

## SECTION 13: DEVELOPMENT SITE PLAN REVIEW (added May 8, 2007; revised May 9, 2012, revised sect. c May 6, 2014)

**13.1-Purpose.** The purpose of Site Plan Review is to ensure that new developments are designed in a manner which reasonably protects the environmental and scenic qualities of the neighborhood and the Town.

**13.2-Site Plan Review Process.** The Site Plan Review process will be conducted by the Planning Board.

**13.3-Applicability.** Site Plan Review shall be required for the following types of activities and uses:

13.3.1-Cluster Developments (see Section 7.6);

13.3.2-Outdoor storage, sales or display associated with any retail use;

13.3.3-Construction, exterior alteration or exterior expansion of more than 1,000 square feet of, or change of use within a municipal, institutional, commercial, industrial, or multi-family structure;

13.3.4-Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multi-family structure;

13.3.5-Grading, clearing, or other land development activity EXCEPT for the following: single family residences, landscaping on a lot with an existing dwelling, clearing necessary for percolation and other site tests, work incidental to agricultural activity, or work in conjunction with an approved subdivision plan or earth removal permit;

13.3.6-Construction, operation, and/or repair of Large-Scale Ground-Mounted Solar-Photovoltaic Systems occupying a footprint greater than 0.10 acres.

13.3.7-Any use listed in the Use Regulation Schedule (Section 4.2) as requiring Site Plan Review.

**13.4-Procedures.** An applicant for Site Plan Review shall file a completed application with the Town Clerk. The Town Clerk shall acknowledge receipt of the plans by signing and dating the application form. The application submitted to the Town Clerk shall include seven (7) copies each of an application form, Site Plan and any narrative documents as outlined in the submittal requirements. Upon receipt of the application, the Town Clerk shall transmit copies of the application to the Planning Board, Zoning Board of Appeals, Conservation Commission, the Board of Health, the Building Inspector, the Highway Superintendent, the Fire Chief and the Police Chief. In addition, the Town Clerk will notify the Historical Commission and Open Space

Committee that a copy of the application is available for review at Town Hall. These Town Boards and municipal officials shall have 45 days from the date the completed application is received by the Town Clerk to report to the Planning Board their findings and recommendations, and they can attend the public hearing(s). No building permits for projects requiring Site Plan Review shall be issued until the Planning Board has approved the Site Plan or unless the required time period for taking action on a Site Plan has lapsed without action from the Planning Board. The applicant is also responsible for obtaining all applicable permits or approvals that may be required for the proposed development from other Town Boards or municipal officials.

**13.5-Public Hearing.** The Planning Board shall hold a public hearing within 65 days after the filing of an application and shall take final action on an application for Site Plan Review approval within 90 days of the close of the public hearing. Notice and posting of the public hearing shall comply with the provisions of MGL c. 40A, §11, regarding notice for public hearings. To the extent permitted by law, the public hearing should be coordinated with any other public hearing required for a definitive subdivision plan or a Special Permit.

**13.6-Required Contents of a Site Plan.** All Site Plans shall be prepared by a registered architect, registered land surveyor, registered landscape architect, or professional engineer. A locus map at a scale of 1" = 100 feet shall be provided showing parcels and roads within 300 feet of the property line. The Site Plans shall be on standard sheets of 24 inches by 36 inches and prepared at a scale of 1" = 40 feet or finer. The Site Plan and accompanying narrative shall contain the following:

- 13.6.1-Name of project, boundaries, locus map(s) showing site's location in Town, date, north arrow and scale of plan;
- 13.6.2-Name(s) and address(es) of the owner(s) of the land, the developer (if applicable), and/or their designee;
- 13.6.3-Name, title, and address of person(s) who prepared the plan;
- 13.6.4-Names and addresses of all owners of record of abutting lots and those within 300 feet of the property line;
- 13.6.5-All existing lot lines, easements and rights of way;
- 13.6.6-Location and use of buildings and structures within 300 feet of the site;
- 13.6.7-Location and use of all existing and proposed buildings and structures, including approximate height and floor area;
- 13.6.8-Location and size in acres of wetlands on the site reviewed and approved by the Colrain Conservation Commission;
- 13.6.9-The location and a description of all proposed septic systems, sewer connections, water supplies, storm drainage systems, utilities and other waste-disposal methods;
- 13.6.10-Location and date of all registered "perc" tests on the site;
- 13.6.11-Location of all proposed new lot lines;
- 13.6.12-Existing and proposed topography at a two-foot contour interval for the proposed grading and landscape plan;
- 13.6.13-Location of proposed public and private ways on the site;

13.6.14-Location and size of proposed parking and loading areas, driveways, walkways, access and egress points;

13.6.15-The location and a description of proposed open space or recreation areas;

13.6.16-Size and location of existing and proposed sign(s);

13.6.17-Surface drainage strategy that prevents increased drainage off-site or pollution;

13.6.18-Existing vegetation that will be left undisturbed and proposed landscape features, including the location and a description of screening, fencing and plantings using non-invasive species;

13.6.19-Design features which will integrate the proposed development into the existing landscape, maintain neighborhood character, and screen objectionable features from neighbors and roadways;

13.6.20-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.

**13.7 Decision.** The Planning Board's action shall consist of either:

13.7.1-Approval of the Site Plan based upon the determination that the proposed project is in compliance and consistent with the criteria set forth in this Bylaw;

13.7.2-Approval of the Site Plan subject to conditions, modifications, and restrictions as the Planning Board may deem necessary; or

13.7.3-Denial of the Site Plan based upon specific findings such as a determination that there was insufficient information submitted with the proposal to adequately review it or that the project is inconsistent with the requirements of these Zoning Bylaws.

The decision of the Planning Board shall be filed with the Town Clerk within 90 days of the close of the Public Hearing and the written record of the decision including any approved Site Plan shall be filed with the Town Clerk within 14 days of the final vote or sooner to meet the 90-day maximum time frame. A copy of any approved Site Plan and the decision of the Planning Board shall be sent by the Town Clerk to the Building Inspector and to the Registry of Deeds, where applicable.

**13.8-Administration and Waivers.** The Planning Board may adopt and from time to time amend regulations for the submission and approval of Site Plans. The Planning Board may waive any of the requirements for Site Plan submittal and approval if the simplicity or scale of the project warrants such action. The Planning Board may also request any additional information it should need to render a decision. For large or complex projects, the Planning Board shall have the right to retain a registered professional engineer, planner, designer or other professional to advise the Board regarding any or all aspects of the Site Plan. The applicant shall be responsible for the costs of such advice.

**13.9-Compliance with Other Bylaws.** The Site Plan shall comply with any zoning bylaws for parking, loading, dimensions, environmental controls and all other provisions of the Zoning Bylaw. Before approval of a Site Plan, the Planning Board may request that the applicant make modifications in the proposed design of the project to ensure that the above criteria are met.

### **13.10-Review Criteria**

The Planning Board's evaluation of the proposed Site Plan shall include, as appropriate, the following:

13.10.1-Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.

13.10.2-Adequacy and arrangement of pedestrian traffic access and circulation, pedestrian walkways, control of intersections with vehicular traffic and overall pedestrian safety and convenience.

13.10.3. Location, arrangement, appearance and sufficiency of off-street parking and loading.

13.10.4-Location, arrangement, size, design and general site compatibility of buildings, lighting and signs in relation to the terrain and to the use, scale, and proportions of existing and proposed buildings in the vicinity.

13.10.5-Selection and location of lighting fixtures so that they are pedestrian in scale, prevent light pollution of the night sky, and do not produce illumination beyond the property boundaries. Full cut-off down lighting fixtures that do not project light above the horizontal plane shall be used in all instances.

13.10.6-Location of buildings to provide a solar and wind orientation which encourages energy conservation, if appropriate.

13.10.7-Adequacy of landscaping to provide a visual buffer from abutting properties, to provide shade to improve energy efficiency during the summer months, and to improve the visual appearance of parking areas and the site in general.

13.10.8-Findings of the Zoning Board of Appeals relative to whether approval of a proposed site plan, with or without conditions, modifications, or restrictions, would be contrary to the protection of the environmental or scenic characteristics of the neighborhood or the Town, or the avoidance of conditions likely to create a nuisance affecting abutting properties.

**13.11-Appeal.** An appeal of a Site Plan Review Decision by the Planning Board shall be filed in a court of competent jurisdiction in accordance with MGL c. 40A, §17.

