



TOWN OF PALMER

Palmer Town Building
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Palmer, Massachusetts 01069

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OFFICE OF THE PLANNING BOARD

PROCEDURE FOR FILING FOR A SPECIAL PERMIT AND OR SITE PLAN APPROVAL

The following is meant as a guide to assist the applicant in filing for a special permit and or site plan approval.

Commonly asked questions about Special Permits and Site Plan Approval:

Q. I am not sure that my project is feasible or that it is even allowed in the location I am interested in. Who can assist me?

A. Staff in the Planning Board office or any member of the Board will gladly assist you in any way they can prior to filing for a special permit. The names and numbers of the office and Board members are listed below:

Planning Board Office: 413-283-2605

Chairman: Michael S. Marciniac 413-283-9532

Vice Chairman: Norman Czech 413-283-8012

Members: James Haley Jr. 413-283-8808

Thomas Skowrya 413-283-6111

413-283-7114

Diane France 413-283-6588

Q. When is a special permit and/or site plan review necessary?

A. This information is found in the Town of Palmer Zoning Ordinance. This document can be viewed in its entirety at www.townofpalmer.com. The Table of Use Regulations found in Article VII for Residential Zones and Article VIII Business Zones lists uses for each zone and whether a use is allowed by right, by special permit or with site plan approval or a combination of special permit and site plan approval. Additional information can also be found in Section 171.29. This section states in part:

B. When Required

1. Site plan approval is required for all uses of land or buildings other than single or two family dwellings. This requirement applies to all new construction other than single or two family homes in all zoning districts. It also applies to any expansion of an existing use and to any change of use of an existing building, provided however, that the expansion or change of use will result in or is contemplated to result in one or more of the following:

(a) an increase of floor area of twenty five (25) percent or more;

(b) an increase in motor vehicle traffic at or to the site of twenty five (25) percent or more;

(c) an increase of parking spaces at the site of twenty-five (25) percent or more;

- (d) an increase in the number of tenants at the site of twenty-five (25) percent or more;
 - (e) an increase in the number of employees employed at the site of twenty-five (25) percent or more.
2. The Zoning Enforcement Officer shall have the authority to waive the necessity for Planning Board approval for changes in use of existing buildings, subject, however, to ratification of the waiver by a vote of the Planning Board at its next regular meeting. Notwithstanding a grant of a waiver as provided for herein, no building permit nor any occupancy permit shall be issued until ratification by the Planning Board. Should the Planning Board fail to ratify the waiver, full site plan review shall be required.
 3. In such cases where a site plan review is required, the Special Permit and the Site Plan Review shall be conducted as a single administrative review process, with the Special Permit Granting Authority casting a single vote at its conclusion. The SPGA shall adopt regulations for the execution of its duties under this Article.”

Q. What is required and what does the Board look for when I file for a special permit and/or site plan approval. Also, what is required on the plans, how do I file the application and when does the hearing take place?

A. Sections 171.28 – Special Permits and Section 171.29 of the Zoning Ordinance provides the following information:

“Section 171.28 - Special Permits. Certain uses, structures, or conditions are designated within the table of Use Regulations as requiring a special permit. Such permit shall be granted only after application to a hearing by the special permit granting authority and subject to the provisions of Chapter 40A of the Massachusetts General Laws and this by-law. The special permit granting authority responsible for hearing a particular proposal shall be that board or other entity designated by the coding in the Table of Use Regulations. (Ed. note: these designations are given at the beginning of Article VII Use Regulations) In situations where there is no specific board indicated as having the authority to issue a special permit, the Special Permit Granting Authority shall be the Planning Board.

A. Filing:

1. Application for a special permit shall be made to the Town Clerk and Planning Board Office or other appropriate Office as indicated in this Chapter on forms provided for that purpose, accompanied by the required fee. Specific rules governing the application and fee shall be adopted by each Special Permit Granting Authority along with its rules of procedure and shall be applicable to those special permits that are under its jurisdiction. When the application has been received in a completed form as defined by said rules, a copy shall be forwarded to the Town Clerk. The stamp of the Town Clerk shall designate the date of filing. Copies shall

also be delivered to the Special Permit Granting Authority, and to such other departments and boards as may be determined in the rules of the special permit granting authority.

B. Hearing, Notice and Decision.

1. The Planning Board shall hold a public hearing within sixty five (65) days after the filing of an application with the Special Permit Granting Authority, a copy of which shall be given to the Town Clerk by the applicant.
2. The Planning Board shall require notice be given by publication in a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the hearing, and by posting such notice in a conspicuous place in Town Hall.
3. Notice shall be sent by mail, postage prepaid, to the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners of land within three hundred (300) feet of the property line as they appear on the most recent tax list including those in another town, and the Planning Boards of all abutting towns.
4. The Special Permit Granting Authority shall act within ninety (90) days (or any agreed upon extended time) following the public hearing. Failure to take action upon application within the ninety (90) days or extended time shall be deemed approval of the special permit.
5. Upon granting of a Site Plan Approval a copy shall be issued to the owner or applicant if other than the owner, of the decision. No special permit shall take effect until a copy of the decision has been certified by the Town Clerk stating that twenty (20) days have elapsed and no appeal has been filed, or if such appeal has been filed that it has been dismissed or denied and until it is recorded in the Registry of Deeds wherein the land is located.
6. All Special Permits are personal to the applicant and shall not run with the land and will terminate upon transfer of the land.
7. All Special Permits are terminable by the SPGA for violation of any conditions upon which it is granted or upon violations of this bylaw after hearing by the SPGA with notice to all interested parties.

C. Standards for Reviewing:

1. Before granting a special permit, the Special Permit Granting Authority, with regard to the nature and condition of all adjacent structures and uses, and the district within which the same is located, shall find all of the following general conditions to be fulfilled:

- (a) The use requested is listed in the Table of Use Regulations as a special permit in the district for which application is made or is so designated elsewhere in this by-law.
 - (b) The requested use will be harmonious with the appropriate and orderly development of the zoning district in which it is proposed to be located and will be harmonious with the visual character of the neighborhood in which it is proposed.
 - (c) The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
 - (d) The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.
 - (e) Any special regulations for the use as set forth in Article XV – Special Permit and Exceptions are fulfilled.
 - (f) The requested use will not unduly impair the integrity or character of the district or adjoining zones, nor be detrimental to the health, morals, aesthetic qualities of the adjacent area and the neighborhood, or general welfare. The use shall be in harmony with the general purpose and intent of the by-law.
 - (g) The suggested use shall not significantly deteriorate any natural resource or natural resource area within the Town.
 - (h) The application and proposed project shall employ adequate methods to protect adjacent areas from detrimental or offensive uses on the site by provision of adequate surface water drainage; buffers against light, sight, sound, dust and vibration; and preservation of light and air.
 - (i) The application and proposed project shall ensure that there will be protection of environmental features on the site and in adjacent areas.
2. The Special Permit Granting Authority shall also impose, in addition to any applicable conditions specified in this by-law, such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this by-law, including, but not limited to, the following: front, side or rear yards greater than the minimum required by this by-law; screening buffers or planting strips, fences, or walls, as specified by the Special Permit Granting Authority; modification of the exterior appearance of the structures; limitation upon the size, number of occupants, method and time of operation, time duration of permit, or extent of facilities; traffic features in accordance with the regulations of loading or other special features beyond the minimum required by this by-law. Such conditions shall be imposed in writing, and the applicant may be required to post bond or

other security for compliance with said conditions in an amount satisfactory to the Special Permit Granting Authority.

D. ADULT USES:

1. In addition to other requirements and procedures relating to the application for, or the issuance of, special permits, as set forth in this Chapter or in the General Laws of Chapter 40A, Sections 9 and 9A, the following conditions apply to special permit for adult retail businesses adult use business and adult theatres:
 - (1) No adult retail business, adult use business or adult theatre shall receive a permit unless it is located at least 1,000 feet from any district designated under this by-law for residential use and 1,000 feet from any existing residential use whether such use exists by special permit or as a pre-existing non-conforming use, or 1,000 feet from any primary or secondary school, public or private, library, park, playground, recreational area or church.
 - (2) No adult retail business, adult use business or adult theatre shall receive a permit unless it is located at least 1,000 feet from any other adult retail business or adult theatre.
 - (3) The Special Permit Granting Authority shall impose conditions on any permit granted for an adult retail business or adult theatre to protect minors and to further the purposes and intent of the Zoning by-law. Among the restrictions it shall consider shall be conditions:
 - a. prohibiting the dissemination of sexually explicit materials to minors at the locus;
 - b. requiring the applicant or owner of the premises to display sexually explicit materials or sexually explicit paraphernalia in such a way as to prevent minors from viewing them
 - c. conditioning the continued validity of the permit on compliance with its conditions and requiring its revocation after hearing with notice to interested parties if the grantee violates the conditions of the permit;
 - d. expressly granting the permit for personal use of the applicant only rather than as a grant to the locus; and
 - e. limiting the duration of the permit and the operating hours of the establishment.

Section 171.29 - Site Plan Review/Approval Process.

A. Purpose

1. The purpose of this section is to identify which projects require a site plan review and sets objective criteria and procedures for the review of such projects that will have significant impacts on the Town. Site plan review also allows the town to ensure compliance with the goals and objectives of the Town, and the provisions of the Zoning Ordinance, to minimize adverse impacts of such development, and to promote development which is harmonious with surrounding areas; in particular to assure proper drainage, safe access, adequate parking and loading spaces, public convenience and safety and adequate consideration of abutting land owners.

B. When Required

4. Site plan approval is required for all uses of land or buildings other than single or two family dwellings. This requirement applies to all new construction other than single or two family homes in all zoning districts. It also applies to any expansion of an existing use and to any change of use of an existing building, provided however, that the expansion or change of use will result in or is contemplated to result in one or more of the following:
 - (f) an increase of floor area of twenty five (25) percent or more;
 - (g) an increase in motor vehicle traffic at or to the site of twenty five (25) percent or more;
 - (h) an increase of parking spaces at the site of twenty-five (25) percent or more;
 - (i) an increase in the number of tenants at the site of twenty-five (25) percent or more;
 - (j) an increase in the number of employees employed at the site of twenty-five (25) percent or more.
5. The Zoning Enforcement Officer shall have the authority to waive the necessity for Planning Board approval for changes in use of existing buildings, subject, however, to ratification of the waiver by a vote of the Planning Board at its next regular meeting. Notwithstanding a grant of a waiver as provided for herein, no building permit nor any occupancy permit shall be issued until ratification by the Planning Board. Should the Planning Board fail to ratify the waiver, full site plan review shall be required.
6. In such cases where a site plan review is required, the Special Permit and the Site Plan Review shall be conducted as a single administrative review process, with the Special Permit Granting Authority casting a single vote at its conclusion. The SPGA shall adopt regulations for the execution of its duties under this Article.

C. Site Plan Objectives/Review/Approval Criteria:

1. In reviewing a site plan application the Planning Board shall take into consideration the health, safety and welfare of the public in general and the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards to ensure the accomplishment of the following general objectives:
 - (a) That the subject and adjoining premises are protected against serious detriment by provision for the safe carrying and discharge of surface water drainage, sound and sight buffers, and that the development of the site will preserve sensitive environmental features such as steep slopes, wetlands and large rock outcroppings and will attempt to preserve public scenic views or historically significant features as well as preservation of light and air;
 - (b) That there are provisions for convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, the location of driveways openings in relation to traffic, access by emergency vehicles, and to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly;
 - (c) That all proposed pedestrian access ways do not create traffic hazards and are: adequate, but not excessive in number; adequate in width, grade, alignment, and visibility; adequate distance from street corners and other access ways; and are adequately designed for other safety considerations;
 - (d) That there is the provision of an adequate amount of, and safe arrangement of off-street parking and loading spaces in relation to the proposed uses of the premises to prevent on-street and off-street traffic congestion;
 - (e) That there is a relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and will be in harmony with the surrounding neighborhood; and that there is compliance with other requirements of the ordinance; and that the general landscaping of the site complies with the purpose and intent of this by-law; that existing trees are preserved to the maximum extent possible; that parking, storage, refuse and storage areas are suitably screened during all seasons from the view of adjacent residential areas and public rights-of-way;
 - (f) That lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation; that the glare from the installation of outdoor lights and illuminated signs is properly shielded from the view of adjacent property and public rights-of-way;
 - (g) That all utility systems are suitably located, adequately designed and properly installed to serve the proposed uses, and to protect the property from adverse pollution;

(h) Mitigation of adverse impacts on the Town's resources including the effect on the water supply and distribution system, sewage collection and treatment systems, fire protection, and streets.

(i) General conformance with the intent of the by-law as it pertains to the zoning district.

The Planning Board may require such appropriate conditions, limitations, and safeguards which they feel are necessary to assure the project meets the criteria of a-i above.

D. Procedures:

1. Application for Site Plan Approval shall be made to the Planning Board in a form prescribed by the Board and shall be accompanied by four (4) sets of plans, building elevations, and any other necessary information to show the detail of the proposed use of land or buildings.
2. All applications shall include plans of the property prepared by a land surveyor registered in the Commonwealth of Massachusetts.
3. All plans shall be prepared, signed and sealed by a Massachusetts registered engineer, architect or landscape architect, whichever is appropriate.
4. All plans shall contain the following information:

I. General Information:

- a. Name and address of applicant and owner of record as listed on the Town's tax rolls. If the applicant is not the owner of record, the latter shall also sign the application;
- b. Date, north arrow, and numerical and graphical scale on map;
- c. A written description of the proposed use or uses;
- d. A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, yards, building height, lot coverage, floor area, parking spaces, landscaping and open spaces as they are required.

II..... Location Map:

- a. An accurate scale map at a scale of 1" = 1,000' shall be submitted showing the subject property and all property and streets within 1000'.
- b. Location, width and purpose of all existing and proposed easements and rights-of-way on the property.

III... Buildings and Uses:

- a. Location, dimensions, area, height and setbacks of all existing and proposed buildings, signs, fences, and walls.
- b. Location of all existing and proposed uses and facilities such as swimming pools, lighting, tanks, refuse containers, etc.

IV... Parking, Loading and Circulation:

- a. Location, arrangement and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exists and ramps.
- b. Location, arrangement and dimensions of loading and unloading areas.
- c. Location and dimensions of the pedestrian walkways, entrances and exits.
- d. Estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions.

V..... Signs and Lighting:

- a. Location, size, height, orientation and design of all signs.
- b. Location, size, height, orientation and design of any outdoor lighting.

VI... Utilities:

- a. Location and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities and refuse collection areas as well as other underground and above ground utilities. All utilities shall be placed underground unless the applicant can substantiate that such underground placement is impractical.
- b. All refuse containers shall be screened from view from the street, and wherever possible shall be located at the rear of the property.

VII... Topographic Map:

- a. The site plan map shall illustrate the existing and proposed conditions of the property including existing and proposed contours at intervals of five feet or at an interval as needed to show detail as required by sound engineering practices, referred to USGS MSL datum, and the location of all existing wooded area, watercourses, wetlands and other significant features and, where appropriate, the boundary of the flood hazard area, water supply protection area or other overlay district areas.

VIII. Landscaping Plan:

- a. The landscaping plan shall illustrate the existing and proposed landscape development of the property, including the location, general layout, type and size of buffer or landscape area, plant material, fencing, screening devices, decorative paving or other materials proposed.

IX. ... Other Information:

- a. Other information as may be necessary to determine compliance with the provisions of the Zoning by-law.
- b. Any hazardous materials and wastes associated with the proposed use as listed by the US Environmental Protection Agency.
- c. All abutters shall be noted on the plan.

Upon request, the Planning Board may, at its discretion, waive the submission by the applicant of any of the required information. All waivers must be requested in writing at the time of application, however, waivers will not be decided until the Public Hearing. If the waiver is not granted then all parties will agree to continue the hearing to allow sufficient time for the applicant to submit the required information.

E. Hearing, Notice and Decision.

1. The Planning Board shall hold a public hearing within sixty-five (65) days after the receipt of an application as defined in this chapter. a copy of which shall be given to the Town Clerk by the applicant.
2. The Planning Board shall require notice be given by publication in a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the hearing, and by posting such notice in a conspicuous place in Town Hall.
3. Notice shall be sent by mail, postage prepaid, to the petitioner, abutters, owners of land directly opposite on any public or private street or way, owners of land within three hundred (300) feet of the property line as they appear on the most recent tax list including those in another town, the Planning Boards of all abutting towns.

4. The Planning Board shall act within ninety (90) days (or any agreed upon extended time) following the public hearing. Failure to take action upon application within the ninety (90) days or extended time shall be deemed approval of the site plan.
5. Upon granting of a Site Plan Approval a copy shall be issued to the owner or applicant if other than the owner, of the decision. No Site Plan Approval shall take effect until a copy of the decision has been certified by the Town Clerk stating that twenty (20) days have elapsed and no appeal has been filed, or if such appeal has been filed that it has been dismissed or denied, is recorded in the Registry of Deeds wherein the land is located.

**TOWN OF PALMER
MASSACHUSETTS**

PLANNING BOARD

.....

Date:

.....

Phone:

Name of Applicant or Appellant:

Address:

Location of Property:

Applicant is: (Owner, tenant, licensee, prospective purchaser)

Nature of Application or Appeal:

Applicable section of Zoning Ordinance:

Special Permit Zoning Section: _____

Site Plan Zoning Section: _____

Other Zoning Section: _____

I hereby request a hearing before the Special Permit Granting Authority/Planning Board with reference to the above noted application or appeal.

_____ **Signed**

_____ **Signed**

_____ **Title**

Received from the above applicant the sum of \$100.00 to apply against hearing costs.

PROPERTY OWNERSHIP INFORMATION

Owner of Record on Land Records: _____

Address: _____

Street Address of Property Including Assessors Map and Lot Numbers:

Present Zoning Designation: _____

Name, Address and Telephone Number of Person to Whom Inquiries Shall Be Directed:

REQUIRED DOCUMENTATION (check all that apply)

1. Four Copies of a Surveyed Plan with Engineer Stamp _____
2. Stormwater Application _____ (if applicable)
3. Certified Abutters List _____
4. Consent Waiver Form _____
5. Required Application Fees _____
6. Taxes Paid on Property _____ (see next page for Tax Collector sign off)

**ALL MATERIALS SUBMITTED BECOME TOWN OF PALMER PLANNING
DEPARTMENT PROPERTY**

**I HEREBY STATE THAT THE ABOVE INFORMATION AND ALL SUPPORTING
INFORMATION SUBMITTED IN ASSOCIATION WITH THIS APPLICATION IS
TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.**

