

ZONING
Chapter 255 Attachment 7
Town of South Hadley

Appendix E
Application and Rules and Regulations for Special Permits

General. Special Permits are required for a number of uses and activities as specified in the Town of South Hadley Zoning Bylaw. Section 255-127 of the South Hadley Zoning Bylaw designates the Planning Board as the Special Permit Granting Authority. A complete application submittal must contain the following items:

- a) Application Form
- b) Application Support Documentation
- c) Plans meeting the requirements set forth in these Rules and Regulations and the Planning Board's General Rules and Regulations
- d) Application Fee (as set forth in the Planning Board's adopted Fee Schedule)

It is the responsibility of the applicant to furnish TWO (2) sets of the collated application packets and ONE (1) PDF copy inclusive of all supporting documentation with the application (as stated in the Planning Board's General Rules and Regulations). As provided in Section 255-128 of the Zoning Bylaw, all plans and documents required by the Zoning By-Law and these Rules and Regulations shall be considered integral parts of an application.

Pre-application meetings. Prospective applicants are encouraged to participate in one or more pre-application meetings coordinated by the Town Planner involving as many of the affected departments, boards, and commissions as appropriate and feasible. Such preliminary reviews and consultations can prevent delays in the processing of the Special Permit Application. Prospective applicants are encouraged to initiate such consultations prior to developing a project plan and to engage in at least one such consultation after a preliminary plan is developed.

I. Application Form. Every application submitted to the Board shall be made on the official application form of the Planning Board. Petitioners can obtain official application forms at the office of the Planning Board or Town Clerk or on the Town's website under the Planning Board's webpage link for "Planning Board forms". Any other communication purporting to be a Special Permit application shall be treated as merely advisory, and no notice shall be deemed to have been given until such time as a request is made on the official application form and the application is filed with the Town Clerk. It is the responsibility of the applicant to furnish complete and correct information on the required application form and in the supporting documentation.

II. Application Support Documentation. All Special Permit applications shall include the following support documentation, to the extent the documentation is applicable (if the applicant does not believe an item is applicable, then a statement as to why the item was not applicable is to be provided):

- a) Thorough narrative description of the proposed use and activity.
- b) Photographs of the existing site conditions – for proposed Home Occupations and Professional Business Special Permits, the photographs must include all sides of the existing structures.
- c) Any materials required by, or needed to demonstrate compliance with, applicable standards in Article VII and/or Article VIII of the South Hadley Zoning Bylaw.
- d) Master Plan Consistency Statement which describes how the proposed use/activity is consistent with the Land Use Area Vision Statements in the adopted Master Plan and how the proposal furthers the goals and objectives stated in the adopted Master Plan; including but not limited to neighborhood aesthetics, economic development, affordable housing, and environmental conservation.
- e) Special Permit Standards Consistency Statement which describes how the proposed use/activity conforms to the Standards of Review set forth in the applicable sections of the South Hadley Zoning Bylaw (Section 255-7, Article VII, Article VIII, and/or Section 255-129) including appropriate documentation to support the statement.
- f) Statement of the proposed development's historical and cultural impacts relative to properties listed on the National or State Register of Historic Places or as a Priority Heritage Landscape.
- g) Background on the historical nature of the buildings existing on the property by, at a minimum, providing their date of construction and significant historical events or figures associated with the buildings/properties.
- h) If the project includes activities subject to the Town of South Hadley Stormwater Management Bylaw, the application must include a request for a Stormwater Management Permit and documentation meeting the requirements associated with such a permit application.
- i) A project schedule which details when the infrastructure, buildings, and landscaping will be installed and anticipated dates for occupancy of the buildings.
- j) Statement of the proposed development's impacts on the Town's scenic roadways.
- k) Statement of the proposed development's impacts on the Town's agricultural lands and uses.

III. Plans to Accompany Application. Special Permit applications shall include an original plan and two (2) paper copies and a digital copy.

- a) The Town Planner shall determine the appropriate size and scale of the project plans in a preliminary review of the project prior to submittal of an application. However, generally, the scale for major projects is to be 1"=40'
- b) Digital copies shall be in a pdf format.

IV. Plan Contents. The contents of plans required to be submitted as part of a Special Permit application will vary depending on the Special Permit being sought. Accordingly, activities requiring a Special Permit are divided into the following categories:

- Conversion/Use of existing structures with no site changes
- Conversion/Use of existing structures with site changes (such as, new roadway access or modification of parking areas)
- New/Expanded structures (principal and/or accessory)

1) **All applications** for a Special Permit shall include a plan which has the following details:

- a) separate locus map showing site location and location of buildings on surrounding properties
- b) north point and map scale
- c) names of adjoining streets
- d) setback, side yard and rear yard dimensions clearly set forth
- e) locations and dimensions of structures on the site
- f) dimensions of distance from structure to all four lot lines
- g) location of any structures or properties located on the subject property which are listed on the National or State Registers of Historic Places
- h) legend as specified in Section IV-4 below
- i) existing and proposed signs including dimensions, location, and sources of illumination (if any)

2) Applications for Special Permits involving site changes shall include a plan which has all of the details required for all applications (Section IV-1 above), the Legend (Section IV-4 below), and the following supplemental details (existing and proposed conditions – if applicable):

- a) parking plans and agreements (including the location and dimension of parking areas, and any joint use arrangements)
- b) location of dumpster/trash storage receptacle
- c) location of screening/fences
- d) lighting/illumination plans (including location of all exterior lighting and, when applicable, requirements of Chapter 171 of the Town's General Bylaws)
- e) existing grades and proposed finish grades (at 2 foot contours unless the Planning Board specifies otherwise)
- f) landscape plan, plant quantities and specifications, and a planting schedule prepared by a registered landscape architect
- g) location of all utilities (water, sewer, gas, and electric) – differentiate between above ground and below ground utilities
- h) location of septic and well systems
- i) location of drainage systems
- j) location, dimensions, and purposes of easements
- k) extent and character of existing green space and proposed green space
- l) location of sidewalks on the proposed development and along the street on which the proposed development has vehicular access for a distance of at least 300 feet in both directions from the corners of the project site
- m) proposed form of Performance Guarantee

3) Applications for Special Permits involving new/expanded structures shall include a plan which has all of the details required in sections IV-1 and IV-2 above, the Legend (Section IV-4 below), and the following supplemental details (prepared by a registered architect):

- a) Building elevations showing all building sides, with dimensions and proposed building materials and colors
- b) floor plans with dimensions showing layout, use of interior spaces and means of egress

4) **Legend Required.** Plans required for a Special Permit application shall include a legend containing, at a minimum, the following features:

- a) existing features shown as dashed black lines;
- b) proposed features shown as solid black lines;
- c) setback, side, and rear yard dimensions, as set forth in Section 255-21 and Attachment 2 of the Zoning By-Law, indicated by dashed lines;
- d) graphic scale;
- e) date of plan;
- f) title of plan;
- g) name and address of applicant, owner of record (if different), and the plan preparer (architect or surveyor or engineer).

V. Multifamily and Multiple Tenant Commercial/Office/Industrial Development

Applications. In addition to the requirements specified in other sections of these Rules and Regulations, applications for Special Permits for multifamily and/or multiple tenant commercial/office/industrial shall also include:

- a) management plans
- b) plans for signage including details of all proposed/existing free-standing signs, illumination of signs (including, but not limited to, the method of illumination and the hours of illumination), and location and dimension of proposed building façade signs
- c) a map of all properties within 300 feet of the subject property including a detail of the uses and development character (density, open space, general setbacks, etc.) of each of the properties within this 300 foot area
- d) a description of the architectural styles of all principal structures within 300 feet of the subject property
- e) plans for promoting pedestrian/non-motorized access to/from the project site
- f) an analysis of public transit access to/from the project site
- g) an analysis of vehicular access to/from the project site (existing and proposed)
- h) Applications for proposed multifamily developments shall also include a comparison as to use of the subject property as proposed and as a single-family subdivision including, at a minimum, the amount of impervious surface, amount of open space, and amount of “common open space”, and number of potential housing units.
- i) Estimated number of dwelling units which would be permissible if the property were developed under the Flexible Development provisions of the Zoning Bylaw
- j) Applications for proposed multifamily developments shall also demonstrate how the development integrates, and is compatible, with the surrounding and nearby properties. (The phrase “surrounding and nearby properties” shall be applied on a case-by-case basis depending on the size of the project site, but will generally relate to properties within 300 feet of the subject property and properties within the same “Land Use Area” as described in the Land Use and Community Design chapter of the adopted Master Plan.)

VI. Management Plan. When a Management Plan is required either by these Rules and Regulations or by the Planning Board, such plan shall include the following:

- a) hours of operation

- b) number of employees/tenants
- c) provisions for employees/tenant parking
- d) trash, recycling and waste kitchen oil management (storage and disposal; frequency, hours, and days of pick-up)
- e) grounds management (including snow removal and care of landscaping)
- f) significant sources of noise and light emissions
- g) provisions (including schedules) for deliveries to the facilities, loading and unloading
- h) any other aspects of site management the Planning Board deems necessary for adequate review of the potential site impacts of the proposed development

VII. Preparation of plans. Plans required for a Special Permit shall be prepared by a qualified professional who is **appropriately licensed** by the Commonwealth of Massachusetts as either a Registered Land Surveyor and/or Registered Professional Engineer and/or Registered Landscape Architect and/or Architect, licensed by the Commonwealth of Massachusetts. Pursuant to Section X of these Rules and Regulations, the Planning Board may waive this requirement for applications not involving any site changes or new/expanded structures.

VIII. Other Permits. Coordination of Special Permits with other permits is essential for the Planning Board to make determinations regarding some of the Standards set forth in the various Sections of the Zoning Bylaw. Therefore, the application needs to include a description of the other permits required for the project to proceed if the Special Permit is granted and the status of the other permit applications. If applications for the other permits have been submitted, a copy of the application should be attached. Additionally, if other permits have been granted for this project, the application should include a copy of the permits and conditions attached to such permits.

IX. Supplemental Application Requirements. The Planning Board may require that additional information be shown on any site plan submitted with an application for a permit. For example, as deemed appropriate, by the Planning Board a Traffic Analysis may be required as part of the application review process.

X. Waiver of Application Requirements. The Planning Board may waive any of the above requirements as they deem necessary or appropriate in particular cases. Any request for a waiver of the requirements of these Rules and Regulations must be submitted in writing either before the application is submitted or as part of the application. Requests for waivers shall include a specific recitation of the requirement for which a waiver is sought and how the absence of the required information will not impede consideration of the application in light of the Standards stated in Section 255-129 of the South Hadley Zoning Bylaw.

XI. Filing. The petitioner shall file the application with the Planning Board and Town Clerk and the date of receipt, as indicated by the Town Clerk, shall be considered the date on which the application has been filed. The petitioner shall deliver a certified copy of the application and an original and two (2) paper sets of plans and supporting documentation and one digital (PDF) set of the submission including the forms, plans, and supporting documentation, to the Planning Board.

Modified and/or supplemental materials must be submitted to the Planning Board a minimum of three (3) full business days prior to a scheduled public hearing or public meeting for the Board's

consideration. It is at the Board's discretion to delay consideration of any materials submitted less than three (3) full business days prior to a scheduled public hearing or public meeting to a later date.

XII. Review Process. In addition to the provisions for review, hearing, and deciding upon Special Permit applications as outlined in Section 255-128 of the Zoning Bylaw and in accordance with Section 255-145 of the Zoning Bylaw, the Planning Board shall consult with other boards, including but not limited to the following:

- a) Building Commissioner
- b) Board of Health
- c) Electric Light Department
- d) Fire Department (for the district(s) in which the development is to be located)
- e) Water Department (for the district(s) in which the development is to be located)
- f) Conservation Commission
- g) DPW Superintendent
- h) Town Engineer
- i) Tree Warden
- j) Police Department
- k) Historical Commission

XIII. Fees. All applications filed with the Planning Board shall be accompanied by cash or check, made payable to the Town of South Hadley, in the appropriate amount, depending on the nature of the application as set by the Planning Board's adopted fee schedule. The Planning Department shall determine the fee based on the nature of the request.

FORM SP
APPLICATION FOR SPECIAL PERMIT

Date _____

Pursuant to the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts, South Hadley Zoning By-Laws, and the South Hadley Planning Board Rules & Regulations, the undersigned herewith submits the accompanying application for a Special Permit as described below and detailed in the supporting documentation which is incorporated into and made part of this application.

NATURE OF REQUEST (Check and Describe as Appropriate):

- _____ a. **Alteration/expansion/change of a nonconforming use and/or structure**
- _____ b. **Professional business**
- _____ c. **New/second hand car dealer**
- _____ d. **Flag lot**
- _____ e. **Two-family dwelling/Three-family dwelling**
- _____ f. **Conversion of One-family to Two-family dwelling**
- _____ g. **Multifamily dwellings for more than three families**
- _____ h. **Flexible development**
- _____ i. **Wireless communications facility**
- _____ j. **Major earth removal, extraction, and/or fill activity**
- _____ k. **Other (Describe _____)**

GENERAL DESCRIPTION OF REQUEST:

APPLICABLE SECTIONS OF THE ZONING BYLAW: _____

1. Applicant _____

Address _____

Telephone _____

Email Address: _____

2. Owner (if not applicant) _____

Address _____

Email Address: _____

3. Site Plan Preparer _____
Title or License _____
Address _____
Telephone _____
Email Address: _____
4. Deed of property recorded in the Hampshire County Registry of Deeds,
Book _____ Page _____
5. Location and description of property (street and number if any) _____

Assessors Map # _____ Parcel # _____
6. The subject property is presently in zoning district(s) – Sec 255-11: _____
7. Is the property in an Overlay District(s) (Sect 255-15)? If so, what Overlay District(s):

8. Is the subject property located within one or more of the Master Plan’s Land Use Area Districts?
_____ If so, in which of the districts or areas? _____
9. Is the subject property located in a National Historic District or listed as a Priority Heritage
Landscape? _____ If so, which one? _____
10. Does the subject property abut a designated Scenic Roadway? _____
11. Is the subject property within the designated South Hadley Falls Economic Opportunity Area?

I, as applicant, certify that the application and all attachments are correct and complete.

Signature of Applicant

FOR PLANNING BOARD OFFICE USE:

11. Amount of Application Fee: _____ 12. Fee Paid? Yes No

FOR TOWN CLERK (indicate date and time received:

Submission received on (Date) _____
at (time) _____

Signature _____