

**South Hadley Planning Board Administrative Regulations
Regarding Applications and Plan Review under Smart Growth 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 255-23A(9) of the Town of South Hadley Zoning Bylaw.
2. **Applicability:** These Administrative Regulations apply to projects proposed for any of the Town's Smart Growth Districts governed by Section 255-23 of the Zoning Bylaw.
3. **Relationship to Section 255-23:** The provisions of these Administrative Regulations are supplemental to the provisions of the Town's Zoning Bylaw Section 255-23. Where there is a conflict between these Administrative Regulations and Section 255-23 of the Town's Zoning Bylaw, the provisions of Section 255-23 shall govern.
4. **Point of Contact.** The Director of Planning & Conservation is the central point of contact for the Smart Growth Districts (hereinafter referred to as "the Director"). As such, the Director is available to coordinate and facilitate meetings with the various departments.
5. **Determination of Completeness.** The Director shall review all applications for approval to determine if the application requirements have been met. Since Section 255-23 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 Director 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/South_HadleyMA/

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 Director 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 Commissioner
 - v. Conservation Commission through/by the Conservation Administrator/Planner
 - vi. Board of Health through/by the Public Health Director
 - vii. Police Chief
 - viii. SHELD Manager/Engineer

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

- ix. South Hadley Falls Area. For projects within the South Hadley Falls Urban Renewal Area, the South Hadley Redevelopment Authority 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 Director’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 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 255-23A, prior to the submittal of a Plan for Plan Approval, a prospective applicant may submit a "Concept Plan" to help guide the development of the definitive submission for project build out. Such Concept Plan shall contain all items specified in Section 255-23A(9)(a) of the Zoning Bylaw.
 - 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 Guidelines
 - 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 Section 255-23A(9)(b) of the Zoning Bylaw.
- a. Additional Requirements. In addition to the details required under Section 255-23A(9)(b) of the Zoning Bylaw, the following materials are also to be submitted with the Application:
 - i. Description as to how the project, as designed, conforms to the adopted Design Standards for the applicable Smart Growth Zoning District;
 - ii. 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.
 - iii. 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 255-23 or the underlying zoning.
 - b. Stormwater Management Permit Application. If the proposed development involves an activity which triggers the requirement for a Stormwater Management Permit under Chapter 200 of the Town of South Hadley Bylaws, the application should also provide all the materials required for such an application.
 - i. If the applicant chooses not to apply for the Stormwater Management Permit at the same time as they apply for Plan Approval, the applicant must include an acknowledgement that a) granting of a Stormwater Management Permit is required prior to applying for a building permit to undertake the project and b)

that such subsequent Stormwater Management Permit may require amendment to the Plan Approval.

- ii. If the applicant submits an application for a Stormwater Management Permit with the application for Plan Approval, the Town will not charge the applicant a Stormwater Management Permit application fee.

10. Plan Review and Approval Procedures.

- a. Determination of Completeness. The Director (or their designee in case of their absence) 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 Director shall solely assess whether the information required by Section 255-23 of the Zoning Bylaw and these Administrative Regulations has been provided. If the required information has been provided, then the Director shall determine that the application is complete. Conversely, if the Director determines that the required information has not been provided, then the Director shall determine that the application is incomplete.
 - i. Determination that application is Incomplete.
 - a) If the Director determines that the application is incomplete, promptly but in no less than 5 calendar days of said determination, the Director 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 255-23A(9)(b)[5], 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 Director, 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 Director 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 Director 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 Director's findings.
 - d. Decision –Scheduling and Filing. The Planning Board shall make a Decision on the Plan Approval application as stated in Section 255-23 of the Zoning Bylaw. The Director 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 255-23.
11. **Application Fees.** Applicants are required to file the appropriate fee when filing their application. The payment shall be delivered to the Office of Planning & Conservation in accordance with the following schedule:
- a. Multifamily Development: \$200 plus \$50 per proposed dwelling unit
 - b. Single-Family: \$1,000 plus \$150 per proposed dwelling unit
 - c. Two-Family: \$125
 - d. Three-Family: \$200
 - e. NonResidential Uses: \$150 plus \$0.05 per square foot of proposed space
 - f. Stormwater Permit Application: If application is submitted as part of Plan Approval Application, there is no application fee. However, if application is submitted separately from the Plan Review Application, then the fee shall be \$250 per acre (or fraction thereof) up to \$1,000.
 - g. 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 - \$50.00 plus actual cost of postage. This charge must be paid prior to beginning of public hearing.
 - ii. Public Hearing Advertisement – actual cost (to be billed directly to the applicant from the newspaper in which the notice is advertised)
 - h. Application Review Fees: To the extent authorized under Section 255-23 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 DHCD on June [REDACTED], 2019, 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. Paragraphs 4 through 15 of the Planning Board's General Rules and Regulations shall apply to any requirement, use, or appeal related to said Application Review Fees. A copy of said Planning Board's General Rules and Regulations is attached hereto.

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 255-23 of the Zoning Bylaw including, but not limited to, Performance Standards, Mixed-Use Development limitation, Off-Street Parking, Open Space and Recreation Areas, Affordable Housing, and Fair Housing.
 - c. Development Narrative. A narrative conforming to Section 255-23(9)(b)[1][a][i] of the Zoning Bylaw which includes 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. As required by Section 255-23(9)(b)[1][a][ii], 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 255-23(10).
 - h. Project Plans. Plans conforming to the requirements of Section 255-23(9)(b)[1][b] 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.
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 Selectboard is to designate a Monitoring Agent, which may be the South Hadley Housing Authority 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 will ask the Selectboard to designate the Monitoring Agent for the particular project.
 - b. Where all or a portion of affordable units required under Section 255-23 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 255-23 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 _____, 2019, Massachusetts Department of Housing and Community Development approved the draft Administrative Regulations as presented herein. On June 17, 2019, the Town of South Hadley Planning Board held a public hearing, pursuant to 760 CMR 59.00, in Section 255-23A to consider the proposed Administrative Regulations. At the close of the public hearing, the Planning Board voted to adopt Administrative Regulations governing Plan Submittal and Approval procedures and requirements for applications for Plan Approval under Section 255-23 of the Zoning Bylaw.

FORM SG

**SOUTH HADLEY PLANNING BOARD
APPLICATION FOR PLAN APPROVAL**

Date _____

Pursuant to the provisions of Section 255-23 of the South Hadley Zoning By-Laws, the undersigned herewith submits the accompanying application for a Plan Approval as described below and detailed in the supporting documentation which is incorporated into and made part of this application.

APPLICABLE SMART GROWTH DISTRICT: _____

NATURE OF REQUEST (Check and Describe as Appropriate):

- _____ a. **Multi-Family Development**
- _____ b. **Mixed-Use Development**
- _____ c. **Other (Describe _____)**

GENERAL DESCRIPTION OF REQUEST:

NUMBER OF DWELLING UNITS PROPOSED: _____

NUMBER OF AFFORDABLE DWELLING UNITS PROPOSED: _____

SQUARE FOOTAGE OF NONRESIDENTIAL SPACE PROPOSED: _____

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. **Subsidizing agency contact Information**

Name of Subsidizing Agency/Program: _____

Contact Person: _____

Address _____

Telephone _____

Email Address: _____

5. Deed of property recorded in the Hampshire County Registry of Deeds,
Book _____ Page _____

6. Location and description of property (street and number if any) _____

Assessors Map # _____ Parcel # _____

7. The subject property is presently in underlying zoning district(s) – Sec 255-11: _____

8. Is the property in an Overlay District(s) other than the Smart Growth Zoning District (Sect 255-15)? If so, what Overlay District(s): _____

9. 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? _____

10. Is the subject property located in a National Historic District or listed as a Priority Heritage Landscape? If so, which one? _____

11. Does the subject property abut a designated Scenic Roadway? _____

12. Is the subject property within the designated South Hadley Falls Economic Opportunity Area? _____

13. Are the materials required by Section 255-23 and the Administrative Regulations attached?

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

Signature of Applicant

FOR PLANNING BOARD OFFICE USE:

13. Amount of Application Fee: _____ 14. Fee Paid? Yes No

FOR TOWN CLERK (indicate date and time received:

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

Signature _____