

Section 12

SITE PLAN REVIEW

(As Amended through May 13, 2006 Annual Town Mtg.)

(A) Purpose

The purpose of site plan review is to ensure that new development is designed in a manner which reasonably protects visual and environmental qualities and property values of the Town, to assure adequate drainage of surface water, and safe vehicular access, and is consistent with the Zoning By-Laws and Building Regulations.

(B) Projects Requiring Site Plan Review

(As Amended May 13, 2006 Annual Town Mtg.)

1. the construction or exterior expansion of commercial structures;
2. the construction or exterior expansion of industrial structures;
3. expansion of any parking lot by 10 or more parking spaces or conversion of any use resulting in the addition of 10 or more required parking spaces;
4. construction or exterior expansion of any educational institution or religious institution;
5. any other use specified in Section 5(D), Schedule of Use Regulations, which indicates Site Plan Review is required, unless the use is locating in an existing structure and no additions to the structure is to be undertaken and the Town Planner determines no additional parking will be required to conform to the Parking Requirements outlined in Section 8 of the Zoning By-Law.

No special permit or building permit shall be applied for or issued for any of the above uses unless a site plan has been endorsed by the Planning Board, after consultation with other boards, including but not limited to the following: Building Commissioner, Board of Health, Electric Light Department, Water Department, Conservation Commission, DPW Superintendent, Fire Department, Tree Warden and Police Department.

Site Plan Review for any use exempt from Zoning under Chapter 40A, MGL is for the purpose of ensuring compliance with reasonable regulations as related to parking, open spaces, building height, and building setbacks requirements as provided for in Chapter 40A, MGL.

Waiver Permitted. The Planning Board may waive any and all requirements of Site Plan Review/Approval for the following:

- 1.) New construction under 1,000 square feet; and,
- 2.) Exterior expansions provided that the expansion is less than 25% of the existing floor area of the structure. Where the structure is part of a complex consisting of multiple buildings functioning as a single facility, the sum of the total square footage of all structures comprising the complex may be used to determine the threshold for such a waiver.

Finding Required. Prior to granting any waiver of Site Plan Review/Approval, the Planning Board must make a finding that the Board determines the proposed development will have a de-minimis impact relative to the criteria set forth in Part (E) of this section.

(C) Application

Each application for Site Plan Review shall be submitted to the Planning Board on the appropriate form, accompanied by ten (10) copies of the site plan. A copy of the application form shall be concurrently filed with the Town Clerk.

The Planning Board shall obtain with each submission a fee, in accordance with the fee schedule, to cover any expenses connected with the public hearing and review of plans. A Special Municipal Account may be required as determined by the Planning Board.

A more detailed outline of application and site plan review procedures, fees, and required site plan contents are as specified in the Planning Board Rules and Regulations and may be modified from time to time as required.

(D) Procedures for Site Plan Review

- a. Planning Board shall send one copy of the plan to relevant town boards, commissions, and departments (agencies) within 5 days of receipt.
- b. Relevant town agencies shall review the application plan and must submit their written recommendations and comments or approval to the Planning Board within 35 days of the receipt of the application by the Planning Board. Failure to respond within 35 days shall be deemed to be lack of opposition.
- c. Following the filing of an application the Planning Board shall hold a public hearing on the application within 65 days of receipt of application and issue a final decision within 90 days following the public hearing; "Notice of the time and place of the hearing" and of the subject matter, sufficient for identification, shall be given by the Planning Board at the expense of the applicant by advertisement in a newspaper of general circulation in the Town of South Hadley once in each of two (2) successive weeks, the first publication being not less than fourteen (14)

days before the day of such hearing. A copy of said notice must be sent by certified mail to all abutters.

- d. If the proposed development requires a special permit, then the requirements of Massachusetts General Laws, Chapter 40A, Section 9 take precedence over this section, and any required public hearing for site plan review shall be held jointly with the special permit public hearing.
- e. For the purpose of securing the performance of all proposed work including landscaping and off-site improvements, the Board may require any of the following: a performance bond, deposit of money, bank passbook, or letter of credit in an amount determined by the Board to be sufficient to cover the cost of all or any part of improvements required.

(E) Site Plan Review Criteria

The Planning Board shall review the site plan and supporting data taking into consideration the reasonable fulfillment of the following objectives:

- 1. Integrates the development into the existing terrain and surrounding landscape.
- 2. Protects abutting properties and community amenities.
- 3. Provides for building sites, which to the extent feasible, (a) minimize use of wetlands, steep slopes, floodplains, hilltops; (b) minimize obstruction of scenic views from publicly accessible locations; (c) preserve unique natural or historical features; (d) minimize tree, vegetation and soil removal and grade changes; (e) maximize open space retention; and (f) screen objectionable features from neighboring properties and roadways.
- 4. Provides for the convenience and safety of vehicular and pedestrian movement within the site and in relationship to adjoining public ways and properties.
- 5. Utilizes architectural styles compatible with the character and scale of buildings in the neighborhood.
- 6. Provides for adequate water supply and waste disposal systems. For structures to be served by on-site waste disposal systems, the applicant shall submit a system design prepared by a Commonwealth of Massachusetts licensed sanitary engineer and approved by the Board of Health.

7. Provides for adequate measures to prevent pollution of surface or ground water, to minimize erosion and sedimentation, and to prevent changes in ground water levels, increased run-off and potential for flooding.
8. Mitigates adverse impacts on the town's services and infrastructure.
9. Requires that electric, telephone, cable tv, and other utilities be underground where physically and environmentally feasible.
10. If the proposal requires a special permit, it must conform to the special permit requirements as listed in Section 9 of this By-Law.

Before approval of a site plan, the Planning Board may request the applicant to make modifications in the proposed design of the project to ensure that the above objectives are fulfilled.

(F) Planning Board Decision

The Planning Board shall render a decision within ninety (90) days of the public hearing and shall file its written decision with the Town Clerk's office and other appropriate parties in accordance with the provisions of Massachusetts General Laws, Chapter 40A.

The Planning Board's decision shall consist of either:

1. A written approval of the proposed project.
2. A written denial of the application stating reason for such denial; or
3. A written approval subject to any conditions, modifications, and restrictions as the Planning Board may deem necessary to satisfy this By-Law.

The Planning Board's decision shall be mailed to the applicant and filed with the Town Clerk. A copy shall also be sent to the Building Commissioner.

(G) Enforcement

- a. Violations of the approved site plan or any conditions of approval shall be subject to the provisions of Section 11(C) of the Zoning By-Law.
- b. Site plan approval issued under this section shall lapse at the end of one (1) year after approval if work has not commenced, except where an extension of time for good cause has been granted by the Planning Board.

(H) Appeal Process

If an aggrieved person wishes to appeal the decision of the Planning Board, the procedures as outlined in Massachusetts General Laws, Chapter 40A, Section 8 must be followed, except where a site plan approval is issued in conjunction with a special permit, wherein Massachusetts General Laws, Chapter 40A, Section 17 must be followed.