



TOWN OF DEERFIELD

Planning Board
8 Conway Street
South Deerfield MA 01373
Voice: 413.665.1400 ext.105
Facsimile: 413.665.1411

Site Plan Review Application Introduction

Site Plan Review establishes criteria for the layout, scale, appearance, safety, and environmental impacts of proposed development projects, in an attempt to "fit" larger projects into the community. Site plan review usually focuses on parking, traffic, drainage, roadway construction, signage, utilities, screening, lighting, and other aspects of the proposal to arrive at the best possible design for the location. **Site plan review can only be used to shape a project**; a project under site plan review can only be denied in rare circumstances, such as when an application is incomplete or inconsistent with the Deerfield Zoning Bylaws.

According to Section 5410 of the Deerfield Zoning Bylaws, the following types of activities and uses require Site Plan Review by the Planning Board:

- 5411. For a municipal, institutional, commercial, industrial, or multi-family structure: 1) a change of use; or 2) construction, exterior alteration, or exterior expansion that will cumulatively add more than 600 square feet over a three-year period;
- 5412. Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multi-family structure which results in a cumulative total of 10 or more parking spaces or 2,000 square feet of parking area;
- 5413. Grading, clearing, or other land development activity EXCEPT for the following: landscaping on a lot with an existing dwelling, clearing necessary for percolation and other site tests, work incidental to agricultural activity, or work in conjunction with an approved subdivision plan or earth removal permit;
- 5414. Outdoor storage, sales or display associated with any retail use;
- 5415. Construction or expansion of a Large-Scale Ground-Mounted Solar Electric Installation or an Extra-Large-Scale Ground-Mounted Solar Electric Installation;
- 5416. Flexible Developments as authorized in Section 3500;
- 5417. Planned Unit Developments as authorized in Section 4800;
- 5418. Any use listed in Section 2230, Use Regulation Schedule, or in other sections of this bylaw as requiring Site Plan Review.

In some cases, a proposed project may require only Site Plan Review by the Planning Board prior to receiving a Building Permit from the Building Commissioner (additional permits may also be required from other Town Boards, such as the Conservation Commission or Board of Health). However, it is likely that a proposed project may also require a Special Permit from either the Zoning Board of Appeals or from the Planning Board. Where the Planning Board serves as the Special Permit Granting Authority (i.e., Special Permit applications for Solar Electric Installations, for common driveways, for the Water Shed Protection District, and for Planned Unit Developments), it shall consolidate Site Plan Review into the Special Permit process, applying the Special Permit procedures and timetable for decision. Where the Zoning Board of Appeals serves as the Special Permit Granting Authority (i.e., all other uses requiring a Special Permit under Section 2230, Use Regulation Schedule), the two Boards may coordinate their reviews of the application or each may proceed separately.

It is important to note that no Building Permit shall be issued by the Building Commissioner and/or no Special Permit or variance shall be issued by the Zoning Board of Appeals without the written approval of the Site Plan by the Planning Board (or the passage of 60 days without the Planning Board taking action on the application). Conditions imposed by the Planning Board shall be incorporated into any Special Permit or variance.

Public Hearings are required for all Site Plans filed. The applicant shall obtain a list of abutters, being all "parties in interest" as defined in G.L. c. 40A, s. 11, from the Deerfield Assessor's Office, and shall attach the list to the application when filed. At least fourteen (14) days prior to the day of the Public Hearing, written notices shall be sent by the administrative staff by certified mail at the applicant's expense to the parties in interest. Legal notice of the public hearing shall be published at the applicant's expense in a newspaper of general circulation in the town in each of two (2) successive weeks, the first publication to appear not less than fourteen (14) days prior to the day of the Public Hearing. Notice of the Public Hearing shall also be posted in a conspicuous place in Town Hall for a period of not less than fourteen (14) days before the day of such hearing.

The Planning Board may require narrative assessments of the on-site and off-site impacts of the proposed project, including traffic, drainage, noise, and other environmental factors. The Planning Board may require that such narrative assessments be prepared by qualified experts at the applicant's expense. The Planning Board may, upon written request of the applicant, waive any of the technical requirements of Section 5430 or 5440 where the project involves relatively simple development plans.

Attachments:

1. Site Plan Review Flow Chart
2. Site Plan Review Application Form
3. Site Plan Review Application Checklist
4. Chapter 179 of Deerfield's Bylaws, Zoning, Section 5400, Site Plan Review
5. Chapter 179 of Deerfield's Bylaws, Zoning, Section 2100, Districts, and Section 2200, Use Regulations
6. Deerfield Planning Board Fee Schedule

Additional Resources:

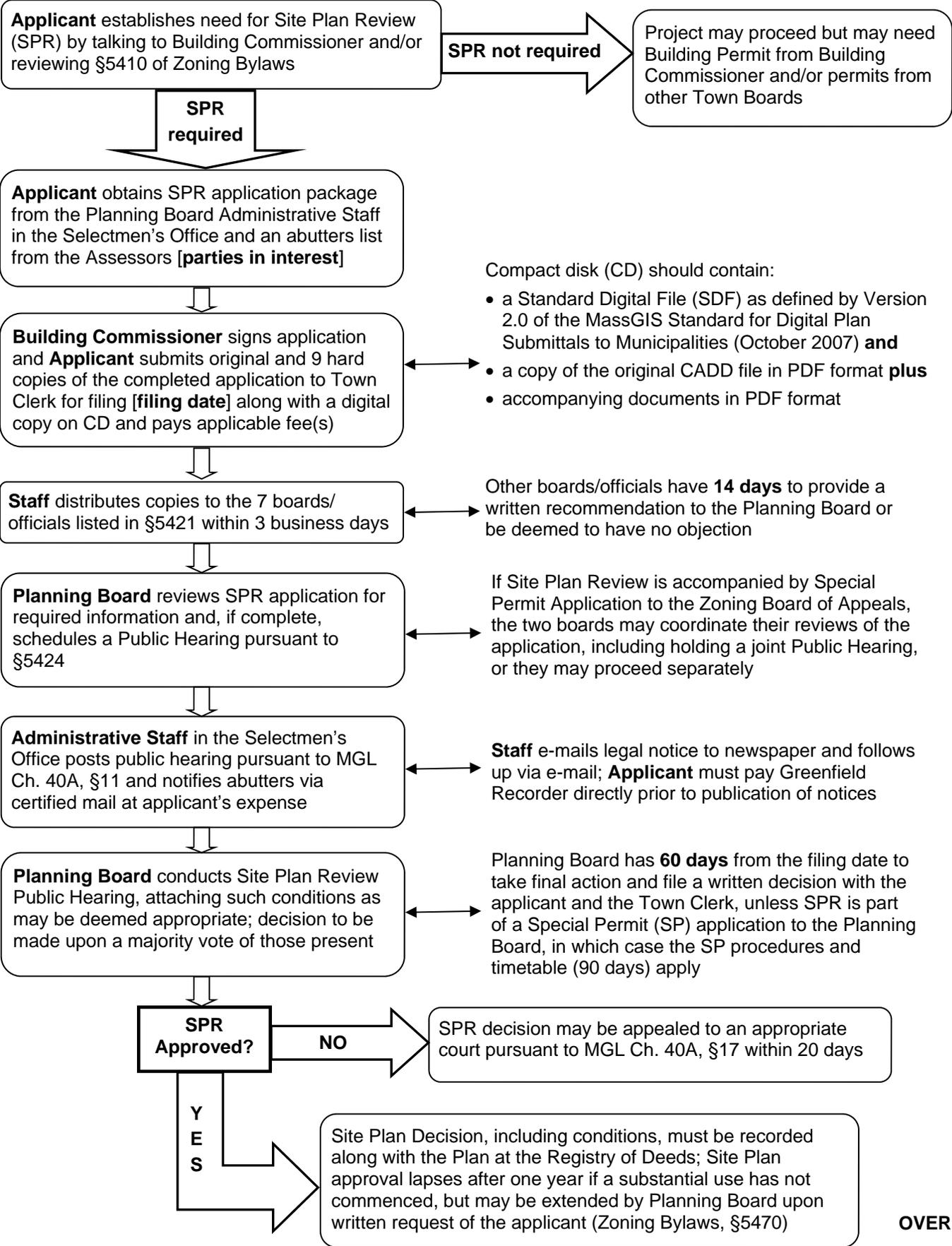
1. MassGIS Standard for Digital Plan Submittals to Municipalities (Version 2.0--October 2007)
2. Town Website: www.deerfieldma.us



TOWN OF DEERFIELD PLANNING BOARD

SITE PLAN REVIEW FLOW CHART

Date
Done:



OVER

FEES AND OTHER EXPENSES:

- SPR Application fee:** \$250.00 **plus** \$10.00 per 100 square feet of land disturbance
- Abutters List fee:** Cost as determined by the Deerfield Assessor's Office payable to the Town of Deerfield + cost of 2 sets of mailing labels
- Abutters Notice Mailing fee:** Total cost will vary depending on the number of abutters, and will include the cost/piece for Certified Mail/Return Receipt plus \$2.00 processing costs per piece
- Newspaper Publishing fee:** Total cost will vary; to be paid directly to the Greenfield Recorder in-person or by phone prior to publication of legal notices
- Consultant Review fee:** May be required for some projects; fee to be determined by Planning Board and deposited in advance by applicant

CONTACTS:

- Building Commissioner:** 413-665-1400 x108
8 Conway St., South Deerfield, MA 01373
- Board of Selectmen's Office
Planning Board Admin. Staff:** 413-665-1400 x105
8 Conway St., South Deerfield, MA 01373
- Town Clerk:** 413-665-2130 x101
8 Conway St., South Deerfield, MA 01373
- Board of Assessors:** 413-665-1400 x106
8 Conway St., South Deerfield, MA 01373
- Registry of Deeds:** 413-772-0239
Franklin County Courthouse, 425 Main St., Greenfield, MA 01301
- Greenfield Recorder:** Please contact Sharon Cross to arrange payment:
Telephone: 413-772-0261 ext. 219
Email: legalads@recorder.com
Fax: 413-774-5511
- Town Website:** www.deerfieldma.us

HOURS AND SCHEDULES:

- Building Commissioner's Office:** 9:00 a.m. to 4:00 p.m. Monday through Friday
- Town Clerk's Office:** 9:00 a.m. to 4:00 p.m. Monday through Friday
- Board of Selectmen's Office:** 9:00 a.m. to 4:00 p.m. Monday through Friday
(Planning Board administrative staff in this office will assist you.)
- Board of Assessors:** 9:00 a.m. to 4:00 p.m. Monday, Tuesday, Thursday, Friday
9:00 a.m. to 12:00 p.m. Wednesday
- Planning Board Schedule:** Typically meets the first Monday of each month at 7:00 p.m. in Town Hall Meeting Room. This schedule or location may change due to holidays, earlier meeting start times, extra meetings in addition to the monthly meeting, etc. Please check with the Selectmen's Office to determine the next scheduled Planning Board meeting.



Site Plan Review Application

Town of Deerfield Planning Board

1. **Name of Applicant:** _____ Phone #: _____

Mailing Address: _____

E-mail Address: _____

2. **Property Owner(s)** (If different from above. All entities listed on deed must be included. Please attach additional sheets if necessary.)

Name: _____ Phone #: _____

Mailing Address: _____

E-mail Address: _____

3. **Name of Registered Land Surveyor/Engineer:** _____

Mailing Address: _____

Phone #: _____ E-mail Address: _____

4. **Parcel ID: Street Address:** _____

Map:* _____ **Lot/Parcel #:*** _____ **Zoning District:*** _____

**This information can be found on your tax bill or can be obtained from the Board of Assessors.*

5. **Deed Reference: Book:** _____ **Page:** _____

6. **Plan Reference: Book:** _____ **Page:** _____

7. **Parcel Area:** (all figures should be in square feet)

Total Land Area: _____ **Area of Disturbed Land:** _____

Gross Floor Area of proposed construction: _____ **Net Floor Area:** _____

8. **Proposed Use:** (mark all that apply)

- | | | |
|---|---------------------------------------|--|
| <input type="checkbox"/> New Construction | <input type="checkbox"/> Commercial | <input type="checkbox"/> Parking lot |
| <input type="checkbox"/> Alteration/Expansion | <input type="checkbox"/> Industrial | <input type="checkbox"/> Outdoor retail |
| <input type="checkbox"/> Municipal | <input type="checkbox"/> Multi-family | <input type="checkbox"/> Solar Electric Installation |
| <input type="checkbox"/> Institutional | <input type="checkbox"/> Mixed Use | <input type="checkbox"/> Flexible Development |
| | | <input type="checkbox"/> Planned Unit Development |

Describe the proposed use in detail, including square footages, where applicable:

9. Property listed under Chapter 61, 61A or 61B for tax purposes? Yes No

10. Modification of Existing Plan? Yes No

11. Special Permit Application Pending? Yes No

12. Stormwater Permit Required? Yes No

13. List any other Federal, State, and/or Municipal Permits required: _____

14. I hereby certify that the information contained in this application is true and complete:

Applicant's Signature: _____ Date: _____

Owner(s) Signature(s): _____ Date: _____

(if different from applicant;
attach additional sheets if necessary) _____ Date: _____

**PLEASE ATTACH ONE ORIGINAL 24" x 36" SITE PLAN
AND THE COMPLETED SITE PLAN REVIEW APPLICATION CHECKLIST**

15. Building Commissioner Certification: _____ Date: _____

Comments: _____

16. Town Clerk Certification: _____ Date: _____



Town of Deerfield Planning Board
Site Plan Review Application Checklist

File # _____

Reason for Site Plan Review: _____

Special Permit application associated with this SPR application? Yes No (If yes, please attach copy)

Site Plan Submission Requirements (see *Zoning Bylaws Section 5420*)

- An original and nine (9) copies of the signed Site Plan Review application
- An original plan prepared by a registered professional engineer, registered architect, registered landscape architect, or registered land surveyor submitted on 24-inch by 36-inch sheets with a minimum scale of 1" = 40' **and**
- A compact disk containing a Standard Digital File (SDF) as defined by Version 2.0 of the MassGIS Standard for Digital Plan Submittals to Municipalities **and**
 _____ a copy of the original CADD file in PDF format **plus**
 _____ accompanying documents in PDF format
- Copies distributed to:

_____ Board of Health	_____ Building Commissioner
_____ Director of Public Works	_____ Conservation Commission
_____ Police Chief	_____ Board of Selectmen
_____ Fire Chief	

14-day deadline for comments: _____

Contents of Plan (see *Zoning Bylaws Section 5430, Submittals*)

- Identification of Applicant, Property Owner (if different), and Site Plan Preparer (incl. e-mail addresses)
- Property Description
- Applicant and Property Owner(s) signatures
- Town signatures: _____ Town Clerk and _____ Building Commissioner
- Certified list of abutters from Board of Assessors (+ 2 sets of mailing labels)
- All boundary line information pertaining to the land sufficient to permit location of same on ground with existing and proposed topography at 2 foot contour intervals and the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding and unique natural features
- Existing and proposed buildings and structures, including fences, loading areas, accessory buildings, signs, waste disposal areas, and storage areas, with proposed building elevations or renderings; utilities and snow disposal methods
- Water provision, including fire protection measures
- Sanitary sewerage
- Storm drainage, including means of ultimate disposal and calculations to support maintenance of the requirements in the Planning Board's Subdivision Rules and Regulations (See Ch. 264, Subdivision of Land)
- Parking, walkways, driveways, and other access and egress provisions
- Existing trees 10" caliper or better and existing tree/shrub masses; proposed planting, landscaping, and screening
- Existing and proposed exterior lighting
- Signage

For Office Use Only

Base Fee paid: \$ _____ Date: _____ Town Clerk stamp: _____

Fee = \$250.00 **plus** \$10.00 per 100 square feet of land disturbance

Calculation: Land disturbance = _____ sq. ft./100 = _____ x \$10.00 = \$ _____

Abutters list fee paid: \$ _____ Date: _____ Assessor's initials: _____

Fee = Cost as determined by the Deerfield Assessor's Office + cost of 2 sets of mailing labels

Mailing fee paid: \$ _____ Date: _____ Town Clerk stamp: _____

Fee = cost/piece for Certified Mail/Return Receipt plus \$2.00 processing costs per piece

Consultant Peer Review requested by Planning Board: ____ Yes ____ No (If yes, complete below)

Date plans forwarded to reviewer(s): _____ List: _____

Date project-specific account established: _____ Town Accountant's initials: _____
(per MGL Ch. 44, §53g) Acct. #: _____

Consultant fee paid: \$ _____ Date: _____ Town Clerk stamp: _____

Funds deposited into account: _____ Date: _____ Treasurer's initials: _____

Additional funds deposited: \$ _____ Date: _____ Treasurer's initials: _____

Unused funds returned: \$ _____ Date: _____ Treasurer's initials: _____
(with interest)

FRCOG Review requested by Planning Board: ____ Yes ____ No

Date plans forwarded to FRCOG: _____

Date Site Plan rejected by Planning Board and sent back as incomplete: _____ (if applicable)

Effective Date of application (signed by Town Clerk): _____

Decision Deadline:

60 days from effective date: _____ **OR** 90 days: _____ (if PB also reviewing SP)

Continuation request form filed with Town Clerk (if applicable) **Revised Decision Deadline:** _____

Public Hearing Date: _____ (Notice and postings pursuant to M.G.L. Ch. 40A, Sec. 11)

Date notice sent to newspaper: _____

Date confirmation of payment received: _____

Date of **first** legal notice in newspaper: _____ (not less than 14 days prior to hearing)

Date of **second** legal notice in newspaper: _____ (at least 7 days prior to hearing)

Date of certified mailing of notice to abutters: _____ (to be done by Administrative Staff)

Date posted in Town Hall: _____ (period not less than 14 days prior to hearing)

Date notice mailed to abutting Towns: _____

Date Site Plan Approved: _____

Date Site Plan Review decision mailed to applicant: _____

Date Site Plan Review decision filed with Town Clerk: _____

NO APPEAL has been filed with the Deerfield Town Clerk after 20 days Town Clerk stamp: _____

APPEAL has been filed within 20 days: _____ Date: _____ Town Clerk stamp: _____

granting authority by the date of the public hearing, but in any case within thirty-five (35) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the special permit granting authority is held prior to the expiration of the 35 day period, said authority shall continue the Public Hearing to permit the formal submission of reports and recommendations within that 35 day period. The Decision/Findings of the special permit granting authority shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

5340. Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this By-Law.

5350. Plans. An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 5430, herein.

5360. Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

5400. SITE PLAN REVIEW.

5410. Applicability. The following types of activities and uses require site plan review by the Planning Board: **[Amended 4-26-2010 ATM, Art. 1; 4-25-2011 ATM, Art. 7; 4-30-2012 ATM, Art 7]**

5411. For a municipal, institutional, commercial, industrial, or multi-family structure: 1) a change of use; or 2) construction, exterior alteration, or exterior expansion that will cumulatively add more than 600 square feet over a three-year period;

5412. Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multi-family structure which results in a cumulative total of 10 or more parking spaces or 2,000 square feet of parking area;

5413. Grading, clearing, or other land development activity except for the following: landscaping on a lot with an existing dwelling, clearing necessary for percolation and other site tests, work incidental to agricultural activity, or work in conjunction with an approved subdivision plan or earth removal permit.

5414. Outdoor storage, sales or display associated with any retail use:

5415. Construction or expansion of a Large-Scale Ground-Mounted Solar Electric installation or an Extra-Large-Scale Ground Mounted Solar Electric Installation.

5416. Flexible Developments as authorized in Section 3500;

5417. Planned Unit Developments as authorized in Section 4800;

5418. Any use listed in Section 2230, Use Regulation Schedule, or in other sections of this bylaw as requiring Site Plan Review

5420. Procedures. [**Amended 4-25-2011 ATM, Art. 7; 4-30-2012 ATM, Art 7**]

5421. Prior to the commencement of any activity set forth in Section 5410, the project proponent shall obtain site plan approval from the Planning Board. Applicants for site plan approval shall submit an original and nine (9) hard copies of the site plan review application to the Town Clerk on behalf of the Planning Board for review at a regularly scheduled meeting along with a compact disk containing a Standard Digital File (SDF) as defined by Version 2.0 of the MassGIS Standard for Digital Plan Submittals to Municipalities (October 2007) and a copy of the original CADD file in PDF format plus accompanying documents in PDF format. Within three business (3) days thereafter, administrative staff shall distribute copies of the site plan to the Board of Health, Director of Public Works, Police Chief, Fire Chief, the Building Inspector, Conservation Commission, and Board of Selectmen for their advisory review and comments. Said boards and officials shall have fourteen (14) days from the receipt of the site plan to make a written recommendation to the Planning Board. Failure to respond or provide comments within fourteen (14) days shall be deemed to constitute no objection to the application. The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within sixty (60) days of its receipt, and notify the applicant of its decision. The decision of the Planning Board shall be upon a majority of those present and shall be in writing. No building permit shall be issued by the Building Inspector and/or no special permit or variance shall be issued by the Board of Appeals without the written approval of the site plan by the Planning Board, or unless sixty (60) days lapse from the date of the submittal of the site plan without action by the Planning Board. Where a site plan accompanies a special permit or variance application to the Board of Appeals and the Planning Board approves a site plan "with conditions," the conditions imposed by the Planning Board shall be incorporated into the issuance, if any, of a special permit or variance by the Board of Appeals.

5422. Where the Planning Board serves as the special permit granting authority, it shall consolidate site plan review into the special permit procedures and the timetable for decision shall conform thereto:

5423. An application for site plan approval shall be accompanied by a fee, as set forth in the Planning Board's Rules and Regulations.

5424. Public Hearings are required for all Site Plans filed. The applicant shall obtain a list of abutters, being all "parties in interest" as defined in G.L. c. 40A, s. 11, from the Deerfield Assessor's Office, and shall attach the list to the application when filed. At least fourteen (14) days prior to the day of the Public Hearing, written notices shall be sent by the administrative staff by certified mail at the applicant's expense to the parties in interest. Legal notice of the public hearing shall be published at the applicant's expense in a newspaper of general circulation in the town in each of two (2) successive weeks, the first publication to appear not less than fourteen (14) days prior to the day of the Public Hearing. Notice of the Public

Hearing shall also be posted in a conspicuous place in Town Hall for a period of not less than fourteen (14) days before the day of such hearing.

5430. Submittals.

5431. Plans subject to this section shall show: **[Amended 4-30-2012 ATM, Art 7]**

- a. All boundary line information pertaining to the land sufficient to permit location of same on ground with existing and proposed topography at 2 foot contour intervals and the location of wetlands, streams, waterbodies, drainage swales, areas subject to flooding and unique natural features;
- b. Existing and proposed buildings and structures, including fences, loading areas, accessory buildings, signs, waste disposal areas, and storage areas, with proposed building elevations as renderings; utilities and snow disposal methods;
- c. Water provision, including fire protection measures;
- d. Sanitary sewerage;
- e. Storm drainage, including means of ultimate disposal and calculations to support maintenance of the requirements in the Planning Board's Subdivision Rules and Regulations.¹³
- f. Parking, walkways, driveways, and other access and egress provisions;
- g. Existing trees 10" caliper or better and existing tree/shrub masses; proposed planting, landscaping, and screening;
- h. Existing and proposed exterior lighting;
- i. Compliance with all applicable provisions of this Zoning By-Law;
- j. Certified list of abutters;
- k. Signage;
- l. Application fees and inspection fees, as set forth in the rules and regulations of the Planning Board.

5432. The Planning Board may require assessments of the on-site and off-site impacts of the proposed project, including traffic, drainage, noise, and other environmental factors. The Planning Board may require that such assessments be prepared by qualified experts at the applicant's expense. **[Amended 4-25-2011 ATM, Art. 9; 4-30-2012 ATM, Art 7]**

5433. Failure by the applicant to submit any of the required materials may constitute grounds for denial of the site plan application.

¹³Editor's Note: See Ch. 264, Subdivision of Land.

5440. Preparation of Plan. Site Plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1" = 40' .

5450. Waiver of Technical Compliance. The Planning Board may, upon written request of the applicant, waive any of the technical requirements of Section 5430 or 5440 where the project involves relatively simple development plans.

5460. Approval. Site Plan approval shall be granted upon determination by the Planning Board that the following conditions have been satisfied. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to ensure that the following conditions have been satisfied. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations.¹⁴ New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

5461. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;

5462. Maximize pedestrian and vehicular safety both on the site and egressing from it;

5463. Minimize obstruction of scenic views from publicly accessible locations;

5464. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;

5465. Minimize glare from headlights through plantings or other screening;

5466. Minimize lighting intrusion through use of such devices as cut-off luminaires confining direct rays to the site;

5467. Minimize unreasonable departure from the character and scale of building in the vicinity, as viewed from public ways.

5468. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances;

5469. Compliance with the provisions of this Zoning By-Law, including parking and landscaping.

¹⁴Editor's Note: See Ch. 264, Subdivision of Land.

5470. Lapse. Site plan approval shall lapse after one year from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

5480. Regulations. The Planning Board may adopt and from time to time amend reasonable regulations for the administration of these Site Plan guidelines.

5490. Appeal. An appeal of a Site Plan Review Decision by the Planning Board shall be filed in a court of competent jurisdiction in accordance with M.G.L. Chapter 40A, Section 17. **[Added 4-30-2012 ATM, Art 7]**

5500. AMENDMENTS.

This By-Law may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided in G.L. c. 40A, s.5, and any amendments thereto.

5600. APPLICABILITY.

5610. Other Laws. Where the application of this By-Law imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this By-Law shall control.

5620. Conformance. Construction or operations under a Building or Special Permit shall conform to any subsequent amendment of this By-Law unless the use or construction is commenced within a period of six months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

5700. SEPARABILITY.

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision herein.

ARTICLE VI. DEFINITIONS.

The intent of this section is to provide definitions for certain terms, words and/or series of words which are to be utilized in the interpretation of this ordinance, whether or not the definition stated herein is contrary to common usage or contrary to the definition as contained in a dictionary.

For the purpose of this ordinance and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein; words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words "used" or "occupied" include the words "designed", "arranged", "intended" or "offered", to

ARTICLE II. USE AND DIMENSIONAL REGULATIONS.

2100. DISTRICTS.

2110. Establishment. For the purposes of this By-Law, the Town of Deerfield is hereby divided into the following districts: **[Amended 4-26-2010 ATM, Art. 1]**

RESIDENTIAL-AGRICULTURAL	RA
CENTER VILLAGE RESIDENTIAL	CVRD
SMALL BUSINESS	C-I
COMMERCIAL	C-II
INDUSTRIAL	I
PLANNED INDUSTRIAL	PI
EXPEDITED PERMITTING DISTRICT	EPD

"Overlay" districts are also hereby created: (1) the Watershed Protection District (see Section 4200); the Flood Plain District (see Section 4300); the Wireless Communications District (see Section 4400); and the Adult Use District (see Section 4600).

The boundaries of these districts are defined and set forth on the map entitled, "Official Zoning Map, Town of Deerfield, Massachusetts," dated April 6, 2010. This map is on file with the Town Clerk. This map and all explanatory matter therein are hereby made a part of this Zoning By-Law.

2120. Boundary Definition. Except when labeled to the contrary, boundary or dimension lines shown approximately following or terminating at street, railroad, or utility easement center or layout lines, boundary or lot lines at water body shoreline or the channel of a stream, shall be construed to be actually at those lines; when shown approximately parallel, perpendicular, or at an angle to such lines shall be construed to be actually parallel, perpendicular, or at an angle thereto. When not located in any other way, boundaries shall be determined by scale from the map.

2200. USE REGULATIONS.

2210. General. No structure shall be erected or used or land used except as set forth in Section 2230, "Use Regulation Schedule", or in Section 2240, "Accessory Buildings and Uses", unless exempted by Section 2250, "Nonconforming Uses and Structures", or by statute. Uses not expressly provided for herein are prohibited. **[Amended 4-26-2010 ATM, Art. 1]**

Symbols employed below shall mean the following:

- Y – A permitted use.
- Y* – A permitted use except that new building footprint, as measured along external walls, in excess of (a) 2,500 gross sq. ft. in the C-I District, or (b) 10,000 gross sq. ft. in the C-II District, as the case may be shall require a special permit from the Board of Appeals.
- Y** – Site Plan Review required by the Planning Board as provided under Section 5400.

N – An excluded or prohibited use.

SP – A use authorized under special permit as provided under Section 5300.

2220. Applicability. When an activity might be classified under more than one of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern.

2230. Use Regulation Schedule. [Amended 4-26-2004 ATM, Art. 30; 4-28-2008 ATM, Art. 3; 4-26-2010 ATM, Art. 1; 4-25-2011 ATM, Art. 7]

Principal Use	RA	CVRD	C-I	C-II	I	PI	EPD ³
A. RESIDENTIAL							
Detached single-family dwelling	Y	Y	N	N	N	N	N
Detached two-family dwelling	N	Y	N	N	N	N	N
Multi-family dwelling	N	SP	SP	N	N	N	SP
Dwelling unit incidental to commercial or industrial use	N	N	Y	Y	N	N	N
Flexible development	Y	Y	N	N	N	N	N
Conservation subdivision	Y	Y	N	N	N	N	N
Accessory apartments for the purpose of providing assistance with the activities of daily living	SP	SP	SP	N	N	N	N
B. EXTENSIVE USES AND COMMUNITY FACILITIES							
Religious or educational use exempted by G.L. c. 40A, s. 3	Y	Y	Y	Y	Y	Y	Y
Educational use not exempted by G.L. c. 40A, s. 3	SP	SP	Y	SP	SP	N	Y
Agricultural use exempted by G.L. c. 40A, s. 3	Y	Y	Y	Y	Y	Y	Y
Fur farm, piggery, raising of animals on a parcel of land not exempt by G.L. c. 40A, s. 3	SP	SP	SP	SP	SP	SP	N
Other Agricultural use not exempted by G.L. c. 40A, s. 3	SP	SP	SP	SP	SP	N	N
Child care facility or day care facility exempted by G.L. c. 40A, s. 3	Y	Y	Y	Y	Y	Y	Y
Municipal facilities	Y**	Y**	Y	Y	Y	Y	Y
Essential services	SP	SP	SP	SP	SP	SP	SP
Earth Removal	N	N	N	SP	SP	N	N
Nonprofit event ¹	Y	Y	Y	Y	Y	Y	Y
Small-Scale Ground-Mounted Solar Electric Installation ⁸	Y	Y	Y	Y	Y	Y	Y
C. COMMERCIAL							
Office	N	N	Y*	Y*	Y	SP	Y

Principal Use	RA	CVRD	C-I	C-II	I	PI	EPD³
Bank, including ATM or Teller Line in or outside premises	N	N	Y*	Y*	SP	N	Y
ATM not within or upon banking premises	N	N	Y	SP	SP	SP	Y
Retail sales or rental with or without display outdoors – Building 4,000 sq. ft. or less of enclosed floor area ^{4,5}	N	N	Y	Y	SP	N	Y
Retail sales or rental with or without display outdoors – Building greater than 4,000 sq. ft. up to 30,000 sq. ft. of enclosed floor area ^{4,5,6}	N	N	SP	SP	N	N	Y
Retail sales or rental with or without display outdoors – Building greater than 30,000 sq. ft. up to 60,000 sq. ft. of enclosed floor area ^{4,5}	N	N	N	SP	N	N	Y
Retail sales or rental with or without display outdoors – Building greater than 60,000 sq. ft. of enclosed floor area ^{4,5}	N	N	N	N	N	N	SP
Retail sales or rental with display, sales or storage outdoors without a building ⁵	N	N	SP	SP	SP	N	Y
Artisan Studio – Building up to 5,000 sq. ft.	N	N	Y	Y	SP	N	Y
Motor vehicle service station	N	N	SP	SP	N	N	N
Motor vehicle repair shop	N	N	SP	SP	N	N	N
Private Clubs, Bars or Nightclubs including the sale or consumption of alcoholic beverages, with or without entertainment, whether for profit or not for profit	N	N	SP	SP	N	N	SP
Junkyard or automobile graveyard	N	N	N	N	N	N	N
Hospital or sanitarium	N	N	N	SP	N	N	N
Convalescent or nursing home; assisted living residence	SP	SP	SP	SP	N	N	N
Hotel or motel	N	N	SP	SP	SP	N	SP
Bed and Breakfast	SP	SP	SP	SP	N	N	N
Boarding House	N	SP	Y*	Y*	N	N	N
Print or publishing establishment	N	N	SP	Y	Y	Y	Y
Service shop	N	N	Y	Y	N	N	N
Repair shop	N	N	SP	SP	N	N	N
Medical/dental center	N	N	SP	SP	N	N	Y
Auction gallery for exhibition and sale by auction	N	N	SP	SP	N	N	N
Restaurant, not including fast-food or drive-in restaurant	N	N	Y*	SP	SP	N	Y
Fast-Food or drive-in restaurant	N	N	N	N	N	N	N
Place of assembly	N	N	SP	SP	SP	N	N

Principal Use	RA	CVRD	C-I	C-II	I	PI	EPD³
Drive-in service, including restaurants, but not including ATMs or Teller Lines	N	N	N	N	N	N	N
Landscaping business ²	SP	N	SP	SP	SP	N	N
Car wash	N	N	SP	SP	N	N	N
Commercial recreation, outdoors ²	SP	N	SP	SP	SP	N	N
Kennel or animal hospital	N	N	N	SP	SP	N	N
Major Commercial Project	N	N	N	SP	SP	Y	SP
Arcade, Amusement Park	N	N	N	N	N	N	N
Bakery, coffee shop, deli	N	N	Y	Y	Y	SP	Y
Planned Unit Development (See Section 4800)	N	N	SP	SP	SP	N	N
D. INDUSTRIAL							
Manufacturing, processing, assembly, or fabrication that <u>can</u> meet the Performance Standards of Section 4900	N	N	N	Y	Y	Y	Y
Manufacturing, processing, assembly, or fabrication that <u>cannot</u> meet the Performance Standards of Section 4900	N	N	N	SP	SP	SP	SP
Retail sales incidental to manufacturing facility	N	N	N	SP	SP	SP	Y
Research laboratory or facility but excluding laboratories categorized as Level 4 by the National Institutes for Health	N	N	N	SP	SP	SP	Y
Wholesale, warehouse, or distribution facility	N	N	N	SP	SP	SP	Y
Self storage warehouse	N	N	N	N	N	N	N
Employee services incidental to permitted use	N	N	SP	SP	SP	SP	Y
Contractor's yard	N	N	N	SP	SP	N	N
Sawmill ²	N	N	N	SP	SP	N	N
Radioactive waste disposal	N	N	N	N	N	N	N
Truck, bus or freight terminal	N	N	N	SP	SP	SP	N
Planned Unit Development (See Section 4800)	N	N	SP	SP	SP	N	N
Large-Scale Ground-Mounted Solar Electric Installation ^{7,8}	SP	SP	SP	SP	Y**	SP	SP
Extra-Large-Scale Ground-Mounted Solar Electric Installation ^{7,8}	N	N	N	N	SP	N	N

NOTES:

- ¹ Subject to the issuance of a permit from the Board of Selectmen pursuant to Chapter 195 of the General By-Laws.
- ² Minimum site of 5 acres in RA District.

- ³ A proposed Expedited Permit Project (EPP) in the Expedited Permitting District (EPD) is subject to the standards of Section 4700, including Performance Standards in Section 4750, and to Site Plan Review by the Board of Selectmen.
- ⁴ Square footage amounts include new buildings and expansion of existing buildings. For expansions, the existing building plus the expansion will be combined to determine the square footage amount. For example, a Special Permit would be required in the C-I or C-II Districts where an applicant proposes to add 600 square feet to an existing building of 3,500 square feet.
- ⁵ Outdoor storage, sales or display associated with any retail use requires Site Plan Review (see Section 5400).
- ⁶ Provided that in the C-I District the building footprint shall not exceed 15,000 square feet.
- ⁷ Large-Scale Ground-Mounted Solar Electric Installations and Extra-Large-Scale Ground-Mounted Solar Electric Installations are subject to the provisions of Section 3800.
- ⁸ Acreage and generating capacity thresholds apply in the aggregate to new facilities and expansion of existing facilities. For expansions, the acreage and output generation of the existing facility would be added to those of the proposed expansion to determine the overall size and generating capacity. Required setback areas, as per Section 3851, shall not be counted toward a facility's total acreage.

2240. Accessory Buildings and Uses. Any use permitted as a principal use is also allowed as an accessory use, as are others customarily accessory and incidental to permitted principal uses.

2241. Home Occupations As of Right. Businesses or professions incidental to and customarily associated with the principal residential use of premises may be engaged in as an accessory use by a resident of that dwelling; provided, however, that all of the following conditions shall be satisfied:

- a. The occupation or profession shall be carried on wholly within the principal building; or within a building or other structure accessory thereto which has been in existence at least five (5) years, without extension thereof.
- b. Not more than thirty (30) percent of the combined floor area of the residence and any qualified accessory structures shall be used in the home occupation.
- c. No person not a member of the household shall be employed on the premises in the home occupation.
- d. The home occupation shall not serve clients, customers, pupils, salespersons, or the like on the premises.
- e. There shall be no sign, exterior display, no exterior storage of materials, and no other exterior indication of the home occupation, or other variation from the residential character of the premises.
- f. No disturbance, as defined in Section 3410, shall be caused, nor shall the home occupation use or store hazardous materials in quantities greater than associated with normal household use.

PLANNING BOARD
REGULATIONS GOVERNING FEES
AND
FEE SCHEDULES

Adopted May 5, 2008

SECTION 1. INTRODUCTION.

1.1 Procedural History. Pursuant to G.L. c. 41, §81Q and G.L. c. 40A §§ 9 and 12, the Planning Board has adopted regulations governing fees and a new schedule of fees for review conducted by the Planning Board and its consultants on the various types of applications which come before it. This document, subject to revision from time to time in a manner spelled out herein, constitutes the Planning Board's rules governing the imposition of fees and its current fee schedules.

1.2 Purpose. These regulations and fee schedules have been adopted to produce a more equitable schedule of fees which more accurately reflects the costs of technical and legal review of applications to the Planning Board; to take advantage of the procedures offered by G.L. c. 44, §53G; to establish a review procedure in the selection of consultants; and to promote more informed decision-making by the Planning Board.

SECTION 2. FEE STRUCTURES AND REGULATIONS.

2.1 General. The Planning Board shall impose reasonable fees for the review of applications which come before it. The Planning Board may impose Administrative Fees and Project Review Fees as may be applicable to the types of applications set forth below.

2.2 Form of Payment. All Administrative and Technical Review Fees shall be paid by bank or certified check.

SECTION 3. ADMINISTRATIVE FEES.

3.1 Applicability. An Administrative Fee shall be assessed to offset the expense of review by the Planning Board and its office with regard to all applications set forth in Section 3.3, below.

3.2 Submittal. Administrative Fees shall be submitted at the time of the submittal of the application. Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

3.3 Schedule of Administrative Fees. The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the Zoning By-Law, and Subdivision Rules and Regulations, and any listings which may have been compiled from time to time for the benefit of applicants.

- A. Site Plan Review — \$250.00 Basic Fee **plus** \$10.00 per 100 square feet of land disturbance.
- B. Modification or extension of a Site Plan shall also require the fee specified above.
- C. Special Permit Review — \$250.00 Basic Fee **plus** \$10.00 per 100 square feet of land disturbance.
- D. Modification or extension of Site Plan shall also require fee specified above.
- E. Approval Not Required Plan — \$100.00 **plus** \$50 per proposed new lot to be created.
- F. Preliminary Subdivision Plan — \$ 50.00 per proposed lot **plus** costs for any technical, legal and/or planning consultants whom the Planning Board deems necessary to review Special Permit Plans on the Board's behalf.
- G. Definitive Subdivision Plan — \$ 100.00 per proposed lot **plus** \$10.00 per 100 square feet of land disturbance.

3.4 Fees for Revised Applications. Where an Administrative Fee has been calculated by the number of lots or units proposed, and the application is revised after payment of said fee, the following rules shall apply:

- A. If the number of proposed lots or units increases, the applicant shall pay a fee equivalent to the difference between the fee originally paid and the fee that would have been paid had the original submission included these additional lots or units. No review of these additional lots or units shall take place until this additional fee is paid to the office of the Planning Board, and failure to make this payment after requesting additional lots shall be grounds for denial of the application.
- B. If the number of proposed lots or units decreases, a refund of that portion of the application fee predicated on those lots or units shall be granted only if, in the judgment of the Planning Board, no cost associated with the review of those lots or units has been yet incurred.

3.5. Fee Waivers. The Planning Board may waive or reduce any Administrative Fee, if, in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.

3.6 Refund. Once the review process has been commenced, the Planning Board shall not refund Administrative Fees, including the case of withdrawal of the application by the applicant, except as provided in Section 3.4.B, above.

SECTION 4. PROJECT REVIEW FEES.

4.1 Applicability. In addition to an Administrative Fee, the Planning Board shall impose a Project Review Fee on those applications which require, in the judgment of the Planning Board, review by outside 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. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, by-laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation.

4.2 Submittal. Project Review Fees shall be submitted at the time of the submittal of the application for deposit in an account established pursuant to G.L. c. 44, s. 53G (53G Account). Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

4.3 Schedule of Project Review Fees. The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supersedes all previous schedules as they may have appeared in the Zoning By-Law and/or Subdivision Rules and Regulations, as well as any other listings which may have been compiled from time to time for the benefit of applicants. Where more than one type of application has been submitted for Planning Board for action, only the largest of the applicable Project Review Fees shall be collected for deposit into the 53G Account, and not the sum of those fees.

- A. Original Special Permit, Site Plan, ANR Plan, Preliminary Subdivision Plan, and/or Definitive Subdivision Plan, or modification thereof:

<u>Project Size for Proposals not involving land divisions</u>	<u>Fee</u>
600 square feet disturbed land	\$ 800
601 — 4000 square feet disturbed land	\$ 1,200
4001 — 10,000 square feet of disturbed land	\$ 2,400
10,001 — 20,000 square feet of disturbed land	\$ 3,500
20,000 square feet of disturbed land	\$ 6,000
<u>Project Size for Proposals involving land divisions</u>	
2 — 4 Lots/Units	\$ 1,200
4 — 6 Lots/Units	\$ 2,000
7 — 12 Lots/Units	\$ 4,000
More than 12 Lots/Units	\$ 6,500

4.4 Replenishment. When the balance in an applicant's 53G Account falls below twenty-five percent (25%) of the initial Project Review Fee, as imposed above, the Planning Board shall consider whether to require a supplemental Project Review Fee to cover the cost of the remaining project review.

4.5 Inspection Phase. After the granting of a Special Permit, Site Plan, ANR Plan, Preliminary Subdivision Plan, and/or Definitive Subdivision Plan, the Planning Board may require a Supplemental Project Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

4.6 Handling of Project Review Fees. The Project Review Fee is to be deposited into a special account as set forth in G.L. c. 44, s. 53G.

- A. Outside consultants retained by the Planning Board to assist in the review of an application shall be paid from this account.
- B. Project Review Fees shall be turned over to the Town Treasurer by the Planning Board for deposit into a 53G Account.
- C. A copy of the latest statement from the banking institution handling the 53G Account shall be forwarded from the office of the Town Treasurer to the office of the Planning Board as soon as it is received for timely and accurate accounting.
- D. The Town Accountant shall prepare a report on activity in the 53G Account on an annual basis.
 - 1. This report shall be submitted to the Board of Selectmen for its review.
 - 2. This report shall be printed in the Annual Report for the Town.
- E. An accounting of an applicant's funds held in the 53G Account may be requested by the applicant at any time.
 - 1. The Planning Board shall respond to the request in a timely fashion.
 - 2. This accounting shall include the following information:
 - a. The latest statement from the banking institution handling the account, which should include an accurate accumulated interest portion to the closing date of the statement if such statements are subdivided into individual applicants' accounts. Otherwise, a statement of principal and interest, prepared by the office of the Planning Board, based on the latest statement from the banking institution.

- b. A report of all checks authorized for issuance since that last banking statement.
- F. An applicant may request an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.
- G. Excess fees in the 53G Account, including accumulated interest, shall be returned to the applicant or the applicant's successor in interest, at the conclusion of the review process, as defined below. For the purpose of this section, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.
 - 1. With the filing of a decision with the Town Clerk denying or awarding a Special Permit, Site Plan, ANR Plan, Preliminary Subdivision Plan, or Definitive Subdivision Plan.
 - 2. With the filing of a decision with the Town Clerk regarding an Administrative Appeal.

4.7. Appeal. The choice of a consultant selected by the Planning Board for the review of an application may be appealed in writing to the Board of Selectmen by the applicant, providing such appeal is initiated within two weeks of the initial selection.

- A. The Board of Selectmen shall convene a formal hearing within twenty days of receiving a written appeal by an applicant.
- B. Two circumstances may disqualify the selected consultant. These conditions of constitute the only grounds for an appeal.
 - 1. Conflict of interest: A consultant shall not have a financial interest in the project under review, or be in a position to financially benefit in some way from the outcome of the pending review process. Consultants must be in compliance with the Massachusetts Conflict of Interest Law, G.L. c. 268A.
 - 2. Lack of appropriate qualifications: A consultant shall possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field.
- C. The required time limits for action upon an application by the Planning Board shall be extended by duration of the appeal.
- D. If no decision is rendered by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Planning Board shall stand.

- E. This appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.

SECTION 5. DELINQUENT ACCOUNTS. The following rules apply to fees owed to the Planning Board by applicants:

5.1 Monthly Interest Charge. All fees past due by one month from the date of invoice shall be subject to a monthly interest charge based upon an annual interest rate of 14%.

5.2 Costs of Collection. All costs of collection associate with past due accounts shall be borne by the applicant.

5.3. Current Delinquents. All applicants owing fees to the Planning Board at the time of any amendment to these provisions of the regulations shall be sent the following:

- A. A duplicate notice of the amount past due.
- B. A copy of the applicable sections of these regulations with all amendments clearly indicated.
- C. Notice of a 30 day grace period before the commencement of any changes in interest rates or charges.

SECTION 6. REVISION OF FEE SCHEDULES AND REGULATIONS GOVERNING FEES.

6.1 Amendment. The Planning Board may review and revise its regulations and fee schedules, from time to time, as it sees fit.

- A. Amendments shall be preceded by a public hearing.
- B. Any new regulations or alterations to the fee schedule shall take affect upon filing a copy of the amendments with the Town Clerk.
- C. The Planning Board will review its regulations and fee schedule on an annual basis.
 - 1. The Board may waive this provision in any year with a motion carried by a majority of the Board members.