



West Springfield Town Council

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AN AMENDMENT TO THE ZONING ORDINANCE OF THE TOWN OF WEST SPRINGFIELD

Accessory Dwelling Units

WHEREAS, the Commonwealth of Massachusetts has enacted Chapter 150, Section 8 of the Acts of 2024 to encourage the production of Accessory Dwelling Units (ADUs) as a means to address the statewide housing crisis; and

WHEREAS, 760 CMR 71.00 establishes regulations to ensure municipalities do not unreasonably restrict or prohibit the creation of ADUs in single-family residential zoning districts; and

WHEREAS, the Town of West Springfield recognizes the need to provide diverse and affordable housing options while preserving the character of its neighborhoods; and

WHEREAS, the existing zoning ordinance must be updated to comply with state law, ensuring fair and reasonable opportunities for homeowners to construct ADUs without undue regulatory burden; and

WHEREAS, these amendments seek to balance the interests of residents, property owners, and the community by establishing clear and consistent standards for ADUs; and

WHEREAS, in order to streamline the development process for single-family residential structures, clarify the zoning districts in which such uses are permitted, establish uniform standards that provide property owners with clear and consistent expectations, and preserve the character and integrity of established neighborhoods, the Town seeks to amend its Zoning Ordinance in accordance with recent changes to Massachusetts law pertaining to accessory dwelling units.

NOW THEREFORE, Be it ordained by the West Springfield Town Council that the Section 300 of the Ordinances of the Town of West Springfield be amended as follows:

Division 2 Zoning Ordinances
Chapter 300 Zoning
Article II Definitions

Revise § 300-2.1 as follows:

ACCESSORY DWELLING UNIT (ADU)

A self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building and Fire Code for safe egress. ADUs may be detached, attached, or internal to the Principal Dwelling. General references to ADUs in this Ordinance include both Protected Use ADUs and Local ADUs.

BOARDING HOUSE

Any dwelling unit in which ~~more than three persons, whether individually or as families, are housed or lodged for hire,~~ **lodging, with or without meals, is provided for compensation to multiple individuals or households under separate or individual agreements or arrangements with the owner or operator. A boarding house is operated as a single business enterprise and is distinct from a single-family residence rented jointly by a group of unrelated individuals under a single lease. A motel, rooming house or a furnished rooming house shall be deemed a boardinghouse. This use shall include bed and breakfasts and lodging houses but shall not include dormitories of charitable, educational or philanthropic institutions, hotels, motels, life-care facilities, or nursing homes.**

EXTENDED STAY HOTEL

A type of hotel that accommodates guests intending to stay for 30 consecutive days or longer. In addition to meeting the general definition of a hotel, an extended stay hotel features self-contained units equipped with kitchen facilities. These accommodations are designed to serve individuals in need of temporary housing due to business travel, relocation, or other extended visits, and are not intended to function as permanent residences.

HOTEL

An establishment offering lodging for transient occupancy of less than 30 consecutive days, with guest room access typically provided through a central lobby and interior corridors. This use excludes bed-and-breakfast establishments, motels, boardinghouses, lodging houses, and short-term rentals. A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general

~~kitchen and dining room which may be provided within the building or in an accessory building. Access to the individual sleeping rooms is usually through a lobby and interior corridors; not to be interpreted to include a bed and breakfast establishment, motel, boardinghouse or lodging house.~~

MOBILE HOME

A dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or permanent foundation for permanent living quarters; this shall not include the type of vehicle known as a "camper trailer" or similar trailer designed for travel, recreational, and vacation use **or a Modular Dwelling Unit.**

MODULAR DWELLING UNIT.

A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems, in compliance with the Building and Fire Code, prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities. A Modular Dwelling Unit does not include a Mobile Home.

NON-HABITABLE OUTBUILDING

A structure that is customarily incidental and subordinate to the principal use of a property, is not used for human habitation, and may include tool sheds, play structures, greenhouses, gazebo, pergolas, car ports, and similar structures.

SHORT-TERM RENTAL

An owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

SHED

A detached, non-habitable, accessory structure located on the same lot as a principal building, used solely for the storage of personal property, tools, equipment, or similar items. A shed shall not be designed, used, or intended for human habitation, sleeping, cooking, or sanitary purposes, and shall not be equipped with plumbing, heating, or permanent cooking facilities. The maximum floor area of

a shed shall not exceed 200 square feet; sheds that are larger in floor area than 200 square feet shall be considered accessory structures.

SINGLE-FAMILY DWELLING

A structure on a Lot containing not more than one dwelling unit. A detached building designed for or occupied exclusively by one family.

ZONING ENFORCEMENT OFFICER

The Building Commissioner, Building Inspector, or any other individual duly authorized by the Building Department to administer and enforce the provisions of this Zoning Ordinance.

Division 2 Zoning Ordinances
Chapter 300 Zoning
Article V Use Regulations

Amend Section 300-5.3 (A), Table 5-1 Table of Use Regulations Residential Zoning Districts, as follows:

Uses	Standards and Conditions	Zoning Districts				
		RA	RA-1	RA-2	RB	RC
RESIDENTIAL USES						
Boardinghouse and lodging house		-	-	-	-	P₋
<u>Local ADU</u>	<u>See §300-8.10 Accessory Dwelling Units for additional standards.</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>	<u>SPR</u>
<u>Protected Use ADU</u>	<u>See §300-8.10 Accessory Dwelling Units for additional standards.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
RETAIL AND SERVICE COMMERCIAL USES						
<u>Hotel, motel, inn, bed-and-breakfast establishment; extended stay hotel</u>		-	-	-	-	<u>SPR₋</u>

Amend Section 300-5.3 (B), Table 5-2 Table of Use Regulations Business Zoning Districts, as follows:

Uses	Standards and Conditions	Zoning Districts					
		NB	BA	BA-1	BB	BB-1	CB
RESIDENTIAL USES							
<u>Local ADU</u>	<u>See §300-8.10 Accessory Dwelling Units for additional standards.</u>	=	=	=	=	<u>SPR</u>	=
<u>Protected Use ADU</u>	<u>See §300-8.10 Accessory Dwelling Units for additional standards.</u>	=	=	=	=	<u>P</u>	=
<u>Single-family detached dwelling</u>		=	=	=	=	<u>P</u>	=
<u>Two-family dwelling</u>		=	=	=	=	<u>P</u>	=
RETAIL AND SERVICE COMMERCIAL USES							
<u>Hotel, motel, inn, bed-and-breakfast use, extended stay hotel</u>		-	SPR	-	SPR	SPR	SPR
<u>Single-family detached dwelling</u>		-	-	-	-	P	-
<u>Two-family dwelling</u>		-	-	-	-	P	-

Division 2 Zoning Ordinances
Chapter 300 Zoning
Article V Use Regulations

Revise § 300-5.5 as follows:

§ 300-5.5 Other general use regulations.

- A. Principal building. One principal building only shall be permitted on a lot, with the exception of multifamily developments in Residence C, Business A-1, Business B-1 and Special Use (Multifamily) Zoning Districts and age-restricted housing developments by special permit in an Age-Restricted Housing Overlay Zoning District.
- B. Accessory uses. Accessory uses customarily incidental to any principal use permitted in any district shall be authorized herein.
- C. Accessory buildings as dwellings. No accessory buildings may be used as dwellings, **except for Accessory Dwelling Units in accordance with § 300-8.10.**
- D. Injurious uses. No premises shall be used, and no buildings or structures shall be constructed, enlarged, reconstructed or used for any purpose which by the emission or discharge of fumes, vapor, gas, dust, offensive odors, chemicals, poisonous fluids, or substances, refuse, organic matter, or excrement or by the causing of noise or vibrations, or by unduly increasing the risk from fire or explosion, or otherwise would be dangerous or injurious to the public health or safety, or for any purpose which would be for any reason injurious to the health, safety, or welfare of the inhabitants of the Town.
- E. Business A permitted uses. Business A permitted uses shall include any establishments of a character similar to and not more objectionable than those set forth in Table 5-2, provided the principal use thereof shall be to store and display goods or products for sale at retail on the premises or to engage in a service enterprise, and provided that no goods or products may be manufactured or processed on the premises except for sale at retail thereon.
- F. Business B permitted uses. Business B permitted uses as set forth in Table 5-2 shall be limited to the requirement that the number of workers habitually engaged in any activity authorized therein shall not exceed 100.

Division 2 Zoning Ordinances
Chapter 300 Zoning
Article VI Area, Height and Bulk Regulations

Revise § 300-6.3(F) as follows:

- F. Accessory structures.
1. Accessory structures shall not be located between the principal structure and the street line.
 2. ~~No more than 25% of a rear yard shall be occupied by accessory structures.~~
 3. ~~2.~~ Accessory structures located on a corner lot shall be set back from any street line a distance equal to or greater than that required of the principal structure.
 4. ~~3.~~ Except for structures used for agricultural purposes as defined by MGL c. 40A, § 3, the footprint of the accessory structure shall not be greater than that of the principal structure.
 5. ~~4.~~ Except for structures used for agricultural purposes as defined by MGL c. 40A, § 3, the height of an accessory structure shall not be greater than that of the principal structure.
 6. ~~5.~~ Accessory structures **shall be set back a distance equal to or greater than that required of the principal structure** ~~less than 200 square feet shall be located a minimum of five feet from the side and rear property lines and five feet from the principal structure. A building permit shall not be required for such structures.~~
 7. ~~Accessory structures greater than 200 square feet and less than or equal to 400 square feet must be located a minimum of 10 feet from the side and rear property lines and five feet from the principal structure.~~
 8. ~~Structures greater than 400 square feet shall be a minimum distance of five feet from the principal structure and shall be set back from the side and rear property lines a minimum distance equal to the height of the accessory structure or 15 feet, whichever is greater.~~
 9. ~~6.~~ No signs, as defined in this ordinance, shall be attached to an accessory structure.
 10. ~~7.~~ **Except for Protected Use ADUs,** accessory structures greater than 600 square feet in area and located in an RA, RA-1, RA-2 or RB Zoning District shall require the issuance of a special permit by the Planning Board.

Add the following new section to § 300-6.3:

K. Sheds and Non-Habitable Outbuildings.

- 1. Sheds and non-habitable outbuildings shall not be located between the principal structure and the street line.**
- 2. Sheds and non-habitable outbuildings shall be located a minimum of five feet from the side and rear property lines and five feet from the principal structure.**
- 3. The maximum height for sheds and non-habitable outbuildings shall be twelve feet.**
- 4. A building permit shall not be required for sheds and non-habitable outbuildings.**
- 5. In addition to the requirements of this Zoning Ordinance, all sheds and non-habitable outbuildings must comply with any other applicable local, state, or federal requirements, including but not limited to wetlands buffer zones, easements, rights-of-way, and other environmental or land use restrictions.**

L. Swimming Pools. Swimming pools shall not be located between the principal structure and the street line and shall be set back a minimum of eight feet from the property lines and fifteen feet from the principal structure.

Division 2	Zoning Ordinances
Chapter 300	Zoning
Article VIII	Development Methods

Add the following language to § 300-8.10:

§ 300-8.10 Accessory Dwelling Units.

A. Purpose. The purpose of this Section is to allow for Accessory Dwelling Units (ADUs), as defined under M.G.L. c. 40A, §1A, to be built as-of-right in Single-Family Residential Zoning Districts in accordance with Section 3 of the Zoning Act (M.G.L. c. 40A), as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations under 760 CMR 71.00: Protected Use Accessory Dwelling Units.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ACCESSORY DWELLING UNIT (ADU)

A self-contained housing unit, inclusive of sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building and Fire Code for safe egress. ADUs may be detached, attached, or internal to the Principal Dwelling. General references to ADUs in this Ordinance include both Protected Use ADUs and Local ADUs.

BUS STATION

Any location serving as a point of embarkation for any bus operated by a transit authority.

DWELLING UNIT

A single-housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. This can include a housing unit within a single-family, duplex, or multi-unit development.

ADU GROSS FLOOR AREA

The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, enclosed stairways and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches, and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

LOCAL ADU

An ADU that is not a Protected Use ADU.

LOT

An area of land with definite boundaries that is used, or available for use, as the site of a structure, or structures, regardless of whether the site conforms to requirements of zoning.

MODULAR DWELLING UNIT

A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems, in compliance with the Building and Fire Code, prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.

PRE-EXISTING NONCONFORMING STRUCTURE

A structure that does not conform to zoning.

PRINCIPAL DWELLING

A structure, regardless of whether it, or the Lot it is situated on, conforms to zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.

PROTECTED USE ADU

An attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is not larger in ADU Gross Floor Area than 1/2 the ADU Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller, provided that only one ADU on a Lot may qualify as a Protected Use ADU. An ADU that is nonconforming to zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

SHORT-TERM RENTAL

An owner- occupied, tenant-occupied, or non-owner occupied property as defined in M.G.L. c. 64G § 1, including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant [for a period of 31 consecutive days or less]; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.]

SINGLE-FAMILY RESIDENTIAL DWELLING UNIT

A structure on a Lot containing not more than one dwelling unit.

SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT

Any zoning district where Single-Family Residential Dwellings are a permitted or an allowable use, including any zoning district where Single-Family Residential Dwellings are allowed as-of-right, or by Special Permit.

C. Standards and Conditions.

1. General Provisions for All ADUs

(a) Code Compliance.

(1) ADUs shall maintain a separate entrance from the Principal Dwelling sufficient to meet safe egress under the Building Code and Fire Code.

(2) ADU construction shall comply with 310 CMR 15.000: The State Environmental Code, Title 5 regulations for a Single-Family Residential Dwelling in the Single-Family Residential Zoning District in which the Protected Use ADU is located.

(b) ADUs may not be used as Short-Term Rentals.

(c) Utility and Infrastructure Requirements.

(1) Separate utility connections for ADUs shall not be required but may be allowed at the discretion of the property owner.

(2) Properties relying on private septic systems must demonstrate, to the satisfaction of the Board of Health, that the system can support the additional occupancy.

(d) The principal dwelling and the ADU shall remain in common legal ownership and shall not be conveyed or sold separately from one another.

2. Protected Use ADUs. The Zoning Enforcement Officer shall approve a Building Permit authorizing Protected Use ADU installation and use within, or on a Lot with, a Principal Dwelling in a Single-Family Residential Zoning District, including within, or on a Lot with, a Pre-Existing Nonconforming Structure, if the following conditions are met:

(a) Dimensional Standards.

- (1) A Protected Use ADU shall not have an ADU Gross Floor Area larger than 900 square feet or 1/2 the ADU Gross Floor Area of the Principal Dwelling, whichever is smaller.
- (2) A Protected Use ADU on a Lot with a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for the Single-Family Residential Dwelling (Section 300-6.1 and Table 6-1: Table of Area Regulations), or accessory structure (Section 300-6.3(F): Accessory Structures) within the same district, whichever results in more permissive regulation.
- (3) A Protected Use ADU on a Lot with a Principal Dwelling that is not a Single-Family Residential Dwelling Unit shall not have more restrictive dimensional standards than those required for its Principal Dwelling (Section 300-6.1 and Table 6-1: Table of Area Regulations), or accessory structure (Section 300-6.3(F): Accessory Structures) within the same district, whichever results in more permissive regulation.

(b) Parking.

- (1) Protected Use ADU. One additional off-street parking space shall be required for Protected Use ADUs located outside the 1/2-mile radius of a Bus Station. No additional off-street parking is required for Protected Use ADUs located within a 1/2-mile radius of a Bus Station.
- (2) Local ADU. A Local ADU shall provide additional off-street parking to accommodate the increased residential occupancy. At a minimum, one (1) additional off-street parking space shall be provided for each bedroom within the ADU. Such parking spaces shall be designed and located in compliance with all applicable provisions of this Ordinance. The Zoning Board of Appeals may waive or modify this requirement upon a determination that sufficient existing parking is available on the lot to adequately serve both the principal dwelling and the ADU.

(c) ADU Administrative Site Plan Review Process. The construction or installation of a Protected Use ADU shall be subject to administrative site plan review as outlined in this section. The Zoning Enforcement Officer shall review and approve or deny ADU Administrative Site Plans. An applicant shall submit the following materials to the Building Department:

(1) A completed ADU site plan review application form.

(2) A site plan drawn to scale showing:

a. Lot lines and dimensions;

b. Location of existing and proposed structures;

c. Setbacks and building height; and

d. Driveways and any proposed parking areas.

(3) Floor plans for the proposed ADU indicating its Gross Floor Area and showing compliance with the requirements of this Section.

(d) Administrative Site Plan Review Criteria. The Administrative Site Plan Review Authority shall ensure that the proposed ADU:

(1) Complies with applicable dimensional requirements;

(2) Does not exceed the allowable size limits;

(3) Meets the applicable parking requirements;

(4) Is compatible in type and scale with adjacent land uses and with the character of the neighborhood in which it is located; and

(5) Provides adequate egress and utility connections in compliance with the Building Code.

3. Special Permit for Local ADUs. The Zoning Board of Appeals shall approve a Special Permit authorizing a Local ADU installation and use within or on a Lot with a Single-Family Residential Dwelling in a Single-Family Residential Zoning District if the following conditions are met:

(a) Dimensional Standards.

- (1) Local ADUs must be larger than 900 square feet or there must be a Protected Use ADU already built on the same property.**
 - (2) Local ADUs shall not be larger than a gross floor area of 1,200 square feet.**
 - (3) Local ADUs shall comply with the following dimensional standards for both the structure and the Lot in accordance with Section 300-6.1 and Table 6-1: Table of Area Regulations and accessory structure Section 300-6.3(F): Accessory Structures.**
- (b) Off-Street Parking. A Local ADU shall provide additional off-street parking to accommodate the increased residential occupancy. At a minimum, one (1) additional off-street parking space shall be provided for each bedroom within the ADU. Such parking spaces shall be designed and located in compliance with all applicable provisions of this Ordinance. The Zoning Board of Appeals may waive or modify this requirement upon a determination that sufficient existing parking is available on the lot to adequately serve both the principal dwelling and the ADU.**
- 4. Special Permit for Multiple ADUs on a Lot. More than one ADU on a Lot in a Single-Family Residential Zoning District in which a Protected Use ADU is already located shall require a Special Permit from the Zoning Board of Appeals. The additional ADU shall be classified as a Local ADU.**
- 5. Nonconformance.**

 - (a) A Protected Use ADU shall be permitted within, or on a Lot with, a Pre-Existing Nonconforming Structure so long as the Protected Use ADU can be developed in conformance with the Building Code 780 CMR, 760 CMR 71.00, and state law.**
 - (b) A finding under M.G.L. c 40A §6, that the extension or alteration of the pre-existing nonconforming structure is not substantially more detrimental than the existing nonconforming use to the neighborhood, shall be made by the Zoning Board of Appeals in an as-of-right process, without requiring a Special Permit or other discretionary waiver.**

D. Administration and Enforcement.

1. **The Zoning Enforcement Officer shall administer and enforce the provisions of this Section.**
2. **No building shall be changed in use or configuration without a Building Permit from the Zoning Enforcement Officer.**
3. **No building shall be occupied until a certificate of occupancy is issued by the Zoning Enforcement Officer, where required.**
4. **The Zoning Enforcement Officer shall apply the Dover analysis as articulated in the standards in 760 CMR 71.03(3) (a), to any request for a Protected Use ADU Building Permit and shall waive any zoning requirement that the Zoning Enforcement Officer finds to be unreasonable under the Dover analysis.**

Division 2	Zoning Ordinances
Chapter 300	Zoning
Article XV	Administration

Revise as follows:

§ 300-15.0 Enforcement.

This ordinance shall be enforced by the **Zoning Enforcement Officer** ~~Inspector of Buildings~~, and no permit shall be granted for the construction, alteration, relocation or use of any building, structure or premises in violation of any provision of this ordinance. Whenever any permit or license is refused because of some provision of this ordinance, the reason therefor shall be clearly stated in writing and kept on file.

§ 300-15.1 Violations.

If the **Zoning Enforcement Officer** ~~Inspector of Buildings~~ shall be informed or have reason to believe that any provision of this ordinance has been, is being or may be violated, **the Zoning Enforcement Officer** ~~he~~ shall forthwith make or cause to be made an investigation of the fact and inspect the premises where such violation may exist. **The Zoning Enforcement Officer** ~~He~~ shall report his findings in writing within 14 days to the Mayor and the Planning Board, and if **the Zoning Enforcement Officer** ~~he~~ shall find any such violation, **the Zoning Enforcement Officer** ~~he~~ shall give notice thereof in writing to the owner or to his duly authorized agent and to the occupant of the premises and shall order that any use of any premises contrary to the provisions of this ordinance shall immediately cease.

§ 300-15.2 Legal proceedings.

If, after such notice, the premises continued to be used in a manner contrary to the provisions of this ordinance, or if any such owner or occupant shall fail to obey any lawful order of the **Zoning Enforcement Officer** ~~Inspector of Buildings~~ in respect to

any violation or use contrary to the provisions of this ordinance, the **Zoning Enforcement Officer** ~~Inspector of Buildings~~ shall institute appropriate legal proceedings, either criminal or noncriminal, to enforce the provisions of this ordinance. In addition, with the approval of the Mayor, the **Zoning Enforcement Officer** ~~Inspector of Buildings~~ may revoke the permit of occupancy or take any and all actions necessary to enforce the provisions of this ordinance.

§ 300-15.3 Criminal disposition penalties.

Complaints brought to Superior Court or Housing Court shall carry a penalty of \$300 for each violation. Each day on which a violation exists shall be deemed to be a separate offense.

§ 300-15.4 Noncriminal disposition penalties.

Pursuant to MGL c. 40, § 21D, when enforcing the provisions of this ordinance by noncriminal complaint, the **Zoning Enforcement Officer** ~~Inspector of Buildings~~ shall issue fines of \$25 for the first offense; \$50 for the second offense; \$100 for the third offense; and \$200 for the fourth offense and each subsequent offense. Each day on which a violation exists shall be deemed to be a separate offense.

§ 300-15.5 Supersession of other provisions or private restrictions.

When this ordinance imposes a greater restriction on the use of buildings, structures or premises or on height of buildings, or requires larger yards, courts or other open spaces than are imposed or required by any existing provisions of ordinances, or by any regulations or permits, or by any restrictions, easements, covenants, or agreements, the provisions of this ordinance shall control.

§ 300-15.6 Occupancy permits.

No building hereafter erected, altered or relocated shall be used and no change shall be made of the use of any building or of any parcel of land unless an occupancy permit signed by the **Zoning Enforcement Officer** ~~Inspector of Buildings~~ has been granted to the owner or occupant of such land or building. Such permit shall not be granted unless the proposed use of the land or building and all accessory uses comply in all respects with this ordinance and no use shall be made of such land or building except the use or uses authorized by such occupancy permit.

§ 300-15.7 Board of Appeals.

A Board of Appeals consisting of five members and three alternate members is hereby established. The members and alternate members of said Board shall be appointed by the Mayor subject to confirmation by the Town Council as set forth in the Charter. All members of said Board shall be residents of the Town and shall serve without compensation.

§ 300-15.8 Powers of Board of Appeals.


The Board of Appeals shall have all the powers vested in it by this ordinance and by the laws of the commonwealth. It shall have the authority to grant variances for use.

§ 300-15.9 Appeals.

- A. Appeals of a decision of the Zoning Enforcement Officer Building Commissioner shall be filed in accordance with the provisions of MGL c. 40A, § 8.
- B. Appeals of a decision of the Zoning Board of Appeals or of a special permit granting authority shall be filed in accordance with the provisions of MGL c. 40A, § 17.

[Signatures on Following Page]

Per order of the West Springfield Town Council, approved on the 6th day of October, 2025 by a vote of seven (7) in favor and zero (0) opposed, with zero (0) abstaining.

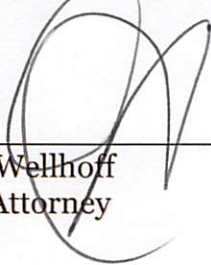


Sean T. Powers
Town Council President

10/10/25

Date

Approved as to Form

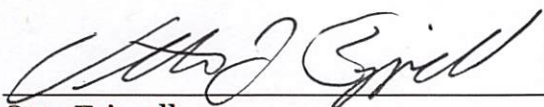


Jenna Wellhoff
Town Attorney

10/7/2025

Date

Presented to Mayor for approval pursuant to Section 3-7 of the West Springfield Home Rule Charter:

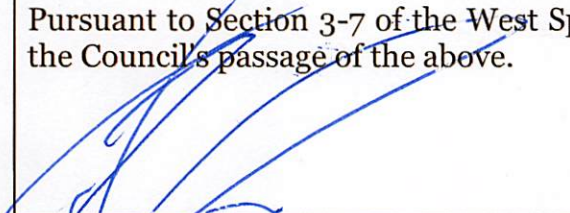


Otto Frizzell
Town Clerk

Oct. 10, 2025

Date Presented

Pursuant to Section 3-7 of the West Springfield Home Rule Charter, I hereby approve the Council's passage of the above.



William C. Reichelt
Mayor

10/10/25

Date

RECEIVED
2025 OCT 11 P 2:37
TOWN CLERK'S OFFICE
WEST SPRINGFIELD