



# MONTAGUE PLANNING & CONSERVATION

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## SITE PLAN REVIEW –ZONING BYLAWS SECTION 8 WORKING DRAFT 7/2/14

Site Plan Review is a zoning bylaw that allows the Town to conduct a detailed review of certain land uses and structures that may have a substantial impact on the character and infrastructure of Town. Montague currently has a site plan review bylaw, but in practice Planning Board finds it ineffective in several key ways. Most importantly, building size is not an entirely appropriate indicator of intensity of use and a project’s impact on the community. The current bylaw fails to ‘trigger’ site plan review for high volume/ small footprint uses such as fast-food restaurants, convenience/gasoline, and some industrial and institutional uses. Secondly, the existing bylaw is somewhat murky regarding the process and procedures. The Planning Board’s proposal refines performance thresholds and identifies a clear and concise permitting process for Site Plan Review. Residents and businesses alike will benefit from a clearly articulated purpose and process.

Key substantive changes in the proposed Site Plan Review Bylaw:

- Adds new performance triggers for high-intensity uses that may otherwise not require review:
  - parking lots exceeding 10 spaces.
  - generation of vehicle trips exceeding 500 per day
  - structures/additions exceeding 3,000 Square feet in area
- Establishes streamlined permitting process when a special permit is not required in addition to site plan review
- Clarifies submittal requirements, approval guidelines, decision, and appeals process
- Removes “Environmental Impact Statement” portion of bylaw that was generally redundant to site plan review.

<b>Montague Site Plan Review Thresholds</b>	
<b>Current</b>	<b>Proposed</b>
Any structure with floor area over 5,000 Sqft	<i>Any structure with floor area over 3,000 Sqft</i>
Any development over 3 acres	Any development over 3 acres
Solar Energy Facilities	Solar Energy Facilities
Registered Marijuana Dispensaries	Registered Marijuana Dispensaries
Self-storage Facilities	Self-storage Facilities
Telecommunication facilities	Telecommunication facilities
	<i>Any use generating 500 or more vehicle trips per day</i>
	<i>Any parking area creating 10 or more new spaces</i>

## **SECTION 8 SITE PLAN REVIEW ---PROPOSED LANGUAGE 7/2/14**

### **5.2(c) Site Plan Review**

*The following activities and uses are subject to site plan review as outlined in Section 8 of this bylaw:*

- a) All uses that involve the construction or alteration or change of use of over **3,000** square feet of floor area.*
- b) All uses that involve the development of over **130,680** square feet (3 acres) of land.*
- c) Any new structure, group of new structures, changes of use, or additions which result in an increase of **500** or more vehicle trips per day, as estimated by a professional engineer or proposed in an applicant's business plan acceptable to the reviewing authority.*
- d) Construction or expansion of a parking area that creates **ten (10)** or more new parking spaces*
- e) solar energy facilities, in accordance with section 7.9*
- f) registered marijuana dispensaries, in accordance with section 7.10*
- g) self-storage facilities, in accordance with Section 7.7*
- h) telecommunication facilities, in accordance with sections 7.5 and 8.5*

### **8.1 Purpose**

The purpose of the Site Plan Review process is to provide detailed review of certain uses and structures which have a potential for significant impact on the character and infrastructure of the Town, thereby affecting the public health, safety and general welfare. Site Plan Review is intended to promote and protect the natural, environmental, scenic and aesthetic qualities of the Town of Montague.

### **8.2 Application Procedure**

All uses and structures that require Site Plan Review shall be subject to the procedures and requirements set forth in this section. The Board of Appeals or Planning Board, as appropriate, may waive any section or sections of the Site Plan that it deems inapplicable to the proposed project. Applicants are advised to discuss their projects and submittal requirements with the appropriate Board and staff prior to preparation of a Site Plan. Site Plan Approval is granted under one of the following scenarios:

- (a) **Special Permit Required**  
When a special permit is required, The Special Permit Granting Authority shall hold a public hearing, vote and issue decisions on any application filed under this section in accordance with procedures outlined in M.G.L. Chapter 40A, Sections 9 and 11.
- (b) **Special Permit Not Required**  
Uses that are allowed by Site Plan Review only are presumed to be acceptable provided that their site design and layout is appropriate. Site Plan Review shall be conducted by the Board of Appeals unless otherwise noted. A public hearing is not required and approval requires a vote of a simple majority of the Board. Failure of the Board to act within forty-five (45) days of submission shall

constitute an approval of the site plan.

### **8.3 Submittal Requirements**

All site plans shall be prepared by a professional engineer and shall at a minimum, accurately show the following information if applicable:

- (a) A locus map;
- (b) The name of the applicant and property owner, the name of the person preparing the plan, the scale, north arrow, and the date of plan;
- (c) The location and boundaries of the lot, adjacent streets or ways, and the location and owners' names of all adjacent properties;
- (d) Existing and proposed topography including contours, the location of wetlands, streams, waterbodies, drainage swales, areas subject to flooding, and unique natural land features;
- (e) Existing and proposed structures including dimensions and interior layout of proposed structures;
- (f) An elevation plan showing front, side and rear views of the proposed structure to be built;
- (g) The location of parking and loading areas, driveways, walkways, access and egress points and distance to the nearest driveways and intersections;
- (h) The location and a description of all proposed septic systems, water supply, storm drainage systems, utilities, lighting, and refuse and other waste disposal methods;
- (i) Proposed landscape features including the location and a description of screening, fencing and plantings;
- (j) The location, dimensions, height and characteristics of proposed signs;
- (k) The location, description and percentage of proposed open space or recreation areas;
- (l) A snow removal plan;
- (m) Bicycle and handicapped parking/access;
- (o) The location and description of all existing and proposed exterior storage including refuse storage;
- (p) The location and description of all existing and proposed easements;
- (q) Measures to prevent pollution of surface and groundwater, increased runoff, changes in groundwater levels, and flooding;
- (r) Design features which will integrate the proposed development into the existing landscape, maintain neighborhood character, enhance aesthetic assets and screen objectionable features from neighbors and roadways;
- (s) Control measures to prevent erosion and sedimentation during and after construction and the sequence of grading and construction activities, location of temporary control measures, and final stabilization of the site;

- (t) Estimated average daily and peak hour vehicle trips to be generated by the site and traffic flow patterns for both vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site;
- (u) Any other information required by the reviewing authority in its rules and regulations.

#### **8.4 Approval guidelines**

In considering any site plan submittal, the following concerns shall be reviewed:

- (1) Provisions for integrating the project into the existing terrain and surrounding landscape by minimizing use of wetlands, steep slopes, and hilltops; protecting visual amenities and scenic views; preserving unique natural or historical features; minimizing tree, vegetation and soil removal; and minimizing grade changes;
- (2) The use of landscaping to establish buffers between incompatible land uses and to screen unsightly features;
- (3) The provision of open spaces and pedestrian amenities available to the public;
- (4) The arrangement of access points, service roads, driveways, parking areas, lighting, and pedestrian walkways in a manner which maximizes the convenience and safety of pedestrian and vehicular movement within the site and in relation to adjacent ways;
- (5) Ease of access, travel and on-site movement for public safety equipment;
- (6) Provisions for underground placement of utilities;
- (7) Provisions for surface runoff and drainage which protects the site and adjacent properties from erosion, maximizes groundwater recharge, and prevents the collection of surface runoff on paved surfaces which may obstruct pedestrian or vehicular flow;
- (8) The siting of buildings, structures, and open spaces to permit maximum use of passive solar energy, to permit maximum protection from adverse impacts of winds, vapors or other emissions, shadows and noise, and to provide for adequate light, air and circulation;
- (9) Protection of historic features and design which does not detract from properties in the area;
- (10) Measures to prevent pollution of surface or groundwater, and to prevent increased flooding;
- (11) Provisions for exterior lighting that is safe and identifies and accents key elements in the project's design.
- (12) Compliance with the parking and loading, signage, dimensional, and all other sections of this bylaw.

#### **8.6 Decision**

The site plan may be approved or approved with conditions. Before approval of a site plan, the reviewing authority may request the applicant to make modifications in the proposed design of the project. If the site plan does not comply with the purposes and requirements of this bylaw, it may be disapproved. If disapproved, the plan may be revised and resubmitted without prejudice. Failure to act on a site plan within the required time period shall constitute approval.

**8.6.1** A municipal permit or license may be suspended when work is not performed as approved.

### **8.7 Appeals**

Decisions of site plans reviewed by the Zoning Board of Appeals may be appealed to superior court in accordance with Section 17 of the Zoning Act, MGL c. 40A. Decisions on site plans reviewed Planning Board may be appealed to the Zoning Board of Appeals in accordance with Sections 8 and 15 of the Zoning Act, MGL c. 40A.

### **8.8 Expiration**

Site plan approval shall expire within three (3) years if a substantial use thereof has not commenced. The approval may be extended or modified by the reviewing authority at the request of the applicant.

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### **Clean-up changes elsewhere in the Montague Zoning Bylaws:**

\*\*move 8.5 to 7.5.2 (Special Permit Submittal Requirements-Telecommunications Facilities).  
This section to be relocated with the telecom bylaw

Amend 5.2(c) Site Plan Review

All uses identified in section 8.2 of this bylaw require Site Plan Approval from the Zoning Board of Appeals unless otherwise stated.

Amend 5.2(d) Procedures – remove language: “environmental impact”

Amend 5.2.6(d) remove section in entirety

7.7.2 Self Storage Facilities General Provisions – remove language: “environmental impact”

Amend 9.7.1(a) WSPD special permit criteria- remove language: “environmental impact”

**CURRENT**

**SECTION 8 ENVIRONMENTAL IMPACT AND SITE PLAN REVIEW**

12/4/86      5/6/00

All uses that involve the construction or alteration or change of use of over 5,000 square feet of floor area or the development of over 130,680 square feet (3 acres) of land or a **Solar Energy Facility** shall be subject to Environmental Impact and Site Plan Review as outlined in Section 8 of this bylaw. Environmental Impact and Site Plan Review shall be conducted by the Board of Appeals unless otherwise stated.

**5.3-1 Purpose**

The purpose of the Environmental Impact and Site Plan Review process is to provide detailed review of certain uses and structures which have a potential for significant impact on the character and infrastructure of the Town, thereby affecting the public health, safety and general welfare. The Environmental Impact and Site Plan Review is intended to promote and protect the natural, environmental, scenic and aesthetic qualities of the Town of Montague.

**5.3-2 Application Procedure**

5/6/00

All uses and structures that require Environmental Impact and Site Plan Review shall be subject to the procedures and standards set forth in this section.

- (a) Applications shall specifically and thoroughly address all factors for evaluation in Section 8.
- (c) Applicants are advised to discuss their projects and submittal requirements with the appropriate Board and staff prior to preparation of an Environmental Impact Statement and Site Plan.
- (d) The Board of Appeals or Planning Board, as appropriate, may waive any section or sections of the Impact Statement or Site Plan that it deems inapplicable to the proposed project.
- (d) In reviewing applications under this section, the Board of Appeals or Planning Board, as appropriate, may require modifications, conditions and safeguards reasonably related to this section and based upon the purposes stated in Section 8.
- (e) The Board of Appeals or Planning Board, as appropriate, shall hold a public hearing, vote and issue decisions on any application filed under this section in accordance with procedures outlined in M.G.L. Chapter 40A, Sections 9 and 11.

**5.3-3 Impact Statement**

5/6/00

- (a) The applicant shall submit an impact statement, prepared by a registered professional engineer, to explain how the project will promote the environmental health of the community and minimize if not eliminate adverse effects on the natural resources and infrastructure of the Town.

(b) Factors for Evaluation of Impact Statement

In reviewing the statement, the Board of Appeals or Planning Board, as appropriate, shall assure:

1. Protection against detrimental or offensive uses by control of glare, noise, heat, smoke, dust, vibration and wastes and the preservation of light and air quality;
2. Preservation of the flow and quality of surface and ground waters, provision of adequate surface water drainage and consideration of the degree to which water is recycled into the ground;
3. Safety and adequacy of on- and off-site vehicular and pedestrian movement;
4. Preservation or promotion of wildlife refuges and habitats, historic sites, unique geological, botanical and archeological features, existing or potential trails and access to open space areas;
5. Consideration of the impact of the project on Town infrastructure and services

**5.3-4 Site Plan**

5/6/00

The applicant shall submit a site plan prepared by a registered professional engineer, and if applicable, a building plan, to enable the Board of Appeals or Planning Board, as appropriate, to determine if the project will promote the orderly development of infrastructure and the natural, scenic and aesthetic qualities of the Town.

(a) Factors for Evaluation of Site Plan.

In reviewing the Site Plan, the Board of Appeals or Planning Board, as appropriate, shall assure that the design is adequate and the following factors are appropriately addressed:

- Building design
  - Building location and its relationship to the site and adjoining area.
  - Lot coverage
  - Landscaping and site treatment
  - Traffic capacity and safety, parking and pedestrian access
  - Surface water drainage
  - Utility services and proposed connections
  - Exterior lighting and signage
  - On-site waste disposal
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