**Model Planned BUSINESS AND INDUSTRIAL DEVELOPMENT Bylaw**

*Prepared by the Pioneer Valley Planning Commission*

**1.0 Purposes**

1.1 The purposes of the Planned Industrial Development regulations in this Section shall include the following:

a. To attract environmentally acceptable light industries;

b. To encourage diversity in the community tax base through appropriate industrial development;

c. To minimize potential adverse environmental conditions, such as pollution and noise, associated with industrial development.

1.2 The purposes of the Planned Business Development regulations in this Section shall include the following:

a. To encourage business development which is clustered to reduce adverse traffic, aesthetic, and environmental impacts on the community;

b. to encourage diversity in the community tax base and clustered commercial development which is consistent with (town’s/city’s) character.

**2.0 Applicability**

2.1 Planned Industrial Developments shall be permitted in the Industrial District only upon issuance of a Special Permit with Site Plan Approval from the Planning Board.

2.2 Planned Business Development shall be permitted in the Commercial or Industrial Districts only upon issuance of a Special Permit with Site Plan Approval from the Planning Board.

**3.0 Definitions**

**Planned Industrial Development** shall mean a development constructed on a lot or lots under single ownership at the time of application, planned and developed as an integral unit, and consisting primarily of light industrial uses.

**Planned Business Development** shall mean a development constructed on a lot or lots under single ownership at the time of application, planned and developed as an integral unit, consisting primarily of retail or service uses.

**4.0 Uses Permitted by Special Permit With Site Plan Approval**

4.1 A Planned Industrial Development shall encourage a wide range of manufacturing, research and other uses which can be built and operated with a minimum of noise, smoke, odor and other nuisances and which do not create adverse impacts upon adjacent uses.

4.2 Uses permitted by Special Permit with Site Plan Approval in a Planned Industrial Development shall be limited only to the following:

a. Industry, Utility, and Communication:

i. Telegraph, telephone, and express offices, radio, television, and film broadcasting firms.

ii. Warehouse for storage, production, assembly and marketing of wholesale goods.

iii. Wholesale trade and distribution.

iv. Open storage of raw materials, finished goods or construction equipment and structures for storing such equipment, provided outside storage areas shall be screened from outside view. Not to include junkyards or open storage of abandoned automobiles or other vehicles.

v. Enclosed manufacturing, processing, fabrication, packaging, assembly storage.

vi. Construction industry and suppliers.

vii. Research offices or establishments for research and development activities.

viii. Distributorships dealing with commercial and industrial supplies.

ix. The processing of grain, vegetables, or dairy products for human consumption.

x. Repair service establishments.

xi. Accessory structures and uses customarily incidental to the above permitted uses.

b. Offices and Services to Serve the Convenience Needs of Persons Working in the District:

i. Miscellaneous professional and business offices and services including medical, legal, finance, and other professional services.

ii. Restaurants or other places servicing food or beverages, except those having the character of a drive-in eating establishment. A drive-in eating establishment is a business establishment where food is usually served to or consumed by patrons while they are seated in parked cars.

iii. Automobile service stations.

c. Other Permitted Uses:

i. Agricultural uses including but not limited to nurseries, greenhouses, woodlots, truck gardens and similar uses.

ii. Recreational uses, parks, marinas, picnic areas, and similar uses.

iii. Emergency services, including but not limited to, police stations, fire stations, rescue squad, and ambulance service.

iv. Public and private non-profit educational institutions.

v. Structures used for religious purposes.

vi. Town equipment garage.

vii. Medical center including accessory medical research and associated facilities.

viii. Trade or industrial schools.

4.3 Permitted uses within a Planned Business Development may include any retail or service uses which are allowed by Special Permit with Site Plan Approval as noted in Table of Use Regulations.

**5.0 Dimensional Regulations**

5.1 All uses shall be in conformity with the dimensional and density regulations set forth in Table of Area Regulations.

5.2 Additional Planned Industrial Development Dimensional Regulations: 75-foot buffer is required along side and rear lots abutting any residential or commercial property.

**6.0 General Regulations**

6.1 The tract shall be in single or consolidated ownership at the time of application.

6.2 A site plan shall be presented for the entire tract, consistent with the requirements in this section, and Section \_\_\_\_\_\_\_\_ Special Permits. In addition, subdivision approval by the Planning Board shall be required where a development constitutes a subdivision as per the Subdivision Control Law.

6.3 Uses shall be contained in one continuous building except that groupings of buildings may be allowed by the Board where such groupings are consistent with the safety of the users of the development and are further consistent with the overall intent of this section.

6.4 The development shall be adequately served by a water system adequate in terms of fire protection and domestic use and the designated leaching area for on-lot septic systems meets with the minimum requirements of the State Sanitary Code Article XI and an additional area can be served for expansion which can also meet the same requirements.

6.5 All industrial uses must be completely contained within buildings.

**7.0 Incentives for Planned Business or Industrial Development**

7.1 Business uses may be clustered or grouped together. If this option is selected the following standards are required:

a. Individual lot sizes shall not be reduced more than ten (10) percent below lot sizes normally required in Table 2, Area Regulations in the Industrial District.

b. The total number of establishments in the development shall not exceed the number of establishments which could be developed under normal application requirements of the Planned Industrial District.

7.2 The maximum building coverage may be increased above the maximum permitted in the Table of Height and Bulk Regulations, but shall not exceed 40%.

7.3 Parking requirements may be reduced below the requirements contained in the Table of Off-Street Parking Standards, however, any reduction in parking space requirements shall not exceed more than 10% of those required under normal application of requirements for the particular uses proposed. The development shall be served by one common parking area and by common exit and entrance areas.

**8.0 Performance Standards**

8.1 All planned industrial or business developments must demonstrate compliance with the following performance standards:

All uses must comply with the Commercial Development Performance Standards in Section 9.0.

8.2 In addition, all planned industrial developments must demonstrate compliance with the following additional performance standards:

a. Noise

i. Excessive noise at unreasonable hours shall be muffled so as not to be objectionable due to volume, frequency, shrillness, or intermittence.

ii. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any use or activity shall not exceed the following limits at the property line of the sound source:

 **Table 3 - Sound Pressure Level Limits Measured in dB (A’s)**

 ***District 7 A.M. - 10 P.M. 10 P.M. - 7 A.M.***

 General Business 65 60

 Industrial 70 65

 Residential 55 45

 Sound pressure level shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface. Noise shall be measured with a sound level meter meeting the standards of the American Standards Institute, ANSI SI.4-1961 “American Standard Meter for the Physical Measurements of Sound.”

iii. Sound levels specified shall not exceed for more than 15 minutes in any one day, except for temporary construction or maintenance work, agricultural activity, timber harvesting, traffic, church bells, emergency warning devices, parades, or other similar special circumstances.

iv. No person shall engage in or cause very loud construction activities on a site abutting residential use between the hours of 9 P.M. of one day and 7 A.M. of the following day.

b. Vibration

i. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line.

c. Air pollution

i. Atmospheric emissions of gaseous or particulate matter generated by land use shall conform to the then current regulations of the Massachusetts Division of Environmental Protection DEP. If the proposed land use shall be of a nature to arouse the concern of the Building Inspector and/or Special Permit Granting Authority, the applicant may be required to produce plans and specifications of detail sufficient for review by DEP. Determination by DEP that potential exists for emissions in excess of allowable limits shall be grounds for permit refusal.

d. Nuisance Odors

i. There shall be no emissions of toxic or noxious matter or objectionable odors of any kind in such quantity as to be readily detectable at the property line of the lot on which the use emitting the toxic or noxious material or odor is located. For the purposes of this Section, toxic or noxious matter is any solid, liquid, or gaseous matter including, but not limited to, gases, vapors, dusts, fumes, and mists, containing properties which by chemical or other means are inherently harmful to destroy life or impair health, or capable of causing injury to the well being of persons or damage to property.

e. Explosive Materials

i. All activities and storage of flammable and explosive materials shall be provided with adequate fire-fighting and fire-suppression devices and equipment.

f. Radioactivity

i. There shall be no activities that emit dangerous levels of radioactivity.

g. Water Pollution

i. No discharge, at any point, into a private sewer system, stream, or the ground of any material in such a way, or of nature or temperature as can contaminate any running stream, water supply or otherwise cause the emission of dangerous or objectionable elements and accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.

ii. The use and discharge of substances into lakes, streams, or similar waterbodies shall not violate the rules and regulations of the (Town) Conservation Commission or the standards of the Massachusetts Division of Quality Engineering.

h. Wastes and Refuse

i. No waste material or refuse shall be dumped upon, or permitted to remain upon, any part of the lot or tract outside of buildings constructed thereon. Waste material or refuse stored outside buildings shall be placed in completely enclosed containers.

**9.0 Application for Planned Industrial Development**

In addition to the requirements of M.G.L. Chapter 40A, Section 9 and the requirements, contained in (the Special Permit and Site Plan Approval sections) of this bylaw/ordinance, applicants for planned industrial development shall comply with the following:

9.1 Applicants for planned industrial development shall submit a development plan on standard twenty-for (24) inch by thirty-six (36) inch sheets, for the entire tract at a scale of one inch equals one hundred (100) feet. The plan shall be submitted to the Planning Board and shall show at least the following:

a. Two (2) foot finished contours on the tract.

b. The location and acreage of areas to be devoted to specific uses.

c. Existing and proposed streets, parking areas, drainage and utility systems, including water and sewer, street lighting, landscaping, easements, and natural features.

d. The proposed location of parks, open spaces and other recreational uses.

e. Such other information as may be required by the Planning Board.

9.2 The Planning Board shall obtain with each submission, a deposit sufficient to cover any expenses connected with a public hearing and review of plans.