



MONTAGUE PLANNING & CONSERVATION

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SITE PLAN REVIEW –ZONING BYLAWS SECTION 8 WORKING DRAFT 8/13/14

Summary:

The purpose of the Site Plan Review process is to protect the health, safety, and convenience, and general welfare of the inhabitants of Montague by ensuring that certain types of development does not create safety hazards, significant impacts on the environment, public infrastructure, abutters, etc. Issues dealt with during site plan review include site layout, circulation, landscaping and buffering, lighting, placement of signage, stormwater management, snow storage, and placement of utilities.

Montague currently has a site plan review bylaw, but in practice Planning Board finds it needs updates in order to meet the goals of the town. Under the proposed changes, the Zoning Board will continue to be the reviewing authority for Site Plan Review, with the Planning Board as the reviewing authority in the industrial district, however the regulations will ensure consistency among procedures followed by each board.

In cases where both a special permit and a site plan are required for a project, the two processes are combined into a single process with a single public hearing. However, when only site plan review is required, the use is presumed appropriate in that zoning district and the approval process is streamlined to a 45 day review process without a formal hearing.

Because building size and development acreage is not an entirely appropriate indicator of intensity of use and a project’s impact on the community, the proposed bylaw would require site plan review based on traffic generation and parking needs in addition to building size and development scale. (Think fast-food restaurants, convenience/gasoline, and some industrial and institutional uses with a small scale but high intensity of use).

The Planning Board’s proposal refines performance thresholds and identifies a clear and concise permitting process for Site Plan Review. The proposal removes “Environmental Impact Statement” portion Section 8 that was generally redundant to site plan review and other permitting procedures. Other sections of the bylaw are updated accordingly. Telecommunication facilities will now be special permit with special review requirements rather than site plan review *and* special permit. Residents, local officials, and developers alike will benefit from a clearly articulated purpose and process for site plan review.

Montague Site Plan Review Thresholds	
Current	Proposed
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	<i>Any parking area creating 10 or more new spaces</i>
	<i>Any use generating 500 or more vehicle trips per day</i>

PROPOSED TEXT FOR PUBLIC HEARING
DRAFT 8.13.2014

Strike text from section 5.2(c) in its entirety and replace it with the following text:

5.2 (c) Site Plan Review:

Certain uses and activities identified in section 8.2 are subject to site plan review. Site Plan Review shall be conducted by the Board of Appeals unless otherwise noted.

Strike text from section 5.2(d) in its entirety and replace it with the following text:

5.2(d) Procedures:

All applications for Special Permits and Site Plan Review from the Board of Appeals or the Planning Board shall be subject to the procedural requirements established by the respective Board, unless otherwise noted in these bylaws.

The Board of Appeals or Planning Board may determine that the assistance of outside professional expertise is required due to the size, scale, or complexity of a given project or its potential impact on the health, safety, and welfare of the Town. When outside review is determined to be necessary, the Board may require that the applicant pay all reasonable expenses for this purpose, in accordance with the Board's regulations and M.G.L. Chapter 44 Section 53G.

Strike text from section 5.2.6 (d) in its entirety and replace it with the following text:

5.2.6 (d) Uses Subject to Site Plan Review from the Planning Board:

All uses covered in Section (a) that involve one or more of the applicability requirements identified in Section 8.2

Strike text from Section 7.5.2 in its entirety and replace it with the following text:

7.5.2 General Provisions.

Telecommunication Facilities may be allowed by Special Permit from the Board of Appeals pursuant to Section 5.2, Section 7.5. Conditions shall maximize the shared use of any new or existing structures to minimize the required number of such facilities; and shall minimizing adverse visual impacts through careful design, siting, and screening. No Facility shall be located in a (RS) Residential District. (see: Section 2. Definitions)

Add Section 7.5.3 -Special Permit Submittal Requirements-Telecommunications Facilities. (formerly section 8.5). renumber subsequent sections accordingly

7.5.3 Special Permit Submittal Requirements-Telecommunication Facilities

The following materials shall be submitted with the Special Permit application for Telecommunication Facilities.

1. Site Plan shall be prepared by a registered engineer. The plan shall include four (4) view lines in a one (1) mile radius from the proposed site, shown beginning at True North and continuing clockwise at ninety (90) degree intervals. In addition the applicant shall set a balloon at the location and height of proposed towers.
2. A report from a registered engineer shall:
 - a. demonstrate that the facility complies with all applicable standards of the State and Federal governments;
 - b. describe the capacity of the tower or facility including the number and type of transmitter/receivers that it can accommodate;
 - c. describes the planned layout of all facilities in Montague and abutting Towns;
 - d. describes all accessory structures to be constructed on site.
3. A copy of the requests made by the applicant to the Federal Aviation Administration (FAA) and the Massachusetts Aeronautics Commission, including responses from those agencies, demonstrating compliance with applicable regulations related to the facility.
4. A locus map at an appropriate scale showing all buildings within 500 feet of the proposed facility.
5. A copy of the co-location agreements.
6. Independent verification of any materials or data submitted as a part of an application to the Zoning Board of Appeals shall be accomplished at the expense of the applicant.

Strike text from section 7.7.2 in its entirety and replace it with the following text:

7.7.2 General Provisions:
Site Plan Review is required

Strike Section 8 in its entirety and replace it with the following text:

SECTION 8. SITE PLAN REVIEW

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 Applicability

The following activities and uses are subject to site plan review:

- a) All uses that involve the construction or expansion 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) All uses that involve the construction or expansion of a parking area that creates ten (10) or more new parking spaces.
- e) self-storage facilities, in accordance with Section 7.7
- f) solar energy facilities, in accordance with section 7.9
- g) registered marijuana dispensaries, in accordance with section 7.10

8.3 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.

8.4 Site Plan Elements

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

- (a) The name of the applicant and property owner, the name of the person preparing the plan, a locus map, a scale, a north arrow, and the date of plan;
- (b) The location and boundaries of the lot, adjacent streets or ways, and the location, zoning designation and owners' names of all adjacent properties;
- (c) Existing and proposed topography including contours, the location of wetlands, streams, waterbodies, drainage swales, areas subject to flooding, and unique natural land features;
- (d) Existing and proposed structures including dimensions and interior layout of proposed structures;

- (e) An elevation plan showing front, side and rear views of the proposed structure to be built;
- (f) The location of parking and loading areas, driveways, walkways, access and egress points, including handicapped and bicycle parking.
- (g) The location and a description of all proposed septic systems, water supply, storm drainage systems, utilities, lighting, and other waste disposal methods;
- (h) The location of fire lanes and hydrants;
- (i) A snow removal plan;
- (j) The location and description of all existing and proposed exterior storage including refuse storage;
- (k) Proposed landscape features including the location and a description of screening, fencing and plantings;
- (l) The location, dimensions, height and characteristics of proposed signs;
- (m) The location, description and percentage of proposed open space or recreation areas; ;
- (n) The location and description of all existing and proposed easements;
- (o) Measures to prevent pollution of surface and groundwater, increased runoff, changes in groundwater levels, and flooding;
- (p) 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;
- (q) 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;
- (r) 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;
- (s) Any other information required by the reviewing authority in its rules and regulations.

8.5 Approval guidelines

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

- (a) 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;
- (b) The use of landscaping to establish buffers between incompatible land uses and to screen unsightly features;
- (c) The provision of open spaces and pedestrian amenities available to the public;

- (d) 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;
- (e) Ease of access, travel and on-site movement for public safety equipment;
- (f) Provisions for underground placement of utilities;
- (g) 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;
- (h) 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;
- (i) Protection of historic features and design which does not detract from properties in the area;
- (j) Measures to prevent pollution of surface or groundwater, and to prevent increased flooding;
- (k) Provisions for exterior lighting that is safe and identifies and accents key elements in the project's design.
- (l) 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. **Decisions are filed with the Inspector of Buildings.**

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 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 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.

Strike text from section 9.7.1(a) in its entirety and replace it with the following text:

- (a) The Planning Board may grant the required Special Permit only upon finding that the proposed use:
- 1) In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water available in the WSPD, and;
 - 2) Be designed to minimize disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

CURRENT BYLAW

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

