

**TOWN OF CHARLEMONT PLANNING BOARD  
PROPOSED VILLAGE CENTER DISTRICT ZONING BYLAW CHANGES**

**I. AMEND ARTICLE II, ADMINISTRATION, TO ADD A NEW SECTION 28, SITE PLAN REVIEW, AS FOLLOWS:**

Section 28 Site Plan Review

28.1 Purpose. Site Plan Review enables the Planning Board to review certain uses allowed by right in the Village Center District and to set reasonable conditions to ensure that a development protects the character of the Village, its scenic qualities and the environment; that it is designed in a manner that complies with these Land Use Performance Standards and is consistent with the goals of the Master Plan. To that purpose, Site Plan Review establishes criteria for the layout, scale, appearance, safety and environmental impacts of a development.

28.2 Applicability. Site Plan Review shall be required in the Village Center District only and as specified in the Use Table, Article III, Section 32.2 (a).

28.3 Procedures. The Planning Board encourages applicants to appear before the Board for a pre-submission meeting to discuss the project and to establish possible waivers to the submission requirements based on the scale and simplicity of the specific proposal. An applicant for Site Plan Review shall file a completed application first with the Town Clerk and then with the Planning Board secretary. The Town Clerk shall acknowledge receipt by signing and dating the application. The application submitted to the Planning Board secretary shall include 3 (three) copies and shall include a copy of the Town Clerk's acknowledgement of receipt and the receipt for payment of the requisite fee. Submission shall be complete upon receipt by both the Planning Board secretary and the Town Clerk of a completed application and payment of the requisite fee. No building permit, special permit, or variance shall be issued for a use requiring Site Plan Review without the written approval of the site plan by the Planning Board, or unless sixty-five (65) 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 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. The application must be signed by all the owners of the subject property.

28.4 Rules and Regulations. The Planning Board may adopt rules relative to Site Plan Review of the type and in the manner set forth Article II, Section 23.4 of these Bylaws. The Planning Board may from time to time amend these rules. Copies of the rules shall be on file and available for review at the office of the Town Clerk. The Planning Board shall also create an application package containing an information sheet spelling out the application fee, the information required to be included on the site plan, a SPR application form, and a procedural flow chart.

28.5 Fees. An application fee shall be collected by the Town Clerk at the time that an application for Site Plan Review is submitted. Additional reasonable fees and expenses, including fees for outside consultants engaged by the Planning Board in the manner set forth in Article II, Section 23.7 of these Bylaws, may be assessed to the applicant as specified in Article II, Section 23.5 of these Bylaws.

28.6 Public Hearing. The Planning Board shall hold a public hearing within 65 days after the filing of an application and shall take final action on an application for site plan approval within 90 days of the close of the public hearing, unless an extension of time has been agreed to by both parties. Notice and posting of the public hearing shall comply with the provisions of G.L. Chapter 40A, Section 11. To the extent permitted by law, the public hearing should be coordinated with any other Planning Board public hearing required for the use.

28.7 Required Contents of a Site Plan. The Site Plan submission shall contain information necessary to enable the Planning Board to conduct an informed review. **The Planning Board may waive any of the requirements for site plan submittal and approval if the simplicity or scale of the project warrants such action.** All site plans shall be prepared by a registered architect, land surveyor, landscape architect or professional engineer and shall be on standard sheets of 24 inches by 36 inches and prepared at a scale of 1"=40 feet or finer. The site plan shall contain the following:

- a) Name of project, boundaries, locus map(s), date, north arrow and scale of plan;
- b) Name(s) and addressees) of the owner(s) of the land, the developer (if applicable), and/or their designee;
- c) Name, title, and address of person(s) who prepared the plan;
- d) Names and addresses of owners of abutting lots and those within 300 ft of property line;
- e) All existing and proposed lot lines, easements and rights of way;
- f) Location and use of buildings and structures within 300 feet of the site;
- g) Location and use of all existing and proposed buildings and structures on the site, including approximate height and floor area, with proposed building elevations as renderings;
- h) Location of wetlands, streams, drainage swales, areas subject to flooding and unique natural features on site and within 300 feet of the property line;
- i) The location and a description of all proposed storm drainage systems, utilities, snow disposal areas, and refuse- and other waste-disposal methods;
- j) Water provision, including fire protection measures;
- k) Location of proposed sewer hook-up and evidence of sufficient capacity to serve the proposed use, or alternative septic plan;
- l) Existing and proposed topography at a two-foot contour interval for the proposed grading and landscape plan;

- m) Location of proposed public and private ways on the site;
- n) Location and size of proposed parking and loading areas, driveways, walkways, access and egress points;
- p) Size and location of existing and proposed sign(s);
- q) Existing and proposed exterior lighting, utilizing full-cutoff down lighting fixtures, where feasible, to minimize lighting intrusion onto abutting properties;
- r) Surface drainage strategy that prevents increased drainage off-site or pollution; the Board will prefer measures that allow the roof run-off to permeate into the ground with pervious pavement....
- s) Existing vegetation that will be left undisturbed and proposed landscape features, including the location and a description of screening, fencing and plantings;
- t) Design features which will integrate the proposed development into the existing landscape, maintain neighborhood character, and screen objectionable features from neighbors and roadways;
- u) A complete list of chemicals, pesticides, fuels and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use; provisions to protect against the discharge of hazardous materials or wastes to the environment, including spill containment and cleanup procedures; and provisions for indoor, secured storage of hazardous materials and wastes;
- v) Estimated average daily and peak-hour vehicle trips to be generated by the site and traffic flow patterns for both vehicles and pedestrians, showing adequate access to and from the site and adequate circulation within the site.
- w) Adequate access to each structure for fire, service and other emergency equipment.

28.8 Decision. The decision of the Planning Board shall be upon a majority vote of the members present and shall be in writing. The Planning Board's action shall consist of either:

- a) Approval of the site plan based upon the determination that the proposed project is in compliance and consistent with the criteria set forth in these Land Use Performance Standards and the Charlemont Master Plan;
- b) Approval of the site plan subject to conditions, modifications, requirements or restrictions as the Planning Board may deem necessary to ensure compliance with the Land Use Performance Standards; or
- c) Denial of the site plan based upon specific findings that: (i) the applicant failed to provide information required by these Land Use Performance Standards necessary to adequately review the application; or (ii) that the project is inconsistent with the requirements of these Land Use Performance Standards and no conditions, modifications, requirements, or restrictions can be imposed pursuant to Section 28.8(b) above that would ensure compliance with these Land Use Performance Standards.

28.9 Administration. The Planning Board may waive any of the requirements for site plan submittal and approval at a posted meeting if the simplicity or scale of the project warrants such action. The Planning Board may also request any additional information it should need to render a decision. For large or complex projects, the Planning Board shall have the right to retain outside consultants, such as registered engineers, planners, designers, legal counsel, or other professionals, to advise the Board regarding any or all aspects of the site plan. The applicant shall be responsible for the costs of such advice. Site Plan approval shall lapse within two years unless substantial use has commenced, which shall include, where a building permit is required, issuance of that permit and commencement of construction thereunder; however, such time period may be extended if necessary to pursue or wait for a determination of an appeal in accordance with M.G.L. Chapter 40A, Section 17.

28.10 Standards for Review. The following criteria and guidelines shall be used by the Planning Board in evaluating the Site Plan and all information submitted as part of the application:

- a) The site plan conforms to all appropriate provisions of the Land Use Performance Standards.
- b) The site plan minimizes traffic and safety impacts of the proposed development on the Village.
- c) The architectural design, lighting, layout and landscaping of the proposed development is in harmony with the historic character of the Village Center District and with the use, scale, and proportions of existing and proposed buildings in the vicinity.
- d) The site plan shows adequate measures to prevent pollution of the air and of surface or groundwater; to minimize erosion, flooding and sedimentation; and to prevent increased drainage of stormwater off-site.
- e) The proposed development, to the extent feasible:
  1. minimizes obstruction of scenic views;
  2. preserves unique natural or historical features;
  3. minimizes removal of trees, vegetation, and soil and grade changes; and
  4. screens objectionable features from neighboring properties and roadways through trees, shrubs and other landscaping features to constitute a visual buffer as well as a buffer for noise, light and odor.

28.11 Appeal Process. 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.

**II. AMEND ARTICLE III, GENERAL REGULATIONS, TO DELETE SECTION 32, USE REGULATIONS, AND REPLACE IT WITH A NEW SECTION 32, USE REGULATIONS AND ZONING DISTRICTS, AS FOLLOWS:**

Section 32 Use Regulations and Zoning Districts

32.1 General Use Regulations and Establishment of Districts. No building or structure shall be constructed, and no building, structure or land, or plan thereof shall be used for any purpose or in any manner other than for one or more uses hereinafter set forth as permissible.

- a) Establishment of Districts. For the purposes of this Bylaw, the Town of Charlemont is hereby divided into the following districts:
1. Village Center District (VC)
  2. Rural Residential District (RR)
  3. Medical Marijuana Overlay District [IF APPROVED]
  4. There also has been established a Floodplain Overlay District as shown on the official National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) for the Town of Charlemont dated July 2, 1980. (see Article IV, Section 45).
- b) Location of Districts. The boundaries of each of the said districts are hereby established as shown, defined and bounded on a map entitled "Town of Charlemont Official Zoning Map" dated April 2014. The Zoning Map, with all explanatory matter thereon, is hereby made a part of this Bylaw.
- c) Purpose of Districts.
1. The purpose of the Village Center District is to maintain the character of the historic village center as a mix of residential and commercial uses at greater density.
  2. The purpose of the Rural Residential District is to maintain the town's historic pattern of rural settlement at lower density characterized by a scattering of residences and few small businesses throughout expanses of fields, forests, hillsides, and scenic views.

32.2 Use Regulations. The following Use Table lists land uses and their permit or review requirements. When an activity might be classified under more than one of the following uses, the more specific classification shall govern. Any use that is customarily accessory and incidental to a permitted principal use is allowed as an accessory use. No building or structure shall be erected or land used in the Village Center except as permitted in this section and all other sections of these Land Use Performance Standards. All other uses not specifically listed below shall be permitted only with a Special Permit from the Planning Board.

a) Use Table.

Symbols employed in the following Use Table shall have the following meanings:

Y – Yes, the use is permitted by right in that District

N – No, the use is not permitted in that District

SP – The use may be permitted by a Special Permit granted by the Planning Board (See Section 23.9)

SPR – The use is permitted by right with Site Plan Review by the Planning Board (See Section 28 )

USES	Village Center District (VC)	Rural Residential District (RR)
<u>Residential Uses</u>		
Single and Two-Family Dwellings	Y	Y
Temporary Mobile Home	SP	SP
Mobile Home Parks	N	SP
Multi-Family Dwelling (3-8 units)	SPR	SP
Apartments on the Upper Floors of Commercial Structures	SPR	SP
Accessory Apartments	Y	Y
<u>Agricultural, Forestry &amp; Recreational Uses</u>		
Agricultural Uses including Piggeries on a lot less than 5 acres	N	SP
Commercial Greenhouse(s) on a lot less than 5 acres	SP	SP
Forestry and Agricultural Uses on lots 5 acres or greater	SPR	Y
Commercial Greenhouses on lots 5 acres or greater	SPR	Y
Farm stands	Y	Y
<u>Community Services</u>		
Public Utility Facility not exempted from zoning regulation by G.L. Ch.40A, Sec. 3	SP	SP
Wireless Communication Facility	SP	SP
Other Educational Uses not exempted from zoning regulation by G.L. Ch. 40A, Sec. 3	SP	SP
Nursing Home	SPR	SP
Parking Lot, Public or Private	SP	SP
Cemetery	N	SP

USES	Village Center District (VC)	Rural Residenti al District (RR)
<u>Business/Commercial Uses</u>		
Business, Professional Offices with a footprint of up to 3,000 sq. ft.	SPR	SP
Business, Professional Offices with a footprint greater than 3,000 sq. ft. but no more than 8,000 sq. ft.	SP	SP
Banks	SPR	SP
ATM, stand-alone	SPR	SP
ATM attached to commercial building	Y	SP
Drive-Through Restaurants	SP	SP
Restaurant, other	SPR	SP
Commercial Recreation	SP	SP
Accessory Motor Vehicle Sales for 5 or fewer Vehicles	Y	SP
Commercial Motor Vehicle Sales	N	SP
Laundry, Laundromat	SPR	SP
Bed and Breakfast establishments up to 6 rooms	Y	Y
Hotels, Inns	SPR	SP
Campgrounds	SPR	SP
Building Materials, Sales & Storage	SP	SP
Retail Store(s) – Building with a footprint of up to 3,000 sq. ft.	SPR	SP
Retail Store(s) – Building with a footprint greater than 3,000 sq. ft. but no more than 8,000 sq. ft.	SP	SP
Self-Storage Facility	N	SP
Kennels	N	SP
<u>Industrial Uses</u>		
Manufacturing, Processing & Laboratories – Building with a footprint of up to 6,000 sq. ft.	SP	SP
Manufacturing, Processing & Laboratories – Building with a footprint greater than 6,000 sq. ft.	N	SP
Artisan Studios	SPR	SP
Freight or Transportation Facilities	N	SP
Gasoline Station	SP	SP
Automotive Repair Garages	SP	SP

USES	Village Center District (VC)	Rural Residential District (RR)
Solar, Wind, Hydro or Biomass Electric Generating Facilities <sup>1</sup>	SP	SP
Earth Removal <sup>2</sup>	N	Y
Sawmill	N	SP
Bulk Storage, Warehousing	N	SP
Recycling Facility	N	SP
Junkyards, Dumps and Landfills	N	N

<sup>1</sup>Solar, wind, hydro or biomass facilities associated with a principal or accessory structure which provide electricity primarily for non-commercial use are considered an accessory use and are allowed by Site Plan Review.

<sup>2</sup>Earth removal operations shall require an Earth Removal Permit (ERP) from the Earth Removal Committee (see Town of Charlemont General Bylaws Section \_\_\_\_\_).

**III. AMEND ARTICLE III, GENERAL REGULATIONS, TO DELETE SECTION 33, DIMENSIONAL REQUIREMENTS, AND REPLACE IT WITH A NEW SECTION 33, DIMENSIONAL REQUIREMENTS, AS FOLLOWS:**

Section 33 Dimensional Requirements

A structure shall be erected or used, and a lot shall be used or changed in size or shape, only in conformity with the following requirements:

33.1 Dimensional Schedule.

Districts	Minimum Lot Area in sq. ft.	Minimum Lot Frontage in feet	Yard Dimensions <sup>2</sup>			Maximum Height in feet	Maximum Lot Coverage
			Front in feet <sup>3</sup>	Side in Feet	Rear in feet		
Village Center (VC)	5,000	50	10	10	10	32	80%*
Rural Residential (RR)	45,000 <sup>1</sup>	150	50 <sup>4</sup>	50	50	32	35%

<sup>1</sup>The required lot area for any multi-family dwelling shall be increased for each dwelling unit in excess of two by 20,000 sq. ft. in the RR District only.

<sup>2</sup>Set back areas in front, rear and side yards may not be rendered impervious.

<sup>3</sup>The Board of Appeals, after a hearing, may waive the required front yard to a distance not less than the front yard of an existing abutting structure located within 100 feet of the common property line if the lot size or topography is such that a hardship would result from enforcement of the front lot requirements.

<sup>4</sup>Except that the required front yard shall be 75 feet for a lot with the front lot line on the Mohawk Trail.

**AMEND SECTION 33 TO RENUMBER CURRENT SECTIONS 33.5 AND 33.6 AS SECTIONS 33.2**

**AND 33.3, RESPECTIVELY.**

**IV. AMEND ARTICLE V, DEFINITIONS, TO ADD THE FOLLOWING NEW DEFINITIONS:**

Accessory Apartment - An additional dwelling unit consisting of no more than four rooms and no more than 800 square feet of living area in a single-family home. An Accessory Apartment may also be located in an accessory structure such as a garage or barn provided there is no expansion of square footage of the accessory structure. The Accessory Apartment shall be occupied by no more than two people. The owner of the property shall permanently occupy the principal or accessory residence. Adequate off-street parking shall be provided and parking shall be to the side or rear of the principal structure to the maximum extent possible.

Artisan Studio – the working space of a practitioner of a handicraft or art requiring special skills, such as hand weaving, pottery making, glassblowing, leatherworking or sculpting.

Earth Removal – The excavation, processing, and/or removal of earth materials or any action that causes the alteration of land not covered under another permit, within the legal limits of the Town of Charlemont.

Footprint – Dimensions of a structure (building) or of a land use such as a gravel pit on the ground.

Kennel – A pack or collection of five (5) or more dogs on a single premise that are more than six (6) months old. Kennels must be located on a lot five (5) acres or greater. In addition, the location on the parcel where the dogs are harbored or exercised must be set back 150 feet from each lot line to minimize the impacts to neighbors from noise and odors.

Lot Coverage -- The area of a lot occupied by structures, walkways, drives, parking or other impervious or semi-pervious surfaces.

Multi-Family Dwelling – A building containing a minimum of three (3) and a maximum of eight (8) dwelling units.

Parking Lot, Public or Private – A stand-alone lot designed solely for parking, whether publicly or privately owned, which is not accessory to or in common ownership with an existing business or industrial use.