



MONTAGUE PLANNING BOARD ADMINISTRATIVE REGULATIONS

REGARDING APPLICATIONS AND PLAN REVIEW UNDER SMART GROWTH OVERLAY 40R DISTRICTS

- 1. Authority:** These Administrative Regulations are adopted and applicable under the authority granted to the Planning Board, acting as the Plan Approval Authority as provided for under 760 CMR 59.00, in Section 10.8.3 of the Town of Montague Zoning Bylaw.
- 2. Applicability:** These Administrative Regulations apply to projects proposed for any of the Town's Smart Growth Overlay 40R Districts governed by Section 10 of the Zoning Bylaw.
- 3. Relationship to Section 10:** The provisions of these Administrative Regulations are supplemental to the provisions of the Town's Zoning Bylaw Section 10. Where there is a conflict between these Administrative Regulations and Section 10 of the Town's Zoning Bylaw, the provisions of Section 10 shall govern.
- 4. Point of Contact.** The Town Planner is the central point of contact for the Smart Growth Overlay Districts. As such, the Town Planner is available to coordinate and facilitate meetings with the various departments.
- 5. Determination of Completeness.** The Town Planner shall review all applications for approval to determine if the application requirements have been met. Since Section 10 of the Zoning Bylaw does not make provision for a determination of completeness, this determination will be advisory to the applicant and the Planning Board, functions as the Plan Approval Authority.
- 6. Pre-Application Process.** Engagement with the abutters and the Town prior to preparing permitting plans can afford an opportunity to incorporate concerns into the initial plans and expedite the project approval process. Applicants are encouraged to engage with the surrounding community and Municipal staff in a coordinated fashion in preparing their project plans. Accordingly, applicants are encouraged to:
 - Meet with the Town Planner before planning a proposed project;
 - Engage in outreach to the "abutters" and their neighbors in a timely manner which allows for consideration of community concerns in developing the project plans; and,
 - Prepare and Submit plans for a "Pre-Application Review".

Applicants are encouraged to use the Town's "on-line" mapping program to identify the owners of property within a "reasonable" radius or proximity to the project site. The program will also prepare mailing address lists for these owners which will allow the prospective applicant to notify the owners and invite them to a pre-application forum. The program may be accessed via the following link found on the Assessors page of the Town's website:

<https://www.axisgis.com/montaguema/>

The Town is willing to assist the prospective applicant to secure public meeting space for such a forum if requested. Alternatively, prospective applicants can use the program to identify the residences nearby and meet with the nearby property owners one on one to discuss the project concept.

7. Relevant municipal Boards, Departments, Commissions and Officials. The Planning Board is required to notify “relevant municipal Boards, Departments, Commissions, and Officials” of pending applications. On the Board’s behalf, the Town Planner will determine which municipal Boards, Departments, Commissions, and Officials are deemed relevant to the pending application for the purposes of coordinating the project plan reviews.

a. Presumed to be relevant. The following are presumed to be the “relevant municipal Boards, Departments, Commissions and Officials”:

- i. Fire Chief for the Fire District in which the Smart Growth is situated
- ii. Water Superintendent for the Fire District in which the Smart Growth is situated
- iii. DPW Superintendent
- iv. Building Inspector
- v. Clean Water Facility Superintendent
- vi. Conservation Commission through/by the Conservation Agent/Planner
- vii. Board of Health through/by the Public Health Director
- viii. Police Chief
- ix. Town Administrator
- x. Selectboard

However, the Town Planner may deem other Boards, Departments, Commissions, and Officials as relevant to the pending application.

- xi. Montague Economic Development and Industrial Corporation (EDIC) Planning Areas. For projects within the Montague Economic Development and Industrial Corporation (EDIC) Planning Areas, the Montague Economic Development and Industrial Corporation (EDIC) will be deemed a relevant “municipal board”.

b. Board determination. If a Concept Plan review is undertaken, the Planning Board will, as part of that review, make a determination of the relevant municipal Boards, Departments, Commissions, and Officials for the purposes of the Plan Approval process. If a Concept Plan review is not undertaken, the Town Planner’s determination will be followed unless the Board determines otherwise in the course of the public hearing on the Plan Approval Application.

8. Pre-Application Review. The purpose of the Pre-Application Review is to better enable applicants and the community to ensure that a Project subject to Plan Approval will conform to the Town’s requirements in the respective Smart Growth Overlay Sub-District. This part sets forth what should be submitted as part of such a review and the procedures for the review. The Board encourages prospective applicants to submit plans for Concept Review.

a. Pre-Application Requirements – As provided in Section 10.9.1, prior to the submittal of a Plan Approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof.

Such Concept Plan should reflect the following:

- i. Overall building envelope areas;
 - ii. Open space and natural resource areas; and
 - iii. General site improvements, groupings of buildings, and proposed land uses. The Concept Plan is intended to be used as a tool for both the Applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the Smart Growth Overlay Districts
- b. Anticipated Waivers. Additionally, the prospective applicant should also note what, if any, waivers they anticipate requesting.
- c. Determinations in Concept Plan Review phase. As part of this Concept Review process, the Town can be expected to make the following determinations:
- i. Determination of Relevant departments, boards, and commissions
 - ii. Scope of special studies that would be expected of the applicant
 - iii. General, overall compliance with Design Standards
 - iv. Peer Reviews that would likely be required for the submittal for Plan Approval.

9. Plan Approval Application Requirements. All applications for Plan Approval shall contain all items specified in Sections 10.9.2 and 10.5.3 of the Zoning Bylaw.

- a. Additional Requirements. In addition to the details required under Sections 10.9.2 and 10.5.3 of the Zoning Bylaw, the following materials are also to be submitted with the Application:
- v. Description as to how the project, as designed, conforms to the adopted Design Standards for the applicable Smart Growth Overlay Sub-District;
 - i. Any waivers from the Design Standards, these Administrative Regulations, or the Zoning Bylaw that are being requested as well as the explanation of the reason for the requested waivers and how the waivers would conform to the criteria for granting such waivers.
 - ii. Description as to how the proposed development is coordinated with other proposed developments on the same or adjacent parcels – whether those proposed developments will be submitted under Section 10 or the underlying zoning.
- b. Stormwater Management Plan. If the proposed development involves an activity which triggers the requirement for submitting a stormwater management plan and detailed drainage computations under Town of Montague Stormwater System Policy, the application should also provide all the materials required for such an application.

10. Plan Review and Approval Procedures.

- a. Determination of Completeness. The Town Planner shall determine whether an application is complete within 5 calendar days of its submittal to the Town Clerk. In determining whether an application is complete, the Town Planner shall solely assess whether the information required by Section 10 of the Zoning Bylaw and these Administrative Regulations has been provided. If the required information has been provided, then the Town Planner shall determine that the

application is complete. Conversely, if the Town Planner determines that the required information has not been provided, then the Town Planner shall determine that the application is incomplete.

i. Determination that application is Incomplete.

- a) If the Town Planner determines that the application is incomplete, promptly but in no less than 5 calendar days of said determination, the Town Planner shall notify the applicant of the determination and detail the basis for said determination (identifying the specific application requirements which have not been met). A copy of said determination shall also be filed with the Town Clerk and provided to the reviewing boards/departments.
- b) This notification shall include a reminder that as provided for under Section 10.10.2, failure to provide the required information may be a basis for plan denial.
- c) The determination that the application is not complete, in the opinion of the Town Planner, shall not by itself halt the processing of the application. However, if the applicant formally requests that the processing be halted until the deficiencies have been corrected and the applicant grants the Town an appropriate extension for beginning the public hearing and the deadline for filing of a Planning Board (as the Plan Approval Authority) Decision, then the processing of the application will be delayed as requested and authorized.

- b. Circulation to Other Boards. Upon completion of the review and determination whether an application is complete, except as provided in Section 10a.i.c) above, the Town Planner shall provide a copy of the application materials via digital/electronic means to all relevant municipal Boards, Departments, Commissions and Officials and, if the project is subject to Affordability requirements, the Monitoring Agent. These entities shall provide any written comments within 60 days of receipt of the plan and application by the Town Clerk.
- c. Scheduling of Public Hearing. The Town Planner shall schedule the public hearing to be held within 60 days of completing the Determination of Completeness review and notifying the applicant and the Town Clerk of the Town Planner's findings.
- d. Decision –Scheduling and Filing. The Planning Board shall make a Decision on the Plan Approval application as stated in Section 10 of the Zoning Bylaw. The Town Planner shall schedule a decision on the Plan Approval application such that the Written Decision can be filed with the Town Clerk within the time frame allowed by Section 10.

11. Application Fees. Applicants are required to file the appropriate fee when filing their application. The payment shall be delivered to the Department of Planning & Conservation in accordance with the following schedule:

- a. Single-family, two-family, three-family, and/or Multifamily residential uses: \$200
- b. Mixed-use Projects: \$200

- c. **Public Hearing and Notification of Abutters Fees:** In addition to the required application fee (as set forth in 11a through 11f above), the following fees are to be assessed to and paid by the applicant:
 - i. Notices to Abutters - actual cost of postage. This charge must be paid prior to beginning of public hearing.
 - ii. Public Hearing Advertisement – actual cost. This charge must be paid prior to beginning of public hearing.
- d. **Application Review Fees:** To the extent authorized under Section 10 Enabling Law, in particular MGL c. 40R, s. 11(a) and required under the Planning Board’s General Rules and Regulations, as authorized by MGL c 44, Section 53G and as certified and submitted to EOHLIC on [REDACTED], 2023, in addition to those fees established in Section 3 above, the Planning Board may impose a fee, for project review on those applications which require, in the judgment of the Planning Board, review by outside professional consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval.

12. Application Forms and Required Attachments. All applications, to be deemed complete, must include, at a minimum the following:

- a. Application Form. A completely filled out and signed application form (the application must be signed by an authorized representative of the applicant).
- b. Project Narrative. A narrative describing the proposed project and detailing how the proposed project conforms to the applicable portions of Section 10 of the Zoning Bylaw-
- c. Development Narrative. A narrative describing all uses, breakdown of square footage for each use, number of housing units, and zoning summary.
- d. Site Management Narrative. A description of how the site will be managed to address issues such as, but not limited to, trash management, snow plowing, plowing, deliveries – particularly for businesses, parking lot and driveway sweeping. Schedules for conducting such operations need to be respectful of the adjacent and nearby land uses – particularly other residential uses.
- e. Photos. Photos of adjacent properties and other properties impacted by the development project.
- f. Project Phasing. A timeline for undertaking the development, particularly identifying any proposed project phasing.
- g. List Waivers Requested and Reasons for Waivers. A separate document detailing the waivers being requested and how the waivers conform to the criteria for granting of such waivers including the practical reasons the waivers are being requested with specific reference to Section 10.10.3.
- h. Project Plans. Plans conforming to the requirements of Section 10.9.2 as supplemented by these Administrative Regulations.
- i. Relationship to other Developments. A narrative – supplemented by graphics as the applicant determines is appropriate – which describes how the proposed development relates to the uses and other proposed developments on the same property or adjacent parcels.
- j. Construction Logistics Plan. Plan to outline the following:
 - i. Construction timeline and expected completion dates for each phase;
 - ii. Location of parking for contractors;

- iii. Location of on-site and off-site staging, such as for construction vehicles, including cement trucks;
- iv. Location of fencing around construction site;
- v. Details and locations of directional, marketing and job signs related to construction;
- vi. Emergency contact information, such as name and cell phone number of developer and contractor;
- vii. Information about construction signs, including advertising signs for contractor, developer and architect;
- viii. the company affiliation, name, address and business telephone number of the construction superintendent who shall have overall responsibility for construction activities on the Project Site;
- ix. proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work; Any other relevant information that they may request.

13. Waivers. Generally, waivers are to be requested as part of the initial application. However, it is recognized that during the course of a Plan Approval review, the need for a waiver may arise to address a particular issue that has arisen. In such circumstances, the Board will allow the applicant to incorporate the additional waiver into their project without restarting the Plan Approval process.

14. Monitoring Agent: The Zoning Bylaw provides that the Planning Board is to designate a Monitoring Agent, which may be the Planning Board or other qualified housing entity, with the power to monitor and to enforce compliance with the provisions related to Affordable Units.

- a. As part of its Plan Review process, the Planning Board may ask the Selectboard to designate the Monitoring Agent for a particular project.
- b. Where all or a portion of affordable units required under Section 10 are further subject to affordability restrictions under a state or federal subsidy program, and monitoring of such units is already provided for under the corresponding subsidy/financing program, provided the subsidizing agency agrees, the Monitoring Agent required under Section 10 shall be the respective subsidizing agency for the term of the subsidy with provisions made for what entity shall assume responsibility for monitoring in the event the term of affordability required under the Plan Approval Decision exceeds that required under the applicable subsidy program.

15. Procedural History: On [REDACTED], 2023, the Town of Montague Planning Board held a public meeting, pursuant to 760 CMR 59.00, in Section 10 to consider the proposed Administrative Regulations. At the close of the public meeting, the Planning Board voted to adopt Administrative Regulations governing Plan Submittal and Approval procedures and requirements for applications for Plan Approval under Section 10 of the Zoning Bylaw. On [REDACTED], 2023, Executive Office of Housing and Livable Communities (EOHLC) approved the Administrative Regulations as presented herein.