**MODEL COMMERCIAL CORRIDOR SITE PLAN APPROVAL BYLAW**

*Prepared by Pioneer Valley Planning Commission*

*10-9-07*

**1.0 COMMERCIAL SITE PLAN APPROVAL**

**1.1** **Purposes**

(1) To promote the safety of vehicular and pedestrian movement with the site and in relation to the adjacent areas, highway traffic safety and protect the capability of state and local roads to conduct traffic smoothly;

(2) To promote an attractive and viable commercial district and expand the commercial tax base of the Town/City;

(3) To protect the rural character, aesthetic visual qualities, natural environmental features, historical features and property values of the Town/City and neighboring properties; and

(4) To discourage unlimited commercial “strip development” and curb cuts along highways, and encourage commercial growth in nodes and clusters.

**1.2 Projects Requiring Site Plan Approval**

Within the Business, Limited Business or Industrial Districts, no special permit or building permit shall be issued and no application for such permits shall be accepted for any of the following uses:

(1) The construction or exterior alteration of a business structure;

(2) The construction or exterior alteration of an industrial structure;

(3) Any expansion or change in use of a business or industrial structure;

Unless a site plan has been endorsed by the Planning Board, after consultation with other boards, including but not limited to the following: Building Inspector, Board of Health, Board of Selectmen, Historical Commission, Conservation Commission, Highway Department, Fire Department and Police Department. The Planning Board may waive any or all requirements of site plan review for external enlargements of less than 10% of the existing floor area.

**1.3 Exemption From Site Plan Approval**

Site plan approval shall not be required for:

(1) The construction or enlargement of any single family or two family dwelling or building accessory to such dwelling; or

(2) Any building used exclusively for agriculture, horticulture or floriculture.

**1.4 Applications for Site Plan Approval**

(1) Each application for Site Plan Approval shall be submitted to the Planning Board by the current owner of record, accompanied by nine (9) copies of the site plan.

(2) The Planning Board shall obtain with each submission, a deposit sufficient to cover any expenses connected with a public hearing and review of plans, including the costs of any engineering or planning consultant services necessary for review purposes.

**1.5 Required Site Plan Contents**

All site plans shall be prepared by a registered architect, landscape architect, or professional engineer unless this requirement is waived by the Planning Board because of unusually simple circumstances. All site plans shall be on standard 24” x 36” sheets at a scale of 1 inch equals 20 feet, and contain the following additional information:

(1) Name of the project, locus, date and scale plan;

(2) Name and address of the owner of record, developer, and seal of the engineer, landscape architect or architect;

(3) The location and boundaries of the lot, adjacent streets or ways, and the location and owner’s names of all adjacent properties and those within 300 feet of the property line, and all zoning district boundaries;

(4) Existing and proposed topography at the two foot contour interval the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding and base flood elevations and unique natural land features;

(5) Existing and proposed structures, including dimensions and elevations; and all exterior entrances and exits;

(6) The location of parking and loading areas, public and private ways, driveways, walkways, access and egress points;

(7) The location and description of all proposed septic systems, percolation test when necessary, water supply, storm drainage systems including existing and proposed drainlines, culverts, drainage swales, catchbasins, drainage calculations, and subdrainage along with soil logs, utilities, hydrants, manholes, lighting fixtures, and refuse and other waste disposal methods;

(8) Proposed landscape features including the location and a description of buffers, screening, fencing, and plantings, including the size and type of plant material;

(9) The location, dimensions, height, color, illumination and characteristics of existing and proposed signs;

(10) The location and a description of proposed open space or recreation areas;

(11) The plan shall describe estimated daily and peak-hour vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site. A detailed traffic impact statement is required for use as specified in Section H-(1)-(f);

(12) A plan for the control of erosion, dust, and silt, both during and after construction sequencing, temporary and permanent erosion control, and protection of water bodies;

(13) For alterations to any existing or new business/commercial/industrial uses a table containing the following information:

A. Maximum area of building to be used for selling, offices, business, industrial or other uses.

B. Maximum number of employees where applicable.

C. Maximum seating capacity where applicable.

D. Number of parking spaces existing or required for the intended use.

(14) Elevation plans at a scale of ¼” – 1’0” for all exterior facades of the proposed structure(s) and/or existing facades plus addition(s) showing design features and indicating the type and color of material to be used.

The Planning Board may waive any information requirements it judges to be unnecessary to the review of a particular plan.

**1.6 Procedures for Site Plan Review**

(1) **Referral to Municipal Boards and Departments**

The Planning Board shall transmit one copy each to the Building Inspector, Board of Health, Conservation Commission, Highway Department, Historical Committee, Fire Department, and Police Department, who shall review the application and submit their recommendations and comments to the Planning Board concerning:

A. The adequacy of the date and methodology used by the applicant to determine the impacts of the proposed development;

B. The effects of the projected impacts of the proposed development; and

C. Recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development.

Failure of Boards to make recommendations within 35 days of the referral of the Application shall be deemed to be lack of opposition.

(2) **Public Hearing**

The Planning Board shall hold a public hearing within sixty-five (65) days of the receipt of an application and after due consideration of the recommendations received, the Board shall take final action within 90 days from the time of hearing.

(3) The period of review for a special permit requiring site plan approval shall be the same as any other special permit and shall conform to the requirements of Chapter 40A, Sec.9, “Special Permits”. Specifically, a joint public hearing to address the Special Permit application and Site Plan Approval application shall be held within sixty-five (65) days of the filing of a special permit application with the Planning Board or Board of Appeals. The Planning Board shall then have 90 days following the public hearing in which to act.

**1.7 Site Plan Review Criteria**

In reviewing and evaluating the site plan, and in making a final determination regarding site plan approval, the Planning Board shall consider the following criteria:

(1) The site plan complies with the Commercial Development and Performance Standards contained in Section 1.10;

(2) The site plan minimizes traffic and safety impacts of the proposed development on adjacent highways or roads, and maximizes the convenience and safety of vehicular and pedestrian movement within the site;

(3) The proposed development, to the extent feasible: a) is integrated into the existing landscape and protects abutting properties; b) minimizes adverse environmental impacts on such features as wetlands, floodplains, and aquifer recharge areas; c) minimizes obstruction of scenic views from publicly accessible locations; d) preserves unique natural or historical features; e) minimizes tree, vegetation, and soil removal and grade changes, f) maximizes open space retention; and g) screens objectionable features from neighboring properties and roadways.

(4) The architectural design, layout and landscaping of the proposed development is in harmony with the historic, rural character of the neighborhood and the Town/City of [Town/City Name].

(5) The proposed development is served with adequate water supply and waste disposal systems and will not place excessive demands on Town/City services and infrastructure.

(6) The site plan shows adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased run-off and potential for flooding.

**1.8 Modifications to the Site Plan**

Before approval of the site plan, the Planning Board may request that the applicant make modifications in the proposed design of the project or provide additional information to ensure that the above criteria are met.

**1.9 Decision on Site Plan Approval**

The Planning Board’s final action in writing shall consist of either:

A. Approval of the site plan based on a determination that the proposed project will constitute a suitable development and is in compliance with the standards set forth in this bylaw;

B. Disapproval of the site plan based on a determination that the proposed project does not meet the standards for review set forth in this bylaw; or

C. Approval of the project subject to any conditions, modifications and restrictions which will ensure that the project meets the standards and criteria in this bylaw/ordinance.

**1.10 Commercial Development and Performance Standards**

In order to receive site plan approval, all projects or uses must demonstrate compliance with the commercial development standards herein.

(1) Access Standards

A. Applicants must demonstrate that the project will minimize traffic and safety impacts on highways. The number of curb cuts on state and local roads shall be minimized. To the extent feasible, access to businesses shall be provided via one of the following:

i. Access via a common driveway serving adjacent lots or premises;

ii. Access via an existing side street;

iii. Access via cul-de-sac or loop road shared by adjacent lots or premises.

B. One driveway per business shall be permitted as a matter of right. Where deemed necessary by the Special Permit Granting Authority, two driveways may be permitted as part of the Site Plan Approval process which shall be clearly marketed “entrance” and “exit”.

C. Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 24 feet in width.

D. All driveways shall be designed to afford motorists exiting to highways with safe sight distance.

E. The proposed development shall assure safe interior circulation within its site by separating pedestrian, bicycle and vehicular traffic.

(2) Traffic Impact Statement

A traffic impact statement shall be prepared, which shall contain:

A. Traffic flow patterns at the site including entrances and egresses, loading and unloading areas, and curb cuts on site and within one hundred feet of the site.

B. A detailed assessment of the traffic safety impacts of the proposed project or use on the carrying capacity of any adjacent highway or road, including the projected number of motor vehicle trips to enter or depart from the site estimated for daily hour and peak hour traffic levels, road capacities, and impacts on intersections.

C. A plan to minimize traffic and safety impacts through such means as physical design and layout concepts, staggered employee work schedules, promoting use of public transit or carpooling, or other appropriate means.

D. An interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.

E. Adequate pedestrian and bicycle access shall be provided. Sidewalks shall be provided to provide access to adjacent properties and between individual businesses within a development.

(3) Trip Reduction Plan

In each case where a new building(s) or new use of more than 10,000 square feet shall prepare and submit a “Trip Reduction Plan” which clearly identifies a combination of transportation systems management strategies which are designed to reduce anticipated vehicle trips by 35%. These strategies should include, but are not limited to:

A. Vanpool/Carpool incentive programs, such as employer subsidies for vanpools/carpools, preferred vanpool/carpool parking, ride matching services, and providing parking at the vanpool/carpool pick-up site.

B. Allowing and encouraging flexible work hours and flexible work weeks.

C. Encouraging pedestrian and bicycle commute modes by providing on-site bicycle parking storage, locker room facilities, bike and walking paths, and similar features.

D. Site designs which are conducive to transit or vanpool use, such as convenient, weather protected transit shelters.

E. Encouraging employee and customer use of transit services, including providing transit subsidies for improved transit service and accessibility.

F. Provision of on-site services, retail opportunities, and housing if allowed in the zone.

G. Naming a full-time or part-time transportation systems management coordinator to oversee implementing all strategies identified in the “Trip Reduction Plan.”

(4) Parking Standards

Proposed projects or uses must comply with Parking and Off-street Loading requirements in Section V-D and the following standards:

A. Parking areas shall be located to the side or rear of the structure. No parking shall be permitted within the required front yard of a structure.

B. To the extent feasible, parking areas shall be shared with adjacent businesses.

C. For developments which make a long-term commitment to actively promote employee and public use of transit, ridesharing, and other means to reduce single occupant vehicle (SOV) trips, minimum parking standards may be reduced by a percentage to be determined by the Planning Board based upon the adequacy of trip reduction plans submitted in accordance with Section H-1.

(5) Landscaping

a. A landscaped buffer strip at least fifteen (15) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, and shade trees (minimum 2-inch caliper, planted at least every 50 feet along the road frontage). At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersections so that they do not present a traffic visibility hazard. The sidewalk required above shall be incorporated into the buffer strip.

b. Large parking areas shall be subdivided with landscaped islands so that no paved parking surface shall extend more than 80 feet in width. At least one tree (minimum 2: caliper) per 35 parking spaces shall be provided.

c. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen planting, or earthen beams, or wall or tight fence complemented by evergreen plantings.

d. All landscaped areas shall be properly maintained. Shrubs or trees which die shall be replaced within one growing season.

(6) Appearance/Architectural Design

a. Architectural design shall be compatible with the rural/historic character and scale of buildings in the neighborhood and the Town/City through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and siting should be used to provide visual interest and avoid monotony. Proposed buildings should relate harmoniously to each other with adequate light, air, circulation, and separation between buildings. In making its decision, the Planning Board may consider whether the building design is compatible with the following design guidelines: 1) exterior facades are faced with wood, metal or vinyl clapboards, or stone or brick; 2) exterior façade treatment is compatible on all four sides; 3) rooflines are peaked.

b. The Planning Board may adopt such regulations as may be necessary to further specify design standards.

(7) Storm Water Runoff

a. The rate of surface water run-off from a site shall not be increased after construction. If needed to meet this requirement and to maximize groundwater recharge, increased runoff from impervious surfaces shall be recharged on site by being diverted to vegetated surfaces for infiltration or through the use of detention ponds. Dry wells shall be used only where other methods are infeasible and shall require oil, grease, and sediment traps to facilitate removal of contaminants.

b. Neighboring properties shall not be adversely affected by flooding from excessive run-off.

(8) Erosion Control

Erosion of soil and sedimentation of streams and waterbodies shall be minimized by using the following erosion control practices:

a. Exposed or disturbed areas due to stripping of vegetation, soil removal, and regarding shall be permanently stabilized within six months of occupancy of a structure.

b. During construction, temporary vegetation and/or mulching shall be used to protect exposed areas from erosion. Until a disturbed area is permanently stabilized, sediment in runoff water shall be trapped by using staked haybales or sedimentation traps.

c. Permanent erosion control and vegetative measures shall be in accordance with the erosion/sedimentation/vegetative practices recommended by the Soil Conservation Service.

d. All slopes exceeding 15% resulting from site grading shall be either covered with 4 inches of topsoil and planted with a vegetative cover sufficient to prevent erosion or be stabilized by a retaining wall.

e. Dust control shall be used during grading operations if the grading is to occur within 200 feet on an occupied residence or place of business. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water.

(9) Water Quality

All outdoor storage facilities for fuel, hazardous materials or wastes, and potentially harmful raw materials shall be located within an impervious, diked containment area adequate to hold the total volume of liquid kept within the storage area.

(10) Explosive Materials

a. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, unless they are located in anchored tanks at least seventy-five (75) feet from any lot line, Town/City way, or interior roadway plus all relevant federal and state regulations shall also be met. Underground storage tanks are prohibited.

b. Propane gas tanks in 100-lb. cylinders (or smaller) shall be exempt from these safety regulations.

(11) Lighting

a. Any outdoor lighting fixture newly installed or replaced shall be shielded so that it does not produce a strong, direct light beyond the property boundaries;

b. No light standard shall be taller than fifteen (15) feet.

(12) Vibration

a. No vibration shall be transmitted outside the property where it originates.

**1.9 Enforcement**

(1) The Planning Board may require the posting of a bond or other adequate security to assure compliance with the plan and conditions and may suspend any permit or license when work is not performed as required.

(2) Any special permit issued under this section shall lapse within one (1) year if a substantial use thereof has not commenced sooner except for good cause. The time required to pursue and await determination of a judicial appeal pursuant to Chapter 40a of the General Laws shall be included within the one (1) year time limit.

(3) The Planning Board may periodically amend or add rules and regulations relating to the procedures and administration of this section.