

**FALL 2015 Special Town Meeting  
Planning Board Report to Town Meeting Regarding  
Proposed Planning Board Article 14  
Proposed South Hadley Falls Priority Development District**

ARTICLE 14: To see if the Town will vote to accept the provisions of Chapter 43D of the Massachusetts General Laws, and to approve the filing of an application with the Massachusetts Interagency Permitting Board to designate one or more areas as Priority Development Sites under said Chapter 43D, as detailed in Planning Report to Town Meeting (also available in Town Clerk's Office or at Planning Department) or take any other action relative thereto.

**This article is NOT a Zoning Bylaw article.**

**OBJECTIVE:** The objective of this article is to promote targeted economic and housing development by identifying an area for expedited permit decisions under the State's Chapter 43D Expedited Permitting Program.

**SUMMARY:** This article fulfills the objectives stated above by establishing the Town's first "Priority Development Site" under the State's Chapter 43D program.

**BACKGROUND:** This warrant article is not an amendment to any Bylaw or regulation. Rather, it is accepting the provisions of Chapter 43D of Massachusetts General Laws and designating an area as a Priority Development Site under said Chapter 43D.

**Benefits of a Priority Development Site**

The State offers several benefits for participating in the 43D Expedited Permitting Program:

- Priority consideration for the MassWorks Infrastructure Program grants, brownfields remediation assistance, and other financing through quasi-public organizations
- Online marketing of the site and promotion of the community's pro-business regulatory climate
- Improved municipal planning and permitting efficiencies
- Collection of special fees for priority development site permit applications
- Eligibility for a one-time Technical Assistance Grant of up to \$60,000 (possibly \$100,000) to help implement the program locally

Chief benefits for the community include increasing the visibility of South Hadley and the Priority Development Site to potential developers and informing developers of sites that the community would like to see developed quickly consistent with our Bylaws and Regulations.

### Expedited Permitting Program – experience

The Expedited Permitting Program was enacted by the State in 2006 (and amended in 2012) to offer communities a tool to promote targeted economic and housing development. Since its enactment over 90 communities across the State have opted into the program and designated approximately 180 Priority Development Sites. While many communities have designated only one site, others have designated multiple sites (up to 11 in one community)

Fourteen of these Priority Development Sites are in the Pioneer Valley Region – in our vicinity as Agawam, Belchertown, Chicopee, Holyoke, Northampton, Palmer, Springfield, and West Springfield have opted in and designated such districts. Other communities, such as Hatfield are working on designating such districts.

So, this is not a new program. Rather, it is a program with some history and solid experience – both with the region and across the State.

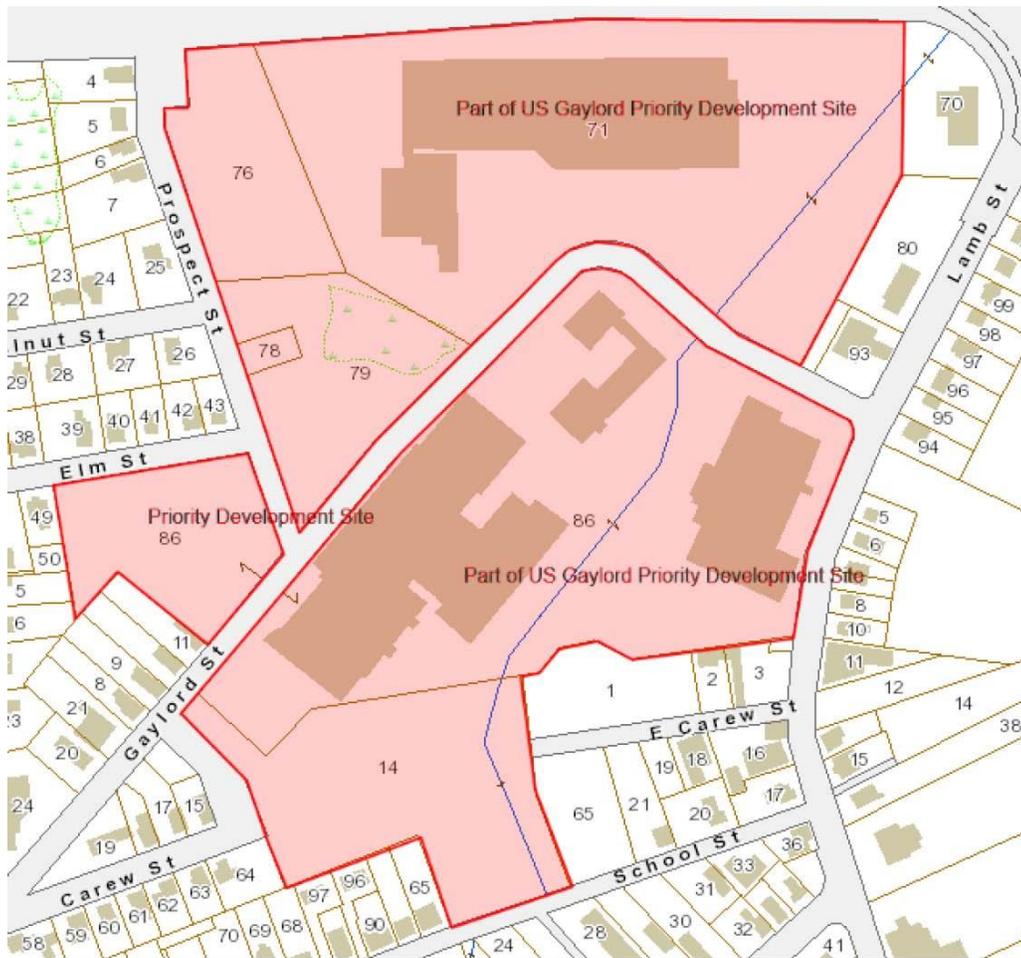
### Criteria for Priority Development Sites

#### Priority Development Sites

- May be zoned for commercial, industrial development, residential or mixed use purposes
- Must be eligible for the development or redevelopment of a building of at least 50,000 square feet of gross floor area (may include existing structures and contiguous buildings)
- Must be approved by the local governing authority AND by the state Interagency Permitting Board
- Permission of the property owner (if private) for participation in the program

### Proposed Priority Development Site

While South Hadley may designate multiple Priority Development Sites, at this time, only one such site is proposed. This site incorporates all of the properties owned by US Gaylord, LLC along the Gaylord Street corridor as depicted on the map below. There is no doubt that this site can accommodate the “development or redevelopment” of several buildings in excess of 50,000 square feet. Additionally, a representative of the property owner has indicated that they will support the Town’s designation.



US Gaylord Priority Development Site  
South Hadley, MA

1 Inch = 300 Feet  
October 23, 2015

### Obligations for South Hadley

If Town Meeting votes to opt into the Chapter 43D program and the Priority Development Site is approved for designation:

- The Town must appoint a single municipal point of contact for streamlined permitting and
- Within 120 days:
  - amend local rules, regulations, bylaws, etc. to comply with 180 day permit timeline;
  - determine and make available the requirements for each permit;
  - establish a procedure for identifying necessary permits for a project;
  - establish a procedure for determining completeness of the required submissions.

- After the 120 phase-in period is complete, the town must render permitting decisions on priority development sites within 180 days

The 43D applies, generally to a wide variety of permits including most Planning Board and Conservation Commission. However, as defined by the State, “permit” under this program does NOT apply to building permits:

*“Permit”, a formal determination, order of conditions, license, certificate, authorization, registration, plan approval, zoning relief or other approval or determination with respect to the use, development or redevelopment of land, buildings, or structures required by any issuing authority including but not limited to those under statutory authorities contained in Sections 81A to 81J, inclusive, of Chapter 40A, and Sections 81X to 81GG, inclusive, of Chapter 41, Sections 40 and 40A of Chapter 131, Sections 26 to 32, inclusive, of Chapter 111, Chapter 40C, Sections 13 and 14 of Chapter 148, Chapter 772 of the acts of 1975, or otherwise under state law or local by-law or ordinance, and all associated regulations, by-laws and rules, but not including building permits or approvals pursuant to Sections 81O to 81W, inclusive, of Chapter 41. “Permit” shall not include the decision of an agency to dispose of property under its management or control; predevelopment reviews conducted by the municipality or a technical review team; or permits granted by the Massachusetts Water Resources Authority.*

#### Protections for South Hadley

The prospect of a 180 day permitting decision clock can be daunting. However, the Planning Board and Conservation Commission almost always make decisions on applications in much less time than 180 days. Still, the program provides some safeguards for the Town in that the 180 day decision guarantee is suspended if the governing body determines:

- an application is incomplete
- an application contains false or misleading information
- that substantial changes to the project affect the information on the permit applications since the original submission

In regards to this determination, the 43D program defines the Governing Body as being the Selectboard. Thus, if there were an issue regarding any of these three factors above, the Selectboard would be asked to make a determination.

However, it should be noted that the 180 day deadline only applies to rendering a decision on application. It does not obligate the Town to approve an application which does not comply with the applicable regulations and bylaws.

*Process for Obtaining Approval of a Priority Development Site*

Town Meeting needs to vote to accept the provisions of Chapter 43D and designate a Priority Development Site. This vote is by a simple majority.

Once Town Meeting votes to accept the provisions of Chapter 43D, MGL and designates a Priority Development Site, the Administration will need to submit an application to the Interagency Permitting Board for approval. This application will include designation of a Single Point of Contact for applications regarding the Priority Development Site.

***Relationship to Master Plan.*** There is not a clear Recommended Action that speaks to this Article. Rather, the themes of coordinating municipal actions and sustainability to achieve our common objectives are building into the Master Plan's Four Plan Principles and the Five Core Initiatives. Specifically, the first and third Plan Principles relate directly to this amendment:

***Managing towards our Shared Vision:***

*Coordinating Town actions, regulations, and investments consistently towards achieving the community's objectives and goals. This principle envisions efforts to manage town programs, budgets, and actions in a proactive way that is intentionally and thoughtfully directed towards achieving specific outcomes, and applies both to overall planning and policy and to specific actions of town departments. For example, a goal of developing a number of parcels of open space over time might suggest the coordination of complementary economic incentives, zoning bylaws, and infrastructural improvements.*

***Sustainability:***

*Promoting policies and actions that will meet the needs of the present without compromising the ability of future generations to meet their own needs. Sustainability should be understood broadly to include maintaining a long-range focus for Town actions and investments as well as the stewardship of the Town's natural lands, parks, and public buildings. Sustainability also implies renewed attention to efficiency, or making the most of what we have, whether measured in infrastructure, energy, money, or time, or in natural resources like land and water.*

By coordinating our permitting processes to achieve revitalization of a previously vibrant commercial core of the Town and its redevelopment into mixed-uses where appropriate, this article furthers these two Plan Principles.

The fifth Core Initiative speaks to updating the Regulatory Infrastructure:

***Core Initiative 5: Updating the Regulatory Infrastructure to Support the Community's Desired Outcomes***

*Goal: Develop and adopt a modern, efficient and effective regulatory infrastructure that creates a framework for enhancing South Hadley's community, economy, and aesthetic quality.*

Coordination of the permitting process and offering the potential developers of the designated Priority Development Site a firm and predictable permitting path through the 43D program, this article advances this Core Initiative.

**PUBLIC HEARING:** Though not required, the Planning Board held a public hearing on this article on October 19, 2015 (however, due to a defective notice, **a new public hearing is to be held on November 9, 2015**). Three persons attended the October 19<sup>th</sup> public hearing. No questions were asked about this article. However, in prior meetings, suggestions were made to include other areas as Priority Development Sites – for example, 75 Canal Street. The Town Planner explained that taking the action proposed under this article at the November 18<sup>th</sup> Special Town Meeting does not preclude designating additional sites at future meetings. Additionally, it is vital to have the property owner in support of the designation prior to Town Meeting voting on the matter. The Administration can work to secure other possible sites for designation in 2016.

**RECOMMENDATION:** The Planning Board, at their October 19, 2015 meeting, unanimously voted to proceed to the November 9<sup>th</sup> public hearing and the Special Town Meeting with this article. They will consider their final recommendation following the November 9, 2015 public hearing.