



TOWN OF DEERFIELD

Planning Board
8 Conway Street
South Deerfield MA 01373
Voice: 413.665.1400
Facsimile: 413.665.1411
Website: www.deerfieldma.us

Planning Board Special Permit Application

Introduction

According to the Deerfield Zoning Bylaws, the following types of activities and uses require a Special Permit from the Planning Board:

- Large-Scale Ground-Mounted Solar Electric Installations** (generating capacity greater than 10 kW but no more than 2 MW and not occupying more than ten acres of land) located in the Residential-Agricultural, Center Village Residential, Small Business, Commercial, Planned Industrial or Expedited Permitting Districts (Sections 2230 and 3840).
- Extra-Large-Scale Ground-Mounted Solar Electric Installations** (generating capacity of greater than 2 MW or occupying more than ten acres) located in the Industrial District (Sections 2230 and 3840).
- Any use located in the Watershed Protection District** requiring a Special Permit (Sections 4240 and 4251).
- Any Use Located in the Flood Plain District** requiring a Special Permit (Sections 4309 and 4310)
- Planned Unit Developments** as allowed in the Small Business, Commercial and Industrial Districts (Sections 4850 and 4860).
- Common Driveways** (Section 3460).
- Conservation Subdivisions** in the Residential-Agricultural or Center Village Residential Districts (Sections 3620 and 2230).
- Marijuana Establishments (Section 4660)**

In many cases, a proposed project in these categories will also require Site Plan Review by the Planning Board prior to receiving a Building Permit from the Building Commissioner. In those cases, the Planning Board shall consolidate Site Plan Review into the Special Permit process, applying the Special Permit procedures and timetable for decision. Applicants proposing uses that require both a Special Permit and Site Plan Review from the Planning Board should submit both application forms and pay both fees. (Additional permits may also be required from other Town Boards, such as the Zoning Board of Appeals, Conservation Commission or Board of Health.)

Pursuant to Section 5320, special permits may be granted by the Special Permit Granting Authority upon its written determination that benefits of the proposed use outweigh its detrimental impacts on the town and the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any criteria set forth in specific provisions of this by-law, the determination shall include consideration of each of the following:

- Social economic, or community needs which are served by the proposal;
- Traffic flow and safety, including parking and loading;
- Adequacy of utilities and other public services;
- Neighborhood character and social structures;
- Impacts on the natural environment;
- Potential fiscal impact, including impact on town services, tax base, and employment.

- Please type or print all information and provide an impact statement as outlined in section 5310 of the Town of Deerfield Bylaws (attached) and provide responses to the Special Permit Criteria outlined in section 5320 of The Town of Deerfield Bylaws (attached) to assist with decision making.

Public Hearings are required for all Special Permit applications. 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. .

A Special Permit decision may be appealed to an appropriate court pursuant to MGL Ch. 40A, §17 within 20 days. The Special Permit Decision, including conditions, must be recorded, along with the Plan, at the Registry of Deeds; 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 c. 40A, §17, from the grant thereof) with the Town Clerk (Zoning Bylaws c.179 §5360)

Attachments:

1. Special Permit Application Checklist
2. Special Permit Application Form
3. Impact Statement Fillable Form
4. Fees and Other Expenses
5. Special Permit Bylaws

Additional Resources:

1. Town of Deerfield Bylaws (available through Town Website at www.deerfieldma.us): c. 179 §5300 Special Permits; c. 179 §4309 (Floodplain) Uses by Special Permit; Attachment 236 1-6: Planning Board Regulations Governing Fee and Fee Schedules
2. MassGIS Standard for Digital Plan Submittals to Municipalities (Version 2.0--October 2007)



Town of Deerfield Planning Board
Special Permit Application Checklist

File # _____

Reason for Special Permit: _____

Site Plan Review application associated with this SP application? Yes No

- Special Permit Submission Requirements** (see *Zoning Bylaws Section 5350, Plans, and Section 5430, Submittals*)
 - An original and nine (9) copies of the signed Special Permit application
 - An original plan and nine (9) copies 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 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
 - Carefully read all sections of the application for procedures that you must follow.
 - Please type or print all information. Incomplete and/or illegible applications will delay the application process.
 - All applications must be reviewed by a staff member in the Inspections Office once completed.
 - The Building Commissioner must review and sign the application, and then the original application, nine (9) hard copies, and the application fee must be submitted to the Town Clerk's Office. **Please keep a copy of the entire application packet for your own records.**
 - Office Staff will create the notice of hearing.
 - An official abutters list from the Assessors' Office must be obtained as required by M.G.L. Chapter 40A, Section 11. Cost for the list will be determined by the Deerfield Assessor's Office, will include the cost of 2 sets of mailing labels, and is payable to the Town of Deerfield. It is the responsibility of the applicant to pay for the cost of the abutters mailing (certified / return receipt) plus \$2.00 per piece for the cost of paper and processing. We will notify you of the final cost after we have processed your application.
 - Legal advertisements will be generated by office staff and emailed directly to *The Recorder*. If the applicant supplies an email address, the advertisement will be forwarded accordingly, otherwise it will be mailed or available for pickup during regular office hours.
 - Applicants pay publication costs directly to the Recorder.** Please contact Suzanne Hunter to arrange payment:
 Telephone: 413-772-0261 ext. 219
 Email: legalads@recorder.com
 Fax: 413-774-5511
 - Please allow a minimum of 14 Days plus three (3) Business days' notice to publish and pay for an advertisement as required by the newspaper. **The Town of Deerfield is not responsible if an advertisement is not published in time to hold the hearing.**



Special Permit 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:**

- | | |
|---|---|
| <input type="checkbox"/> Large-Scale Ground-Mounted Solar Electric Installation | <input type="checkbox"/> Planned Unit Development |
| <input type="checkbox"/> Extra-Large-Scale Ground-Solar Electric Installation | <input type="checkbox"/> Common Driveway |
| <input type="checkbox"/> Use located in the Watershed Protection District | <input type="checkbox"/> Conservation Subdivision |
| | <input type="checkbox"/> Floodplain Use |
| | <input type="checkbox"/> Marijuana Establishment |

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

File # _____

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

10. Modification of Existing Permit? ___ Yes ___ No

11. Site Plan Review 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: _____

15. Building Commissioner Certification: _____ Date: _____

Comments: _____

15. Town Clerk Certification: _____ Date: _____

SPECIAL PERMIT IMPACT STATEMENT

5315. Impact Statement. The Special Permit application must be accompanied by an impact statement. The Impact Statement shall detail the probable effects of the project, subdivision proposal, or development on the following positive or negative aspects of concern to the Town:

1. attendance at public schools;
2. increase in vehicular traffic, impact on traffic congestion, and impact on vehicular and pedestrian safety at intersections with public ways (e.g. safe sight distances);
3. changes in the number of legal residences;
4. provision of housing for Town residents including housing for persons of low and moderate income, if applicable;
5. impact on demand for municipal services such as police, fire, ambulance, road maintenance, garbage collection and disposal, and school transportation;
6. impact on demand for public water supplies and sewage treatment;
7. public safety concerns related to crime, acts of terrorism, etc.;
8. changes in tax revenue;

9. creation or retention of jobs;
10. changes in surface drainage and stormwater runoff;
11. increased consumption of groundwater;
12. water, air, noise, or light pollution;
13. land erosion or loss of tree cover;
14. disturbance of other aspects of the natural ecology including displacement of natural habitats;
15. impact of development on scenic views;
16. harmony with the character of the surrounding neighborhood;
17. preservation of historic and other cultural resources; and
18. other impacts such as energy conservation, support of local products or manufacturers, creation of parks, pedestrian facilities or bike paths, preservation of open space, etc.

FEES AND OTHER EXPENSES:

- Site Plan Review application fee:** \$300
- Site Plan Amendment application fee:** \$250.00
- Special Permit application fee:** \$300
- Stormwater Permit application fee:** \$150
- 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 x110
8 Conway St., South Deerfield, MA 01373
- Planning Board Admin. Staff:** 413-665-1400 x108
8 Conway St., South Deerfield, MA 01373
- Town Clerk:** 413-665-2130 x100
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 Suzanne Hunter 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
- Inspection Services 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 Office:** 9:00 a.m. to 4:00 p.m. Monday, Tuesday, Thursday,
9:00 a.m. to 12:00 p.m. Wednesday
- Planning Board Schedule:** Typically meets the first Monday of each month at 6:30 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 Inspection Services Office to determine the next scheduled Planning Board meeting.

5300. SPECIAL PERMITS.

5310. Special Permit Granting Authority. Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

5315. Impact Statement. The Special Permit application must be accompanied by an impact statement. The Impact Statement shall detail the probable effects of the project, subdivision proposal, or development on the following positive or negative aspects of concern to the Town:

1. attendance at public schools;
2. increase in vehicular traffic, impact on traffic congestion, and impact on vehicular and pedestrian safety at intersections with public ways (e.g. safe sight distances);
3. changes in the number of legal residences;
4. provision of housing for Town residents including housing for persons of low and moderate income, if applicable;
5. impact on demand for municipal services such as police, fire, ambulance, road maintenance, garbage collection and disposal, and school transportation;
6. impact on demand for public water supplies and sewage treatment;
7. public safety concerns related to crime, acts of terrorism, etc.;
8. changes in tax revenue;
9. creation or retention of jobs;
10. changes in surface drainage and stormwater runoff;
11. increased consumption of groundwater;
12. water, air, noise, or light pollution;
13. land erosion or loss of tree cover;
14. disturbance of other aspects of the natural ecology including displacement of natural habitats;
15. impact of development on scenic views;
16. harmony with the character of the surrounding neighborhood;
17. preservation of historic and other cultural resources; and
18. other impacts such as energy conservation, support of local products or manufacturers, creation of parks, pedestrian facilities or bike paths, preservation of open space, etc.

5320. Criteria. Special permits may be granted by the Special Permit Granting Authority upon its written determination that benefits of the proposed use outweigh its detrimental impacts on the town and the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any criteria set forth in specific provisions of this by-law, the determination for all Special Permits herein shall include consideration of each of the following:

5321. Social economic, or community needs which are served by the proposal;
5322. Traffic flow and safety, including parking and loading;
5323. Adequacy of utilities and other public services;
5324. Neighborhood character and social structures;
5325. Impacts on the natural environment;
5326. Potential fiscal impact, including impact on town services, tax base, and employment;

- 5327. Adequacy of Town capacity to service the premises, considering existing roads, town equipment, and other municipal services and resources;
- 5328. Impacts on adjoining premises from water, air, noise or light pollution and other disturbances is avoided or minimized; and
- 5329. Avoid or minimize topographic change, removal of mature trees or other botanical assets, removal of cover vegetation, risk of erosion or siltation, increased storm water runoff from the site, or displacement of natural habitats.

5330. Procedures. Whenever an application for a special permit is filed with a special permit granting authority, the applicant shall also file, within three (3) working days of the filing of the completed application with said authority, copies of the application, accompanying site plan, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, Director of Public Works, Police Chief, Fire Chief, for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant. An application shall not be deemed complete until all copies of required information and documentation have been filed with the special permit granting authority. Said authority shall notify applicants by registered mail, within 14 days of submittal, of incomplete application status, and the applicant shall have 14 days from the mailing of such notice to complete an application. Failure to complete an application within such time shall result in a return of all materials to the applicant, without prejudice. Reports from other boards and officials shall be submitted to the special permit 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 5300, Section 5450 Plan Specifications, and Section 3700. Environmental Regulations.

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.

4314. Variances from the Deerfield Zoning Bylaw. Variances related to community compliance with the National Flood Insurance Program (NFIP). An application for a variance from the requirements of the Floodplain Overlay District, requested from the Zoning Board of Appeals, must meet all the requirements set out by State law and this Zoning Bylaw. In addition to those requirements, a variance may only be granted if: 1) good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.