



PLANNING BOARD

Report to Town Meeting

**ARTICLE 31 Zoning Bylaw. Permit Submission Requirements
(Planning Board)**

To see if the Town will amend Section 11.220 by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

11.220 An applicant for site plan review shall file ***with the Planning Department*** an application form, fee, ~~six~~ ***the required number of*** copies of the site plan, and any additional information as may be required, ~~with the Planning Department~~ ***in accordance with the requirements set forth in the Planning Board's Rules and Regulations.*** A copy of the application shall be filed with the Town Clerk ~~by the applicant.~~

Recommendation

The Planning Board voted unanimously (7-0, 1 member absent) to recommend adoption of Article 31.

Background

Article 31 corrects an error in the Zoning Bylaw. It would remove outdated language requiring the submission of a specific number of copies of plans with a Site Plan Review application. The amended section would instead simply reference the requirements of the Planning Board's Rules & Regulations. Those Rules and Regulations are the appropriate mechanism with which to establish what must be submitted with applications for land use permits issued by the Planning Board.

State law (MGL Ch. 40A, Sec. 12) authorizes a land use permit granting board to adopt rules and regulations "for the conduct of its business." Both Amherst's Planning Board and Zoning Board of Appeals have done so.

The Zoning Bylaw has a similar reference to the Zoning Board of Appeals Rules and Regulations for application submissions for Special Permits:

10.32 Application and Approval Procedures

10.320 The size, form, contents, and style of plans and specifications required as part of

an application for a Special Permit are contained in the Rules and Regulations of the Special Permit Granting Authority, a copy of which is on file in the Town Clerk's Office.

10.321 The procedure for the submission and approval of Special Permits is prescribed in the Rules and Regulations of the Special Permit Granting Authority, a copy of which is on file in the Town Clerk's Office.

The amendment under Article 31 proposed would make the zoning regulations for Site Plan Review submittals consistent with those for Special Permits, and will refer applicants to the correct regulations.

Public Hearing

The Planning Board held a public hearing on Article 31 on Wednesday, March 2, 2011. The Board heard a report and recommendation from the Zoning Subcommittee. There was no public comment. After discussion, the Planning Board voted unanimously (7-0, 1 member absent) to recommend that Town Meeting adopt Article 31.