

Greenfield Zoning Board of Appeals
Rules and Regulations for the Application, Submittal, and Approval
of Site Plans

Adopted June 19, 2008

A TRUE COPY,

ATTEST:

Town Clerk

Section 1: Application Form

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

Section 2: Filing and Submittal Requirements

2.1 Each application for a site plan approval from the Zoning Board of Appeals shall be filed with the Board in the Planning Department, in the Town of Greenfield.

2.2 The completed application from 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 Zoning Board of Appeals 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 site plan approval shall contain all other information required by the Greenfield Zoning Ordinance. For larger projects, the preferred scale is 1 inch = 40 feet. The Zoning Board of Appeals 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 site plan approval shall be accompanied by cash or a certified check, payable to the Town of Greenfield, in the amount of one-hundred (100) dollars.

The services of an outside consultant may be obtained by the Zoning Board of Appeals 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 Zoning Board of Appeals 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 Zoning Board of Appeals 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 Zoning Board of Appeals 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.

Section 3: Review of Applications

- 3.1. The Zoning Board of Appeals shall, within ten (10) days of receiving the application, transmit one (1) copy of the site plan to the Department of Public Works, Fire Department, Inspector of Buildings, Zoning Board of Appeals, Conservation Commission and Historic Commission for review and comment. Failure of the above to comment within thirty (30) days shall be deemed as no objection to the site plan.
- 3.2. The Zoning Board of Appeals shall review the site plan at a regularly scheduled public meeting. The applicant or his/her representative may be present to discuss the project with the Board. In the absence of any appearance by the applicant or representative, the Board may decide on the plan using the information it has otherwise received.

Section 4: Decisions by the Zoning Board of Appeals

- 4.1. A decision on a site plan shall be made by the Board within forty-five (45) days of receipt of the application. The required time limits for a decision may be extended by written agreement between the petitioner and the Zoning Board of Appeals. Failure of the Zoning Board of Appeals to take action within forty-five (45) days or extended time shall be deemed to be approval of the site plan.
- 4.2. The site plan may be approved or approved with conditions. Before approval of a site plan, the reviewing authority may request the applicant to make modifications in the proposed design of the project. If the site plan does not comply with the purposes and requirements of this Bylaw, it may be disapproved. If disapproved, the plan may be revised and resubmitted without prejudice at anytime.
- 4.3. The reviewing authority may require the posting of security to ensure compliance with the plan and conditions. A permit or license may be suspended when work is not performed as approved.

Section 5: Withdrawal

Any application for site plan approval may be withdrawn without prejudice by notice in writing to the Zoning Board of Appeals at any time.

Section 6: Expiration

Site plan approval shall expire within two (2) years if a substantial use thereof has not commenced, except the Zoning Board of Appeals may grant an extension for good cause.

Section 7: Appeals

Decisions on site plans made by the Zoning Board of Appeals may be appealed to superior court in accordance with Section 17 of the Zoning Act, MGL Ch. 40A. Decisions on site plans reviewed by a Special Permit Granting Authority as part of a special permit application may also be appealed to superior court in accordance with Section 17 of the Zoning Act, MGL Ch. 40A.

Section 8: 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 9: 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 regular meeting 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 10: Waiver

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