must include five (5) copies of a detailed plan drawn and stamped by a professional surveyor, civil engineer or architect, either of which must be currently licensed to practice in the Commonwealth of Massachusetts, and other supporting documentation which together includes the following graphic support items:

- Line survey of the property including the location of abutting street(s);
- Footprints of existing structures and proposed structures clearly distinguished and identified;
- North arrow;
- Closest distance between the existing and proposed structure(s) and all front, rear and side lot line(s)
- Exterior dimensions of the proposed structure;
- Exterior elevations and heights of existing and proposed structures;
- Dimensions of all existing and proposed fences including the height, length and location (if applicable);
- Any drawings or photographs which would help the ZBA understand the nature of the application. (only one set of photographs required if available)

(Note: the above list pertains to all proposed construction including but limited to construction on any floor of a building)

- Area dimension of the property in square feet;
- Existing frontage;
- Such additional items and/or supplemental plans, drawings and documentation as the Board may require based on the specific nature of the application.

Additional copies of the application, detailed plan and other supporting documentation may be required upon request by the ZBA.

If you submit a completed application form and correct filing fee, by law, a hearing must be scheduled within 65 days. However, if your plan and other documentation do not contain the required graphic support item, then at the hearing:

- a) The ZBA may deny your application on the grounds of insufficient information. This may result in you having to wait two years before bringing back your application;
- b) You may be advised to request that the ZBA allow you to withdraw your application without prejudice, However, you will be required to file a new application and pay another filing fee;
- c) You may request a continuance of your hearing to a later date. The ZBA may require that any continuance of your hearing be in writing and filed with the Town Clerk.

Advisory:

This guide is designed and made available in an effort to be helpful to applicants but it is solely for general informational purposes. Please do not attempt to secure opinions of the Chairman or members of the ZBA or the CDD prior to the hearing. The members of the ZBA and CDD may not advise you on matters beyond the application/hearing process.

No one connected with the ZBA or the CDD Department is authorized to render legal services, give general advice or to insure the granting of any application before a full hearing. In order to evaluate your prospects, the applicable laws and the Zoning By-law should be studied carefully. You should carefully consider the need to consult your own attorney to be sure your rights are protected.

Application Checklist:

You must have:

- Completed application on official Longmeadow ZBA Form: Application for Hearing. If your application is for a variance, be sure to have completed an Appendix I form.
- Filing fee of \$150. Checks should be made payable to: Town of Longmeadow
- Five sets of plans and supporting documentation

Then you may:

- File application with Town Clerk and provide certified copy of application, plans and documentation to the Community Development Department.

You or your representative or Attorney:

- Must attend the public hearing of the ZBA once scheduled to present your application.

**TOWN OF LONGMEADOW
ZONING BOARD OF APPEALS**

APPLICATION FOR HEARING

1. Name of Applicant(s): _____
Applicant Designation: ___owner ___tenant ___licensee ___prospective purchaser

2. Address of the Applicant: _____

3. Name of Property Owner: _____

4. Location of the Property: _____

5. Map and Parcel Number: _____

6. Book & Page Number: _____

7. Type of Application: _____

_____ Appeal from Decision of Building Commissioner

_____ Variance (Requires Appendix 1 Form)

_____ Special Permit

_____ Exemption

_____ Parking Finding

_____ Other

8. Nature of Application:

9. Applicable Section of the Building Code or Zoning By-laws: _____

10. Date of denial from Building Commissioner or Planning Board:

Signature of Applicant(s): _____

With this signature, the applicant acknowledges receipt of the Instructions for a Hearing Before the ZBA. _____

Received from the applicant the sum of \$ _____

Date: _____

Signature of Town Clerk: _____

ZBA Application - Appendix 1

Application Number 20_____ - _____

REQUEST FOR FINDING OF FACT - VARIANCE

Now comes the petitioner _____ who has petitioned the Longmeadow Zoning Board of Appeals (the Board) for a variance for property located at:

And asks that the Board make the following findings of fact:

1. That the following circumstances relating to the soil conditions, shape, or topography exist, and especially effect the land or structure/s in question, but do not effect generally the zoning district or neighborhood in which the land or structure/s are located:

a. _____

b. _____

c. _____

2. That a literal enforcement of the provisions of the Longmeadow Zoning By-Laws would involve substantial hardship, financial or otherwise, to the petitioner for the following reason/s:

a. _____

b. _____

c. _____

3. That I/we believe that desirable relief may be granted without substantial detriment to the public good for the following reasons:

a. _____

b. _____

4. That I/we believe that the desired variance may be granted without nullifying or substantially derogating from the intent and/or purpose of the Longmeadow Zoning By-Laws for the following reasons:

a. _____

b. _____

NOTE: THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS, (M.G.L. CHAPTER 40A, SECTION 6) DO NOT ALLOW THE BOARD TO GRANT A VARIANCE UNLESS ALL OF THE REQUIRMENTS LISTED IN 1. THROUGH 4. ABOVE, ARE SATISFIED.

Respectfully submitted: _____

Date: _____

Longmeadow Historic District Commission

APPLICATION FOR CERTIFICATE

Please check the certificate applied for:

- Appropriateness Non-Applicability Hardship

Owner: _____

Address of property: _____

Owner's Address: _____

Telephone: day _____ evenings _____

Applicant: (if different from owner) _____

Applicant's Address: _____

Applicant's Telephone: day _____ evenings _____

List abutters (property owners who are within 100 feet of the applicant's property or two houses down on either side, whichever is greater.)

Description of proposed work. Please be specific. Please include (in duplicate) plans, photos, samples, drawings, or other devices to aid in the Commission's understanding of the project.

The following plans, samples, and specifications are attached:

All improvements shall be carried out as shown on the plans and specifications submitted by the applicant, except as modified and listed on reverse of this application.

I hereby agree to comply with the terms and conditions of this application.

Signature of Applicant _____ Date _____

Signature of Owner _____ Date _____
(If different than Applicant)

FOR OFFICE USE ONLY:

Application number _____ Date of Decision _____ Date Received _____

Date of Decision _____ Board Member Assigned: _____

AMENDMENTS TO APPLICATION:

REASONS FOR DENIAL:

- Approved

 Approved as amended

 Denied

Type of Certificate Granted:

- Appropriateness

 Non-Applicability

 Hardship

Signature _____ (Chair HDC) Date _____

**IN ACCORDANCE WITH MASS. GENERAL LAWS CHAPTER 40 C section 12,
NO WORK SHALL BEGIN FOR 20 DAYS AFTER THE ISSUANCE OF THIS CERTIFICATE**

CERTIFICATE SHALL EXPIRE AT THE END OF THE CALENDAR YEAR ISSUED. PLEASE REFER TO RULES & REGULATIONS REGARDING EXTENSIONS.

FOR OFFICE USE ONLY:

Copies to:
 HDC File _____
 Select Board _____
 Building Commissioner _____
 Applicant _____