

Section 12**SITE PLAN REVIEW**

(As Amended through June 19, 2013 STM.)

(A) Purpose

(As Amended June 19, 2013 STM.)

The purpose of site plan review is to ensure that new development is designed in a manner that protects the health, safety, convenience and general welfare of residents of the Town by ensuring that the proposed development of specific sites complies with all applicable bylaws and regulations, fulfills any applicable site design guidance provided by the South Hadley Master Plan and applicable design guidelines adopted by the Planning Board, preserves or enhances the unique character and visual qualities of the Town including, where appropriate, historic character, rural character, natural areas, environmental and natural resources, and scenic vistas, and promotes sustainable design and development that supports long-term economic vitality and ecological integrity.

(B) Projects Requiring Site Plan Review

(As Amended June 19, 2013 STM.)

1. The construction or exterior expansion of commercial structures;
2. The construction or exterior expansion of industrial structures;
3. The 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. The construction or exterior expansion of any educational institution or religious institution;
5. Any other use specified in Section 5(E), 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 are 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. Where a use is allowed with only site plan review and no special permit is required, the use shall be approved if it satisfies the criteria in this Section 12.
6. Any use that requires a special permit as specified in Section 5(E), in which case a single review and approval process shall be conducted, as provided in Sections 9B(1) and 12D(3).

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

(As Amended June 19, 2013 STM.)

Each application for Site Plan Review shall be submitted to the Planning Board on the appropriate form. The Planning Board shall adopt Rules and Regulations setting forth the application requirements. As part of the Planning Board's fee schedule, the board shall require an application fee with each submission sufficient to cover any expenses connected with the public hearing and review of plans. A Special Municipal Account under MGL Chapter 53, Section 44G may be required as determined by the Planning Board.

(D) Procedures for Site Plan Review

(As Amended June 19, 2013 STM.)

1. The Planning Board shall adopt Rules and Regulations setting forth the application processing procedures. These procedures shall provide for a reasonable and timely review of the application including advertising, notice and holding of a public hearing within 65 days of the receipt of an application and a final decision within 90 days following the public hearing.
2. The Planning Board may make provisions in its Rules and Regulations for "minor Site Plan Review" for projects which would not qualify for a waiver under Section 12(B) of this Zoning Bylaw. Such provisions shall allow approval of minor Site Plan Review projects without holding a public hearing,

provided the Board makes findings that the project conforms to the Site Plan Review criteria within this Zoning Bylaw.

3. 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.
4. For the purpose of securing the performance of all proposed work including landscaping and off-site improvements, the Board may, in its sole discretion, 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

(As Amended June 19, 2013 STM.)

The Planning Board shall review the site plan and supporting data taking into consideration whether the proposed site plan reasonably fulfills the following objectives (as used in this subsection E, the word “shall” is mandatory and the words “should” and “may” are recommended but optional):

1. Compliance with all requirements of this bylaw, all other applicable regulations and bylaws, and consistency with the South Hadley Master Plan.
2. Integration of the site into the existing terrain, surrounding landscape and built environment so as to minimize disruptions to natural processes, existing land forms, architectural character, and significant vistas.
3. Site design that, to the extent feasible:
 - a. avoids wetlands, wetland buffers, rivers, river resource areas, vernal pools, sensitive habitats, steep slopes, floodplains, and hilltops;
 - b. minimizes obstruction of scenic views from publicly accessible locations;
 - c. preserves unique natural, scenic, cultural, or historical features;
 - d. minimizes tree, vegetation and soil removal and grade changes;
 - e. provides open space with a scale and character that is appropriate to the surrounding area; and
 - f. screens objectionable features from neighboring properties and roadways.
4. If the proposal requires a special permit, it must also conform to the special permit requirements in Section 9 of this By-Law.
5. Structures shall be compatible with the character and scale of structures in the neighborhood and zoning district.
 - a. Proposed structures shall be compatible in character and scale through the use of appropriate massing, roof and wall lines, façade proportions and detailing, fenestration, ornamentation, and other architectural techniques

- b. Proposed building or buildings shall relate harmoniously to neighboring buildings and each other with adequate light, and air circulation and separation between buildings.
 - c. Where appropriate, buildings shall be arranged so as to define outdoor spaces, including streets and plazas.
 - d. The Planning Board may consider whether the location, size, and style of entrances are compatible with the neighborhood's character.
 - e. Buildings shall be designed to avoid large expanses of undifferentiated facades, and long plain wall sections.
 - f. The Planning Board shall consider whether fenestration is consistent with the neighborhood's and/or Town's character. The Planning Board may consider window type (double hung, casement, etc.), alignment, proportions, percent of glazing, and proportion to façade, but may not regulate building materials.
 - g. Electrical and mechanical equipment (whether rooftop, ground level, or wall-mounted) shall be screened from public view using materials harmonious with the building or shall be located where they are not visible from any public way.
 - h. Applicants are encouraged to locate and design buildings such that they maximize solar access during cooler months and control solar gain during warmer months.
6. Landscaping shall be an integral part of the proposed site design, and shall enhance the design and arrangement of structures, define usable public and private outdoor spaces, integrate the site into the surrounding landscape, as appropriate, and provide buffering from objectionable or noxious elements both within the site between the site and the surrounding area.
- a. Landscape plantings and other landscape elements shall be encouraged to create pedestrian scale spaces and to maintain landscape continuity within the community.
 - b. The need for irrigation, fertilization, and/or use of pesticides should be minimized through the selection of vegetation that thrives under the site's proposed conditions, including temperature, light, moisture, air circulation, soil type and quality, and stress from salt.
 - c. The preservation of mature plant species, hedgerows, and woodlots shall be encouraged and included as a design element in the development of the site and to serve as natural buffer.
 - d. Landscape buffers shall be provided between parking lots and public streets and between uses that may be incompatible, such as large-scale commercial uses and residences. Such buffers may include planted trees and shrubs, hedgerows, berms, existing forestland, or forest created through natural succession. The width of such buffer areas will depend upon the topography, scale of the uses, and their location on the property and nature of buffer composition, unless this bylaw indicates that specific widths are required for a particular situation. Where excessive noise contributes to the incompatibility, sound barrier fencing may be required.

- e. Screening shall be required for loading docks, storage areas, dumpsters, utility buildings and similar features. Screening may include planted trees and shrubs, hedgerows, berms, existing vegetation, and fences.
 - f. The Planning Board may require that shade trees at least six feet tall and two-inch caliper be planted and maintained at 20- to 40-foot intervals along roads, at a setback distance acceptable to the Highway Superintendent.
 - g. The Planning Board may require that at least 30% of a new parking area be shaded by tree and vegetation canopies upon their full growth.
 - h. Where appropriate, planting areas should be designed to capture, use and infiltrate storm water runoff.
7. Site designs shall provide for the convenience and safety of vehicular, bicycle, and pedestrian movement within the site and should provide connections, wherever feasible and appropriate, to adjoining public ways and properties.
- a. The Planning Board shall encourage vehicular and pedestrian connections between adjacent sites, streets, bikepaths, and walkways to facilitate pedestrian use and to minimize traffic entering existing roads.
 - b. Where appropriate, the Planning Board may require bicycle parking spaces and racks in an area that does not conflict with vehicle circulation or parking.
 - c. Curb cuts shall be minimized to the extent practical. Sites should be limited to one curb cut, unless safe and effective traffic management requires multiple curb cuts or unusual hardship exists. Curb cuts shall be located so as to minimize hazardous entrances and exits and turning movements.
 - d. The project, including any road and intersection improvements, shall not decrease the level of service (LOS) of adjacent roads or intersections below the existing conditions when the project is proposed. The Planning Board may consider the incremental nature of development and cumulative impacts on the LOS. This requirement to maintain LOS shall not apply to development within the South Hadley Falls Overlay District. The project proponent must demonstrate that all cumulative and incremental traffic impacts have been mitigated.
8. The site design shall provide 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.
9. The site design shall minimize and/or mitigate adverse impacts on the town's services and infrastructure.
10. The site design shall minimize intrusion of light into adjacent properties and shall minimize excessive night-sky lighting while ensuring adequate light for safe use of the property.

11. The site design shall place electric, telephone, cable tv, and other utilities underground where physically and environmentally feasible.
12. Drainage of the site shall recharge ground water to the extent practical. The peak rate of surface water flowing off-site shall not increase above pre-development conditions and shall not adversely affect drainage on adjacent properties or public roads or increase turbidity of water flowing off-site.
13. In order to create more walkable and pedestrian-friendly developments, minimum frontage occupancy requirements apply in certain locations to create a sense of enclosure in the streetscape. As used herein, “frontage occupancy” means the percentage of the lot width at the front of the building that must be occupied by the façade of a building.
 - a. Minimum frontage occupancy requirements apply to the following use categories as shown on the Use Table in Section 5E:
 - i. Business
 - ii. Public and Institutional
 - iii. Multi-family dwellings
 - b. A minimum frontage occupancy of 80% is required in the South Hadley Falls area along Main Street from Carew Street to Pleasant Street and along Bridge Street from one parcel Main Street to Lamb Street.
 - c. A minimum frontage occupancy of 50% is required along Route 116, from Boynton Street to Camden Street and along Route 33 from Route 202 to the Chicopee Town Line
 - d. A minimum frontage occupancy of 50% is required along Route 116 from Camden Street to Route 202 and along Route 202 (Granby Road) from Easy Street to East St.

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

(F) Planning Board Decision

(As Amended June 19, 2013 STM.)

Except in the case of a “minor site plan” application which is governed by Section 12D(2) above, 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.

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

(As Amended June 19, 2013 STM.)

If an aggrieved person wishes to appeal the decision of the Planning Board, the procedures Massachusetts General Laws, Chapter 40A, Section 17 shall apply.