

Greenfield Planning Board

**Rules and Regulations for the Application,
Submittal, and Approval of Special Permits**

Adopted November 6, 1989

Revised June 17, 1991

Revised July 6, 1992

Revised July 1, 2008

Section 1: Application Form

Every application for a special permit shall be made on the official form of the Planning Board which may be obtained from the Town Clerk or the Department of Planning and Community Development. Any communication purporting to be an application shall be treated as a notice of intention to apply until such time as it is made on the official application form and filed with the Town Clerk and the Planning Board. The application form is hereby made a part of these Rules and Regulations.

Section 2: Filing and Submittal Requirements

- 2.1. Every application shall be filed with both the Town Clerk and the Permits Manager. The Permits Manager shall forthwith transmit a copy of the application, certified by the Town Clerk, to the Planning Board. The Permits Manager, who acts as agent for the Planning Board, shall indicate the date on which the application was received and transmit a copy of the dated application to the applicant. The date of receipt as indicated by the Permits Manager shall be considered to be the date on which the application has been filed with the Planning Board. It shall be the responsibility of the applicant to furnish all supporting documentation with the application, and the dated copy received from the Permits Manager does not absolve the applicant from this responsibility, and lack of required information may result in denial of application.
- 2.2. The completed application form, certified by the Town Clerk, shall be accompanied by twelve (12) copies of a site plan.

All site plans shall be prepared to scale and shall, at a minimum, accurately show the following information if applicable:

1. The name of the applicant and property owner, the name of the person preparing the plan, the scale, and a locus map;
2. The location, boundaries and dimensions of the lot, lot area, adjacent streets or ways, the location, use, and owner's names of all adjacent properties, the zoning of the proposed lot and all adjacent properties;
3. Existing and proposed vegetation and topography including contours, the location of wetlands, streams, waterbodies, drainage swales, areas subject to flooding, and unique natural land features;
4. Existing and proposed structures including dimensions;
5. The location of parking and loading areas, driveways, walkways, access and egress points and distance to the nearest driveways and intersections;
6. The location and a description of all existing and proposed septic systems, water supply, storm drainage systems, utilities, lighting, refuse and other waste disposal methods,

- exterior storage, and easements;
7. Proposed landscape features including the location and a description of screening, fencing and plantings;
 8. The locations, dimensions, height and characteristics of proposed signs;
 9. The location and a description of proposed open space or recreation areas.
 10. A snow removal plan.
 11. Percentage of Open Space.
 12. Handicapped parking/access.
 13. Bicycle Parking.
 14. The existing and proposed interior layout of the structure.
 15. The location and description of all existing and proposed exterior storage.
 16. The location and description of all existing and proposed easements.
 17. Date of plan.
 18. North arrow.

The applicant shall also submit the following information:

1. Measures to prevent pollution of surface and groundwater, increased runoff, changes in groundwater levels, and flooding;
2. Design features which will integrate the proposed development into the existing landscape, maintain neighborhood character, enhance aesthetic assets and screen objectionable features from neighbors and roadways;
3. Control measures to prevent erosion and sedimentation during and after construction and the sequence of grading and construction activities, location of temporary control measures, and final stabilization of the site;
4. Estimated average daily and peak hour vehicle trips to be generated by the site and traffic flow patterns for both vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site.

Failure to comply with these requirements may result in a dismissal of an application as

incomplete. The Planning Board may require further information to be shown on the plan if deemed necessary for a complete review of the proposed project. In addition, an application for a special permit shall contain all other information required by the Greenfield Zoning Ordinance. For larger projects, the preferred scale is 1 inch = 40 feet. The Planning Board shall have the authority to alter or waive these requirements as it deems necessary or appropriate in particular cases.

2.3. Fees and Other Costs

All applications for a special permit shall be accompanied by cash or a certified check, payable to the Town of Greenfield in the amount specified in Article XI of the Greenfield Planning Board's Rules and Regulations.

The services of an outside consultant may be obtained by the Planning Board to review and advise the Board on the applicant's proposed project. All reasonable expenses incurred by the Board for such review shall be paid by the applicant. The Planning Board shall notify the applicant in writing of the estimated costs for the review. The review fees shall be paid by the applicant within ten (10) days of receipt of the notification. The review fees shall be held by the Town Treasurer in a separate account. The Board may request additional funds if needed to cover the cost of outside review in the same manner as above. Failure by the applicant to make timely payments shall be adequate reason to deny the application.

The selection of an outside consultant may be appealed to the Town Council. Such appeals are limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications consist of either an educational degree in the field at issue or a related field, or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by the Planning Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Town Council within one month following the filing of the appeal, the selection made by the Planning Board shall stand.

Any excess amount in review fees paid by the applicant, including any accrued interest, at the completion of the project shall be repaid to the applicant or to the applicant's successor in interest, and a final report on expenditures made from the fees shall be made available.

2.4. Abutters List

Each application for a special permit shall be accompanied by a list of all the names and addresses of all abutters, abutters to the abutters within three hundred (300) feet of the property line of the applicant, and landowners directly opposite on any public or private street. Names and addresses shall be in label format and shall be listed as they appear on the most recent applicable tax list.

Section 3: Hearings

3.1. Hearing Date and Notice

A public hearing on an application for special permit shall be held within sixty-five (65) days of filing the application with the Town Clerk. Notice of hearings shall be advertised as required by the provisions of MGL, Chapter 40A. In addition, a copy of the advertised notice shall be sent by mail, at least 14 days prior to the date of the hearing, postage prepaid, to the applicant, to the Planning Board of every abutting town, to the Inspector of Buildings, to the abutters, to the abutters of the abutters within three hundred (300) feet of the property line, and any landowners directly opposite on any public or private street as they appear on the most recent applicable tax list.

3.2. Hearings to be Public

All hearings shall be open to the public. No person shall be excluded unless considered by the chairperson to be a "serious hindrance" to the workings of the board.

3.3. Representation and Absence

An applicant may appear in his/her own behalf, or be presented by an agent or attorney. In the absence of any appearance without due cause on behalf of an applicant, the board may decide on the matter using the information it has otherwise received.

3.4. Order of Business

1. Reading of petition and legal notices together with presentation of exhibits, if any.
2. Applicant's presentation.
3. Public comments, if any, and questions by those seeking information.
4. Applicant's rebuttal, restricted to matters raised by questions and comments during the public comment period. Members of the board who are hearing the case may direct questions during the hearing.

Section 4: Actions by the Planning Board

4.1. Decisions

A decision on a special permit shall be filed with the Town Clerk within ninety (90) days after the public hearing is closed. The required time limits for a public hearing and decision may be extended by written agreement between the petitioner and the Planning Board. Failure of the Planning Board to take action within ninety (90) days or extended time shall be deemed to be a grant of the Special Permit.

4.2. Voting Requirements and Records

A special permit decision shall require a concurring vote of four (4) members of the five (5) member Planning Board, with each member who is sitting must record either yes or no. The record shall also show if a member is absent. The Board shall also clearly set forth the reasons for its decision. A detailed record of the proceedings, including the decision, the vote on the decision, and the reasons for the decision shall be filed with the Town Clerk within fourteen (14) days of the decision. A notice of such decision shall be mailed forthwith to the petitioner, to all parties to whom notice of the hearings was mailed, and to every person present at the hearing who requested a notice be sent and stated the address to which such notice was to be sent, the Inspector of Buildings, and where applicable, to the Board of Health, the Conservation Commission and other Town boards or departments. Each notice shall specify that appeals, if any, shall be made pursuant to MGL Chapter 40A, Section 17 and shall be filed within twenty (20) days after the date of filing such notice with the Town Clerk.

Section 5: Withdrawal

Any application for a special permit may be withdrawn without prejudice by notice in writing to the Planning Board with a copy to the Town Clerk prior to the publication of the public hearing notice by the Board. Requests to withdraw without prejudice after publication of the public hearing notice may be granted by a majority vote of the Board upon written request from the applicant.

Section 6: Reconsideration

Once a decision has been voted upon and the meeting adjourned, there shall be no reconsideration of a decision by the Board.

Section 7: Expiration

Special permits shall expire within two (2) years of approval, if a substantial use thereof or if construction has not commenced. An extension may be granted by the Board for the time period required to pursue or await the determination of an appeal under MGL Chapter 40A, Section 17 or for other good cause.

Section 8: Re-application

No appeal, application or petition which has been unfavorably and finally acted upon by the Planning Board shall be acted upon within two (2) years after the date of final unfavorable action unless the Planning Board finds, by a vote of four (4) members of the five (5) member Board, specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings, and unless all but one of the members of the Planning Board consents thereto and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered. Such notice shall be paid for by the applicant.

Section 9: Opinions and Advice

Any advice, opinion, or information given by any Board member or any other official or employee of the Town shall not be binding on the Board.

Section 10: Amendments

These Rules may be amended by a majority vote of the members of the Board, provided that such amendment shall be presented in writing at a public meeting held by the Planning Board and action taken thereof at a subsequent regular meeting. The amendment of the General Laws or the Zoning Bylaw in respect to any matter covered by these Rules and Regulations will constitute automatic amendment.

Section 11: Waiver

Strict compliance with these Rules and Regulations may be waived when, in the judgment of the Planning Board, such action is in the public interest.

Section 12: Other Provisions

When considering approval of special permits, the Planning Board may require on-going monitoring of certain aspects of the project at the applicant's expense.