

9.3-2 REVIEW CRITERIA

A. General Findings

The SPGA may approve a Special Permit application only if it makes written findings that:

1. The proposed use is in harmony with the general purpose and intent of this bylaw, in particular the Rural Siting Principles in Section 8.3
2. The proposed use does not significantly increase the risk to public health, welfare and safety for the residents of the Town.
3. The benefits of the proposed use outweigh its adverse effects with respect to the Town which may include but is not limited to financial, legal, and environmental concerns.
4. The proposed use is consistent with the Shutesbury Master Plan and in particular with the goals established for Natural Resources and Open Space.

B. Specific Findings

In order to approve a Special Permit, the SPGA shall also make specific written findings that the proposed use, with or without reasonable conditions:

1. Is consistent with the purposes and requirements of the applicable land use district, overlay districts, and other specific provisions of this bylaw (including Site Plan Review requirements) and of other applicable laws and regulations.
2. Is compatible with surrounding uses, if any, and protective of the natural, historic, and scenic resources of the Town.
3. Is accessible and serviceable by fire, police, and other emergency vehicles.
4. Will not adversely affect the availability of public services and the capacity of municipal services; including creating a situation whereby the Town is responsible for services it cannot practically or financially provide.
5. Will not create excessive off-premises noise, dust, odor, or glare during construction, operation and use.
6. Will not unnecessarily damage the visual amenities of the site and is in harmony with the landscape type.
7. Will not cause traffic congestion, impair vehicular or pedestrian safety, or physically compromise existing roads, considering their current width, surfacing, and condition.
8. Will not overload or risk the integrity or function of any municipal facility or any public or private water, sewage disposal, or drainage system.
9. Will not create an unreasonable risk of fire endangering residences, municipal buildings or natural resources.
10. Will not create unreasonable risk of substantial financial or legal liability to the Town due to regular operations or malfunctions regarding the use.
11. Will not create unacceptable risk to the public health, safety and welfare of residents.
12. Will not cause significant negative environmental impacts due to flooding, wetland loss, habitat or ecosystem disturbance, groundwater disturbance, or disturbance to forested lands, including but not limited to:
 - a. Pollution of surface water or groundwater; especially affecting drinking water wells

- b. Inadequate water supply to meet the anticipated demand of the proposed activity or use or reduction of water supply to other properties;
- c. Destruction or damage to important wildlife habitats, wetlands, streams or lakes, or forest ecology.
- d. Air pollution
- e. Unnecessarily decreases agricultural or forestry use or potential land productivity
- f. Significant reduction in carbon sequestration or carbon storage capacity
- g. Erosion resulting from or caused by development.

C. Large-scale Structures

Where practical, the SPGA may require a group of smaller buildings as an alternative to a single large building.

D. Severability

Consistent with Article XII Section 12.3 of this bylaw, any provision of this section that is held invalid by a court of competent jurisdiction, shall not affect the remainder of the section.