

TOWN OF LONGMEADOW  
ANNUAL TOWN MEETING MINUTES  
DPW Building, 170 Dwight Road  
SUNDAY, MAY 16, 2021 – 1:00 P.M.

Acting under the authority of the posted warrant, the qualified voters of the Town met at the time and place appointed. At 1:00 PM o'clock in the afternoon the Moderator declared the Annual Town Meeting open, there being a quorum (50 registered voters) present and all provisions of the law having been met. In accordance with the ancient custom, the Moderator called upon Longmeadow resident, John Shuttleworth to give the Invocation. Thomas Lachiusa, Chair of the Select Board recognized those officials and staff resigning or retiring during the year and expressed appreciation for their years of service. Thomas Lachiusa, Chair of the Select Board presented the Citizens of Year award(s) to Marie Angelides and to the 2020, Meals on Wheels Drivers.

**ARTICLE 1.**

It was a Unanimous Affirmative vote to choose three trustees to administer the William Goldthwait Bequest, and that Frances Miffitt, William McGurk, and Erin Koebler be chosen as trustees.

**ARTICLE 2.**

It was a Unanimous Affirmative vote to transfer from available funds in the Treasury the sum of \$225.00 for the purpose of paying prior year's bills.

**CONSENT AGENDA ONE** - Articles 3, 4, 5, 6 and 9 as part of a consent agenda.

It was a Unanimous Affirmative vote to approve Articles 3, 4, 5, 6 and 9 as part of a consent agenda.

**ARTICLE 3.**

It was a Unanimous Affirmative vote to transfer from available funds in the Treasury, the sum of \$200,000.00 to the FY2021 Operating Budget for Legal Expenses to cover costs associated with protecting the Town's interests in the construction of a natural gas facility and site remediation at the DPW facility.

**ARTICLE 4.**

It was a Unanimous Affirmative vote to transfer from available funds in the Treasury the sum of \$175,000.00 for the purpose of supplementing the FY 2021 Operating Budget for Snow and Ice removal.

**ARTICLE 5.**

It was a Unanimous Affirmative vote to transfer from available funds in the Treasury the sum of \$104,035.09 for the purpose of paying for emergency work related to the tropical storm Isaias on August 4, 2020.

**ARTICLE 6.**

It was a Unanimous Affirmative vote to transfer from available funds in the Treasury the sum of \$80,000.00 for the purpose of replenishing the FY 2021 Operating Budget for Forestry Trimming and Removal costs incurred from the curbside pickup of storm debris from tropical storm Isaias ad to keep up with the high demand for forestry services.

**ARTICLE 7.**

It was a Unanimous Affirmative vote to transfer from available funds in the Treasury the sum of \$1,600,000.00 to be transferred into the Operational Stabilization Fund.

**ARTICLE 8.**

It was a Unanimous Affirmative vote to rescind \$1,300,000.00 of the \$2,000,000.00 borrowing authorization for Phase II of the capping of the remaining portion of the Birnie Road / Tina Lane landfill voted in Article # 15 at the November 5, 2019 Special Town Meeting.

**ARTICLE 9.**

It was a Unanimous Affirmative vote to revoke its acceptance of its November 27, 2007 Article #14 vote establishing a Solid Waste / Recycling Enterprise Fund under MGL Ch. 44 Section 53F½. This vote would take effect for the upcoming fiscal year beginning July 1, 2021.

**ARTICLE 10.**

It was moved and seconded that the Town vote to fix the Fiscal Year 2022 salary and compensation of the Moderator at \$1,000.00 and the Select Persons at \$2,000.00 each, to provide for a reserve fund, and to approve the Fiscal Year 2022 operating budget totaling \$74,269,508.00 and itemized as follows:

General Government	\$1,737,927.00
Public Safety	\$5,556,634.00
Planning & Community Development	\$233,273.00
Schools	\$36,517,422.00
Department of Public Works (General Fund)	\$4,714,816.00
Community and Cultural Services	\$1,628,475.00
Debt Service & Town/School Employee/Retiree Benefits	\$17,556,020.00
Subtotal General Fund	\$67,944,567.00
Water Enterprise	\$3,046,611.00
Sewer Enterprise	\$2,262,789.00
Stormwater Enterprise	\$1,015,541.00
 Total	 \$74,269,508.00

And to fund the General Fund \$67,944,567.00 be raised and appropriated as follows: \$67,944,567.00 from general taxation; and to fund the Water Enterprise Fund \$3,046,611.00 be raised and appropriated as follows: \$3,046,611.00 from Water receipts; and to fund the Sewer Enterprise Fund \$2,262,789.00 be raised and appropriated as follows: \$2,262,789.00 from Sewer receipts; and to fund the Stormwater Enterprise, \$1,015,541.00 be raised and appropriated as follows: \$473,344.00 from Stormwater receipts and \$542,197.00 from general taxation.

**It was moved and seconded to amend the main motion so it reads as follows:**

I move that the Town vote to fix the Fiscal Year 2022 salary and compensation of the Moderator at \$1,000.00 and the Select Persons at \$2,000.00 each, to provide for a reserve fund, and to approve the Fiscal Year 2022 operating budget totaling \$74,178,576.00 and itemized as follows:

General Government	\$1,737,927.00
Public Safety	\$5,556,634.00
Planning & Community Development	\$233,273.00
Schools	\$36,426,490.00
Department of Public Works (General Fund)	\$4,714,816.00
Community and Cultural Services	\$1,628,475.00
Debt Service & Town/School Employee/Retiree Benefits	\$17,556,020.00
<b>Subtotal General Fund</b>	<b>\$67,853,635.00</b>
 Water Enterprise	 \$3,046,611.00
Sewer Enterprise	\$2,262,789.00

Stormwater Enterprise	<u>\$1,015,541.00</u>
<b>Total</b>	<b>\$74,178,576.00</b>

And to fund the General Fund \$67,853,635.00 be raised and appropriated as follows: \$67,853,635.00 from general taxation; and to fund the Water Enterprise Fund \$3,046,611.00 be raised and appropriated as follows: \$3,046,611.00 from Water receipts; and to fund the Sewer Enterprise Fund \$2,262,789.00 be raised and appropriated as follows: \$2,262,789.00 from Sewer receipts; and to fund the Stormwater Enterprise, \$1,015,541.00 be raised and appropriated as follows: \$473,344.00 from Stormwater receipts and \$542,197.00 from general taxation.

**It was a Majority Affirmative vote on the amended motion as read.**

**The main motion as amended was approved by a Majority Affirmative vote.**

**ARTICLE 11.**

It was a Unanimous Affirmative vote to raise and appropriate the sum of \$100,000.00 for the purposes of establishing a Wage Settlement Account to cover FY 2022 the Fire collective bargaining agreement and non-school, non-union wage adjustments.

**A motion was moved and seconded to advance Article 37 after Article 11.**

**The Moderator declared that the motion failed to advance Article 37 until after Article 11.**

**ARTICLE 12.**

It was a Majority Affirmative vote to raise and appropriate or transfer from available funds, the following amounts for capital projects and that any remaining amounts from the capital projects be returned to the Capital Stabilization Fund:

From Raise and Appropriate (FY 2022)	
Project Development	\$ 25,000.00
Project Reserve	\$ 10,000.00
Fire Truck Replacement Reserve	\$ 110,584.00
Fire Kitchen Upgrades	\$ 50,000.00
Radio Replacement (non-Public Safety) Phase 1	\$ 124,639.00
Town-wide S2 System Access Upgrades Phase 1	\$ 60,000.00
Core Technology Infrastructure Relocation	\$ 175,000.00
Data Backup and Recovery System	\$ 25,000.00
Center School Boiler Replacement	\$ 165,000.00
Oil Tank Removal BBH and WS Schools	\$ 44,416.00
High School Glass Showcase Replacement	\$ 75,000.00
Purchase of 2 4x4 Pickups w/Plows	\$ 80,000.00
Pavement Preservation	\$ 500,000.00
Sidewalk Reconstruction	\$ 400,000.00
Guardrails	<u>\$ 25,000.00</u>
<b>Subtotal</b>	<b>\$ 1,869,639.00</b>

<u>Multi Fund</u>	Raise and <u>Appropriate FY22</u>	Water Retained <u>Earnings</u>	Sewer Retained <u>Earnings</u>	Available Funds <u>in the Treasury</u>
Front End Loader (3yrd):	\$54,509.00	\$46,250.00	\$46,250.00	\$37,991.00

	Capital <u>Stabilization Fund</u>	Water Retained <u>Earnings</u>	Sewer Retained <u>Earnings</u>
2 Ton Dump Truck w/Plow & Spreader:	\$50,000.00	\$25,000.00	\$25,000.00

**ARTICLE 13.**

The Moderator Declared a 2/3rds Majority Affirmative vote to raise and appropriate the sum of \$345,000.00 to pay costs of replacing the air handlers at Longmeadow High School, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**ARTICLE 14.**

The Moderator Declared a 2/3rds Majority Affirmative vote to raise and appropriate the sum of \$777,700.00 to pay costs of replacing water mains on Farmington Avenue, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to G.L. c. 44, §8(5), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**CONSENT AGENDA TWO** - Articles 15 and 16 as part of a consent agenda.

It was a Unanimous Affirmative vote to approve Articles 15 and 16 as part of a consent agenda.

**ARTICLE 15.**

It was a Unanimous Affirmative vote to transfer from the Sewer Retained Earnings account, the sum of \$300,000.00 for the purpose of replacing sewer lines on Jonquil Lane.

**ARTICLE 16.**

It was a Unanimous Affirmative vote to transfer from available funds in the Treasury, the sum of \$131,500.00 to make drainage improvements on Shady Knoll Drive.

**CONSENT AGENDA THREE** - Articles 17 and 18 as part of a consent agenda.

The Moderator Declared a 2/3rds Unanimous Affirmative vote to approve Articles 17 and 18 as part of a consent agenda.

**ARTICLE 17.**

The Moderator Declared a 2/3rds Unanimous Affirmative vote to appropriate \$674.00 from the state for highway improvements under the authority of M.G.L Chapter 90 including funds to be received in FY 2021, or any applicable laws, and to authorize the Select Board, if necessary, to apply for, accept, borrow in anticipation of state aid and expend such funds.

Two-thirds vote required.

**ARTICLE 18.**

The Moderator Declared a 2/3rds Unanimous Affirmative vote to appropriate \$478,134.00 from the state for highway improvements under the authority of M.G.L Chapter 90 including funds to be received in FY 2022, or any applicable laws, and to authorize the Select Board, if necessary, to apply for, accept, borrow in anticipation of state aid and expend such funds.

**ARTICLE 19.**

It was a Majority Affirmative vote to transfer from available funds in the Treasury the sum of \$100,000.00 for the purpose of producing preliminary survey and design work for the possible reconstruction / reconfiguration of Longmeadow Street / Route 5.

## **ARTICLE 20.**

It was a Unanimous Affirmative vote to transfer \$92,500.00 from the Community Preservation Committee May 2018 article #23 appropriation for the Wolf Swamp Field Ring Road to the Community Preservation Committee appropriations, May 2018 article # 22 and May 2019 article #26 for the Wolf Swamp Field Leveling, Field Improvements and an Irrigation System.

## **CONSENT AGENDA FOUR - Articles 21, 22, 24 and 25 as part of a consent agenda.**

It was a Unanimous Affirmative vote to approve Articles 21, 22, 24 and 25 as part of a consent agenda.

## **ARTICLE 21.**

It was a Unanimous Affirmative vote to transfer from the Community Preservation Undesignated Fund Balance \$151,212.00 to the: CPA Fund Balance Reserve for Open Space \$50,404.00, CPA Fund Balance Reserve for Community Housing \$50,404.00, and CPA Fund Balance Reserve for Historic Preservation \$50,404.00.

## **ARTICLE 22.**

It was a Unanimous Affirmative vote to raise and appropriate the sum of \$8,000.00 from the FY 2022 Community Preservation local surcharge and trust fund for administrative costs for the Community Preservation Committee.

## **ARTICLE 23.**

It was a Majority Negative vote to fund the Community Preservation Project for the replacement of the Wolf Swamp School playground in the amount of \$190,000.00, to be funded from the Community Preservation Undesignated Fund balance.

## **ARTICLE 24.**

It was a Unanimous Affirmative vote to fund the Community Preservation project for the replacement of the carpeting in the Storrs Library Children's Room in the amount of \$21,000.00 funded from the Historic Preservation Fund Balance.

## **ARTICLE 25.**

It was a Unanimous Affirmative vote to fund the Community Preservation Project to upgrade irrigation at the community gardens in the amount of \$4,000.00, to be funded from the Recreation/Open Space Fund Balance.

## **CONSENT AGENDA FIVE - Articles 26 and 27 as part of a consent agenda.**

It was a Unanimous Affirmative vote to approve Articles 26 and 27 as part of a consent agenda.

## **ARTICLE 26.**

It was a Unanimous Affirmative vote to raise and appropriate the sum of \$180,525.00 for the purposes of paying the FY 2022 District Improvement Financing (DIF) Debt Service.

## **ARTICLE 27.**

It was a Unanimous Affirmative vote to establish a funding limit for the Town's Council on Aging Revolving Fund with payments from the fund to be expended by the Director of the Council on Aging up to \$85,000.00.

## **ARTICLE 28.**

The Moderator Declared a 2/3rds Majority Affirmative vote to amend Section 6-2 Department of Finance and Administration of the Town Charter as follows:

(a) Establishment and Scope - there shall be a department of finance and administration responsible for the fiscal affairs of the town and for the coordination and overall supervision of all business, fiscal, and financial activities of all town agencies, ~~including the school department~~. The department of finance and administration shall include the functions of accounting, tax and fee collections, treasury management, assessing, purchasing, contracting, ~~information technology, town clerk's functions, personnel functions~~ and those functions further assigned by the town manager.

**ARTICLE 29.**

It was a Unanimous Affirmative vote to authorize the Select Board to acquire, by purchase, gift and/or eminent domain, the fee to and/or permanent and/or temporary easements for public way purposes, including without limitation, for the construction, alteration, installation, maintenance, improvement, repair, replacement and/or relocation of rights of way, sidewalks, walkways, driveways, drainage, utilities, guardrails, slopes, grading, rounding, landscaping, and other appurtenances and/or facilities to undertake improved pedestrian and bicycle facilities leading to/from the Blueberry Hill Elementary School.

**ARTICLE 30.**

The Moderator Declared a 2/3rds Majority Affirmative vote to authorize the Select Board to acquire the following easements for the purpose of constructing, using and maintaining the infrastructure installations known as the North Interceptor Relocation Project (the "Project").

	Total # Parcel	Area (Square Feet)
Temporary Easements	9	6,123
Permanent Easements	4	12,396

Further that the Select Board is authorized to acquire these easements, or modification(s) of these easements or other required interests in land for the Project through all legal means, which include, without limitation, donation(s), purchase(s), or eminent domain taking(s).

The subject parcels are each currently identified as Parcel PE-1, Parcel PE-2, Parcel PE-3, Parcel PE-4, Parcel TE-1, Parcel TE-2, Parcel TE-3, Parcel TE-4, Parcel TE-5, Parcel TE-6, Parcel TE-7, Parcel TE-8, and Parcel TE-9 on a plan of land entitled "Plan of Land in Longmeadow, MA prepared for the Town of Longmeadow, Easement Plan, Western Drive & Severn Street" dated September 16, 2020 by SHERMAN & FRYDRYK, LLC, Land Surveying and Engineering.

**CONSENT AGENDA 6 - Articles 31, and 33 as part of a consent agenda.**

It was a Unanimous Affirmative vote to approve Articles 31, and 33 as part of a consent agenda.

**ARTICLE 31.**

It was a Unanimous Affirmative vote to amend Article 2, Chapter 700 Wetlands Control of the General Bylaws of the Town by adding a revised paragraph at the end of Section (j) Enforcement. Any person who violates any provision of this By-Law or regulations, Permits or orders issued thereunder, or has failed to obtain the necessary Commission approval shall be punished by a fine of Three Hundred (\$300) Dollars pursuant to Massachusetts General Laws Chapter 40, Section 21D. Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the By-Law, regulation, Permits, or orders violated shall constitute a separate offense.

**ARTICLE 32.**

It was a Majority Affirmative vote to accept the provisions of Massachusetts General Law Chapter 64G Section 3A which deals with short-term rentals operating in the Town of Longmeadow and to set the excise tax on such rentals at 6.00%.

**ARTICLE 33.**

It was a Unanimous Affirmative vote to amend Section 3-303 of the General Bylaws of the Town (Warrants) by adding the following sections:

(c) The last Monday in January shall be the last day for filing petitions with the Town Clerk for the insertion of articles in the Warrant for the following Annual Town Meeting: and the warrant shall be closed no later than fifteen days prior to the date of the Annual Town Meeting

(d) The last day for filing petitions with the Town Clerk for insertion of articles into the Warrant for a Special Town Meeting shall be forty-five days prior to the date of the meeting and the Warrant shall be closed no later than fifteen days prior to the date of the Special Town Meeting

(e) All petition articles that mention Federal, State, Town or any other laws or refer to any parcel of land or road or any other pertinent information should have a copy of such law, map or pertinent information showing the location of the parcel of land or roads or any other pertinent information attached to the petition article submitted to the Town Clerk. Copies of these documents should also be appended to the printed recommendation of the Finance Committee. Nothing herein shall be interpreted to restrict a citizen's rights under MGL Ch. 39 section 10.

#### **ARTICLE 34.**

The Moderator Declared a Unanimous Affirmative vote to amend section 2-805 – Longmeadow Historic Commission of the General Bylaws.

#### **2-805. Longmeadow Historic District Commission**

(a) The purpose of this By-Law is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings, their architecture and places significant to the encouragement of design compatible therewith.

(b) There is hereby established under the Historic District Act, General laws, Chapter 40C, as amended by Chapter 359 of the Acts of 1971, with all the powers and duties of an historic commission a Longmeadow Historic District commission consisting of seven (7) members to be appointed by the Select Board, all being residents of Longmeadow, including one (1) member, where possible from two (2) nominees, one of whom shall be submitted by the Chapter of American Institute of Architects covering Longmeadow, and one (1) member, where possible from two (2) nominees of the Board of Realtors covering Longmeadow. Two or more of the foregoing shall be residents of the Historic district established in Longmeadow pursuant to the Historic District Act. When the Commission is first established, one member shall be appointed for a term of one (1) year, three shall be appointed for a term of two (2) years and three shall be appointed for a term of three (3) years, and their successors shall be appointed in like manner for terms of three (3) years. The Select Board may appoint one alternate member for a term of one (1) year and two alternate members may be appointed for a term of three (3) years, and their successors shall be appointed in like manner for terms of three (3) years. No member may serve on the 42 Commission for more than two consecutive three-year terms, nor more than three consecutive terms if either of the first two terms is for less than three years.

(c) There is hereby established under the provisions of the Historic District Act, as amended, an historic district to be known as the Longmeadow Historic District, bounded as shown on a map entitled "Plan Showing Longmeadow Historic District, Longmeadow, Massachusetts", map dated June 2012 prepared by the Town Engineer attached to and made part of the bylaws, a copy of which is on file with the Town Clerk.

(d) The Historic District Commission established hereunder shall have all the powers and duties of an historical commission as provided in Section 80 of Chapter 40, of the Massachusetts General Laws.

(e) The Commission shall have all of the powers and duties of an historic district commission and all of the powers and duties of an historical commission and may in the exercise of any of the powers and duties accept money gifts and expend the same and, subject to appropriation or receipt of such gifts, employ clerical and technical assistance or consultants and the aforesaid powers and duties may include, but not be limited to, the following:

(1) To conduct a survey of Longmeadow buildings and sites for the purpose of determining those of historic significance, architecturally or otherwise, and pertinent facts about the, acting in collaboration with the Planning Board, conservation Commission and the Longmeadow Historical Society to the extent each may from time to time be able to undertake such work and to maintain, and from time to time revise, detailed listings of historic sites and buildings in Longmeadow and data about them appropriately classified with respect to national, state or local significance, to period or field of interest, or otherwise;

(2) To propose, from time to time as they deem appropriate, the establishment, in accordance with the provisions of the Historic District Act, if additional historic districts and changes in historic districts;

- (3) To determine an appropriate system of markers for selected historic sites and buildings not already sufficiently marked, to arrange for preparation and installation of such markers and to arrange for care of historic markers;
  - (4) To arrange for preparation and publication of maps and brochures and descriptive material about Longmeadow historic sites and buildings, arrange for convenient walks or tours, or otherwise;
  - (5) To cooperate with and advise the Planning Board, Board of Park Commissioners, the Department of Public Works and other town departments in matters involving historic buildings, sites and historic district boundaries.
  - (6) To cooperate with and enlist assistance for Longmeadow from the Massachusetts Historical Commission, the National Register, the National Park Services, the National trust for Historic Preservation, the Society for the Preservation of New England Antiquities and other agencies, public and private, concerned with historic buildings and sites. 43
  - (7) To advise owners of historic buildings in Longmeadow on matters of preservation.
- (f) The Commission may recommend to the Select Board, from time to time as needed, appointment of advisory committees of historians and persons experienced in architecture or other arts or in historic restoration or preservation to assist in a manner comparable to the National Park Service Advisory Board or Consulting Committee.
- (g) The Commission shall adopt rules and regulations for the conduct of its business not inconsistent with the provisions of Chapter 40 Section 8D, the Historical Commission Act; or this By-Law, as the case may be.

**And replacing with the following:**

**2-805. Longmeadow Historic District Commission**

- (a) The Historic Districts Act, Massachusetts General Laws, Chapter 40C, governs the Historic District Commission. The Commission shall adopt rules and regulations for the conduct of its business not inconsistent with the provisions of the Historic Districts Act; or this By-Law, as the case may be. These rules and regulations will be on file with the Town Clerk.
- (b) The purpose of this bylaw, as stated in the Historic Districts Act, Section 2, “is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the commonwealth and its cities and towns or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.”
- (c) There is hereby established under the provisions of the Historic Districts Act, as amended, a historic district to be known as the Longmeadow Historic District, bounded as shown on a map entitled “Plan Showing Longmeadow Historic District, Longmeadow, Massachusetts”, map dated June 2012 prepared by the Town Engineer attached to and made part of the by-Laws, a copy of which is on file with the Town Clerk.
- (d) As authorized by the Historic District Act, Section 4, the Town has authorized the appointment of seven full voting members and three alternate members. Appointments to be made per the Historic Districts Act. No member may serve on the Commission for more than two consecutive three-year terms, nor more than three consecutive terms if either of the first two terms is for less than three years.

**ARTICLE 35.**

The Moderator Declared the motion failed to meet the two-thirds requirement to amend Article IV, Section B, subsection 1.1a of the Zoning Bylaws of the Town by deleting the following in its entirety:

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



### **ARTICLE 36.**

It was a Unanimous Affirmative vote to amend Article I, Section E. of the Zoning Bylaws of the Town by adding the following:

#### Article I. Administration and Enforcement

##### Section E. Enforcement

6. Any violation of the provisions of the Bylaw, the conditions of a permit granted under this Bylaw, or any decision rendered by the Zoning Board of Appeals or Planning Board under this Bylaw 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 Bylaw, the conditions of a permit granted under this Bylaw, or any decisions rendered by the Zoning Board of Appeals or Planning Board under this Bylaw be 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. Unpaid fine(s) shall be subject to the municipal charges lien pursuant to MGL. c. 40, sec. 58.

### **ARTICLE 37.**

It was moved and seconded to vote to amend Article II. DEFINITIONS of the Zoning Bylaws of the Town by adding the following:

#### Article II. Definitions

“Commercial Vehicle.” Any vehicle registered for commercial use which has a gross vehicle weight rating of 12,000 or more pounds, or is a van, truck, or SUV of any weight that has decals or painted lettering that represents a commercial enterprise.

An amendment was moved and seconded to read:

#### Article II. Definitions:

“Commercial Vehicle.” A van or truck used in connection with a business or trade, or any vehicle which has commercial lettering thereon.

It was a Majority Affirmative vote to amend Article 37.

The Moderator Declared a 2/3rds Unanimous Affirmative vote on the main motion as amended.

### **ARTICLE 38.**

It was moved and seconded to vote to amend the Town’s Zoning Bylaws Article IV, Section E, Subsection 1(b) by deleting:

If the non-conforming building is destroyed by fire, explosion, act of the public enemy, 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.

And replacing with:

If the non-conforming building is destroyed by fire, explosion, act of the public enemy, act of God to the extent of 50% or more of its replacement value, it may be rebuilt on the same footprint within a two-year time frame but any future use of the premises shall conform to the use regulations of the zone in which the building and lands are located.

An amendment was moved and seconded to replace the words “two-year” with the words “five-year” so that the article would now read:

If the non-conforming building is destroyed by fire, explosion, act of the public enemy, 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.

And replacing with:

If the non-conforming building is destroyed by fire, explosion, act of the public enemy, act of God to the extent of 50% or more of its replacement value, it may be rebuilt on the same footprint within a five-year time frame but any future use of the premises shall conform to the use regulations of the zone in which the building and lands are located.

It was a Majority Affirmative vote to amend Article 38.

It was a Unanimous Affirmative vote on the main motion as amended.

#### **ARTICLE 39.**

It was a Unanimous Affirmative vote to amend the Town's **Zoning Bylaws Article IV, Section B, Subsection 1.2(a) by deleting:**

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 garage must be used for the overnight vehicular storage of commercial vehicles which include vans and pickup trucks used in connection with a business or trade or which have commercial lettering thereon.

**And replacing with:**

Private garage, of such size and construction as to accommodate no more than three automobiles. A detached garage shall be permitted in supplement to an existing like facility, but in no case should the total number of spaces be greater than three. A totally enclosed garage must be used for the overnight vehicular storage of commercial vehicles which include vans and pickup trucks used in connection with a business or trade or which have commercial lettering thereon.

#### **ARTICLE 40.**

Vote to allow the installation of ground-mounted thermal and/or photovoltaic solar panels within the front and/or side lot lines of a residential property with the following regulations:

1. Solar panels and supporting structures shall be located in zones up to 15' (fifteen feet) wide that are offset a minimum of 5' from the building foundation; the maximum parallel distance from the foundation to the edge of a solar panel zone shall be 20'. There shall be an 8' separation in any solar panel zone at least every 23' to allow access. The solar panels and related equipment shall not unreasonably interfere with the egress from windows; solar panels shall not obstruct doorway egress. Such solar panel structures shall not be closer than within 15' of the front or side property lines, public road curbs, tree belts, public sidewalks, easements, or right of way, and not within 30' of the nearest road curb at the junction of a traffic intersection [see Diagram 1, Solar Panel Zone Diagram];
2. The solar panels in each zone shall form a single row and be parallel to the correlating building foundation; the single row may include multiple solar panels in height and width/length. The highest position of the array of solar panels and supporting structure(s) shall not be more than 8'-6" (eight feet plus six inches) above grade; the lowest upward edge of the solar panel(s) shall be a minimum of 1'-2" above grade to allow snow and water runoff. The minimum pitch of the solar panels shall be 20° (20 degrees) above the horizontal; the maximum pitch shall be 70° above the horizontal; panels shall pitch downward and away from the foundation [see Diagram 2, Cross-Sectional View];
3. The total power rating of the ground-mounted photovoltaic panels shall not exceed 9.0 kilowatts per property;
4. Each solar panel array shall be skirted on all perimeter sides that are in view from a public way or abutting neighbor with natural wood lattice, or tan, green, or gray vinyl lattice, and evergreen shrubbery to soften the aesthetic appearance. The evergreen shrubbery species selected shall be able to achieve the full height of the solar array and be planted no less than 3'-0" on center. Evergreen species to include, but not be limited to Arborvitae, Yew, Boxwood, or Spruce (see plan view, front view, and end view diagrams);
5. All solar panel systems to be subject to local permitting and inspection by the local building commissioner. The solar panel system equipment shall comply with applicable Commonwealth building,

mechanical, electrical, plumbing, and other relevant code standards as well as standards of good engineering practice. A solar panel system will not be permitted if it can be demonstrated by the local building commissioner, fire department, or the police department that the subject solar panels or any of the related equipment would create a condition that could jeopardize the public health, safety, or welfare.

**It was moved and seconded to amend the main motion to read as follows:**

I move that the town vote to allow the installation of ground-mounted thermal and/or photovoltaic solar panels within the side lot lines of a residential property with the following regulations:

1. Solar panels and supporting structures shall be located in zones up to 15' (fifteen feet) wide that are offset a minimum of 5' from the building foundation; the maximum parallel distance from the foundation to the edge of a solar panel zone shall be 20'. There shall be an 8' separation in any solar panel zone at least every 23' to allow access. The solar panels and related equipment shall not unreasonably interfere with the egress from windows; solar panels shall not obstruct doorway egress. Such solar panel structures shall not be closer than within 15' of the side property lines, public road curbs, tree belts, public sidewalks, easements, or right of way, and not within 30' of the nearest road curb at the junction of a traffic intersection [see Diagram 1, Solar Panel Zone Diagram];
2. The solar panels in each zone shall form a single row and be parallel to the correlating building foundation; the single row may include multiple solar panels in height and width/length. The highest position of the array of solar panels and supporting structure(s) shall not be more than 8'-6" (eight feet plus six inches) above grade; the lowest upward edge of the solar panel(s) shall be a minimum of 1'-2" above grade to allow snow and water runoff. The minimum pitch of the solar panels shall be 20° (20 degrees) above the horizontal; the maximum pitch shall be 70° above the horizontal; panels shall pitch downward and away from the foundation [see Diagram 2, Cross-Sectional View];
3. The total power rating of the ground-mounted photovoltaic panels shall not exceed 9.0 kilowatts per property;
4. Each solar panel array shall be skirted on all perimeter sides that are in view from a public way or abutting neighbor with natural wood lattice, or tan, green, or gray vinyl lattice, and evergreen shrubbery to soften the aesthetic appearance. The evergreen shrubbery species selected shall be able to achieve the full height of the solar array and be planted no less than 3'-0" on center. Evergreen species to include, but not be limited to Arborvitae, Yew, Boxwood, or Spruce (see plan view, front view, and end view diagrams);
5. All solar panel systems to be subject to local permitting and inspection by the local building commissioner. The solar panel system equipment shall comply with applicable Commonwealth building, mechanical, electrical, plumbing, and other relevant code standards as well as standards of good engineering practice. A solar panel system will not be permitted if it can be demonstrated by the local building commissioner, fire department, or the police department that the subject solar panels or any of the related equipment would create a condition that could jeopardize the public health, safety, or welfare,
6. Solar panels shall not be installed to obstruct the view of a 1st floor window or skylight; solar panels may be installed at an elevation below the lower sill of a window master frame. Solar panels may obstruct the view of a cellar/basement window.

**A motion was moved and seconded to amend Article 40 and delete the words "evergreen".**

**It was a Majority Affirmative vote to amend Article 40.**

**The Moderator Declared that the main motion as amended failed to meet the 2/3rds requirement.**

#### **ARTICLE 41.**

It was moved and seconded to amend 6-314 of the General Bylaws (Billboards, Signs, and Other Advertising Devices) to allow for business advertising on limited Longmeadow Parks and Recreation Athletic Fields. These include but are not solely limited to, Wolfswamp Fields Complex, Bliss Park, and Turner Park.

- A) Temporary signs related to sponsorship for purposes of generating funding for Park and Recreation enhancements, shall be limited to park zoned areas as found within the Town's Zoning Laws. Said additional funding will fall under the purview of the Parks and Recreation Board.
- B) It is the intent of the Longmeadow Parks and Recreation Board to preserve its full rights and discretion to reject or refuse placement or require removal of any or all commercial messages or advertisements that do not comply with the guidelines set forth by the Parks and Recreation Department.
- C) To the extent that any such messages and advertisement are accepted, it is the intent of the Parks and Recreation Board to reserve and exercise the right of full editorial control over the placement, content, size, appearance, and wording, and to determine and prohibit those that are deemed inappropriate.

An amendment was moved and seconded to add:

- D) Any revenues raised pursuant to 6-314 of the General Bylaws related to advertising on Longmeadow Parks and Recreation Fields be placed into an established special revenue account of the Parks and Recreation Department.

The amendment passed by a Majority Affirmative vote.

It was a Majority Affirmative vote on the main motion as amended.

#### **ARTICLE 42.**

It was a Majority Affirmative vote to Take No Action on Article 42.

I move that the Select Board, acting as water and sewer commissioners authorize property owners to purchase and install, at their expense, up to one secondary water meter with remote read transponder (as specified by the Water Department) that will exclusively meter water to an irrigation system. This secondary meter shall not be used for potable water or water intended for residential domestic, commercial or manufacturing process purposes. Water passing through the secondary meter shall not contribute to the sanitary sewer or wastewater collection systems and must waste to the pervious ground. Charges associated with secondary meters shall include a nominal billing fee as well as the fixed water meter fee. Neither storm water fees nor sewer fees shall be allocated to secondary water meter bills. The Town of Longmeadow water department shall be authorized to set regulations regarding installation requirements that assure safety of potable water systems and may, if justified, impose a one-time application or inspection fee for the installation of each secondary water meter.

The meeting dissolved at 4:42 p.m.

The number of registered voters in attendance was 206 (1.71% of eligible voters), there being 12,045 registered voters as of April 26, 2021.

*Katherine T. Ingram*  
*Town Clerk*

