



TOWN OF NORTHBOROUGH Zoning Board of Appeals

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

Chapter 40B Comprehensive Permit Regulations

1) Purposes

- a) These rules establish procedures for applications to the Zoning Board of Appeals for comprehensive permits granted under the Anti-Snob Zoning Act (Chapter 774 of the Acts of 1969), M.G.L. c. 40B, Sections 20-23. They are required by M.G.L. c. 40B, Section 21, as amended by Stat. 1989, c. 593, and by 760 CMR 31.02. The purpose of the Anti-Snob Zoning Act is to facilitate the development of affordable housing in Massachusetts, and the purpose of these regulations is to facilitate the development of affordable housing that meets local needs.
- b) These rules alone are not sufficient to describe comprehensive permit procedures before the Zoning Board of Appeals. They must be read in conjunction with and implemented in a manner consistent with the complete regulations of the Housing Appeals Committee, 760 CMR 30.00 and 31.00, and the Guidelines for Local Review of Comprehensive Permits, published periodically by the Department of Housing and Community Development. In addition, the Board's general rules for conduct of hearings under M.G.L. c. 40A apply to comprehensive permit applications. In case of inconsistency or conflict between those general rules for conduct and these rules, these rules shall govern.

2) Filing, Time Limits, and Notice

Prior to submittal, the Applicant shall contact the Assistant Town Administrator to schedule a Development Review Meeting.

Twenty-seven copies of the Application, including all supporting documentation as required below, and the application fee shall be submitted to the Northborough Town Clerk's Office. Upon completion of the submission, the Applicant shall be responsible for distributing these copies to the following Departments and Boards: Zoning Board of Appeals (6), Board of Selectmen (1), Town Planner (1), Planning Board (5), Town Engineer (1), Board of Health (1), Conservation Commission (1), Inspector of Buildings/Zoning Enforcement Officer (1), Earth Removal Board (1), Department of Public Works (1), Water & Sewer Commission (3), Police Department (1), Fire Department (1), Northborough School Committee (1), and Housing Authority (1). Five additional copies shall be distributed to the Groundwater Advisory Committee when applicable.

The application for a comprehensive permit shall consist of:

- a) The application form;
- b) A narrative describing the nature and location of the project and the site, including a legal description of the property; complete dimensions and area; the zoning classification(s) that apply to the property; assessor's map and lot numbers; the size of the proposed building(s); calculation of existing and proposed lot coverage; a description of measures the applicant proposes to prevent soil erosion and storm water runoff during construction; estimated cost of all site improvements; projected public water demand, if any; projected parking spaces required for the development, based on proposed use(s) or number of employees, as applicable; the name and address of the property owner and the applicant, if different from the property owner; and a discussion of how the proposed development conforms to the Northborough Housing Plan;
- c) An abutters list, certified by the Board of Assessors;
- d) Preliminary site development plans showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walkways and paved areas; and proposed landscaping improvements and open areas within the site. An applicant proposing to construct or rehabilitate four or fewer units may submit a sketch of the materials in section 2.f below, which need not have an architect's signature. All structures of five or more units must have site development plans signed by a registered architect;
- e) A report on existing site conditions and a summary of conditions in the surrounding areas, showing the location and nature of existing buildings, existing street elevations, traffic patterns and character of open areas, if any, in the neighborhood;
- f) Preliminary, scaled, architectural drawings. For each building the drawings shall be signed by a registered architect, and shall include typical floor plans, typical elevations, and sections, and shall identify construction type and exterior finish;
- g) A tabulation of proposed buildings by type, size (number of bedrooms, floor area) and building coverage, and a summary showing the percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by open areas;
- h) Lighting plan showing the location height, intensity, and bulb type of all external lighting fixtures, the direction of illumination, and methods to reduce glare onto adjoining properties;
- i) Conceptual landscaping plan showing the location and approximate number and size of plant types, and the locations and elevation and/or height of fences, walls, steps, paths and other walkways and or sidewalks;

- j) If a subdivision of land is involved, a preliminary subdivision plan;
- k) A preliminary utilities plan showing the proposed location and types of sewage, drainage, and water facilities, including hydrants;
- l) A first-level environmental assessment under M.G.L. c.21E, if available;
- m) Analysis of environmental impacts: a narrative analysis of existing and expected post-development environmental conditions, including but not limited to measures proposed to prevent pollution of surface and ground water, erosion of soil, excessive runoff of precipitation, excessive raising or lowering of the water table, or flooding of other properties; measures to protect air quality, minimize noise levels, prevent harmful or noxious emissions, and damage or threat to wetlands, flood plain, wildlife habitat, and historical or archaeological resources, and the visual environment. Potential smoke, odors, vibration and electromagnetic radiation should be identified and addressed. The environmental impacts analysis should also describe proposed methods of waste disposal;
- n) Analysis of traffic impacts: estimated average daily traffic and peak hour traffic to be generated by the development. The Board of Appeals may request that the Applicant prepare a traffic study.
- o) Analysis of community impacts: a narrative assessment of existing and projected demands for community services and facilities, including but not limited to public water or sewer service;
- p) Documents showing that the applicant fulfills the jurisdictional requirements of 760 CMR 31.01, that is,
 - (1) The applicant shall be a public agency, a non-profit organization, or a limited dividend organization,
 - (2) The project shall be fundable by a subsidizing agency under a low and moderate income housing subsidy program, and
 - (3) The applicant shall control the site;
- q) A complete list of requested exceptions to local requirements and regulations, including but not limited to zoning bylaws, subdivision regulations, and any other local bylaws, regulations or codes;
- r) The Site Approval Letter from the subsidizing agency;
- s) A development proforma for the proposed project;
- t) The application shall be accompanied by a filing fee based upon the number of housing units proposed:

- (1) Limited Dividend Organizations - \$100 per unit
 - (2) Non-Profit Organizations - \$50 per unit
 - (3) Public Agencies - \$0 per unit
 - (4) In addition, the applicant shall be responsible for paying all legal advertisement costs.
- u) All abutters and parties of interest shall be notified of the public hearing, pursuant to the requirements of M.G.L. c. 40A Section 11.

3) Review Fees

- a) If the Board determines that in order to review the application it requires advice unavailable from municipal employees, it may employ outside consultants. Whenever possible it shall work cooperatively with the applicant to identify appropriate consultants and to negotiate payment of all of consultant fees by the applicant. Alternatively, the Board may, by majority vote, require that the applicant pay a reasonable review fee for the employment of outside consultants chosen by the Board alone.
- b) A review fee may be imposed only if:
 - (1) The work is in connection with the applicant's specific project, and
 - (2) All written results and reports are made part of the record before the board.
- c) Any invitation for bids or request for proposals shall indicate that award of the contract is contingent upon payment of a review fee. If the applicant fails to pay the review fee within ten days of receiving written notification of selection of a bidder or offer or, the Board may deny the comprehensive permit.
- d) Prior to paying the review fee, the applicant may appeal the selection of the consultant to the Northborough Board of Selectmen.
- e) The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications.
- f) The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.
- g) The required time limits for action upon the application by the Board shall be extended by the duration of the appeal. In the event that no decision is made

by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

- h) Each review fee shall be deposited in a special account established by the Town of Northborough Treasurer pursuant to M.G.L. c. 44, Section 53G.
- i) Within 30 days of the completion of the project or of such time as the applicant formally withdraws the proposal, the applicant shall receive a final report of funds in the special account and shall be paid any unspent excess in the account, including accrued interest.

4) Public Hearing and Decision

- a) The Board shall hold a public hearing on the completed application as set forth in Section 2.a through 2.j above, within thirty days of its receipt, or such other time frame that may be mutually agreed upon by the Board and the applicant. The Board may request the appearance at the hearing of such representatives of local officials as it considers necessary or helpful in reviewing the application. In making its decision, the Board shall take into consideration the recommendations of local officials. The hearing shall be held at the date, time and place established by the Chair of the Board.
- b) The Board shall render a decision, based on a majority vote of the Board, within forty days after termination of the public hearing, unless such time period is extended by written agreement of the Board and the applicant.
- c) The Board may dispose of the application in the following manner:
 - (1) Approve a comprehensive permit on the terms and conditions set forth in the application,
 - (2) Deny a comprehensive permit as not consistent with local needs, or
 - (3) Approve a comprehensive permit with conditions consistent with the requirements of M.G.L. c. 40B.

5) Appeals

- a) If the Board approves the comprehensive permit, any person aggrieved may appeal within the time period and to the court provided in M.G.L. c. 40A, Section 17.
- b) If the Board denies the comprehensive permit or approves the permit with unacceptable conditions or requirements, the applicant may appeal to the Housing Appeals Committee as provided in M.G.L. c. 40B, Section 22.



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**Distribution List
 Chapter 40B Comprehensive Permit Filing**

Project Address: _____

Please check all that apply: Variance Special Permit Appeal Special Permit with Site Plan Approval

Required plan sizes: Full size - 24" x 36" Half-size - 11" x 17"

1 copy to each, except as noted:

Town Office	Received By	Date
Town Clerk (half-size plans)		
Petitioner		
Zoning Board of Appeals (requires original, 6 copies & full-size plans)		
Building Inspector (full-size plans)		
Town Engineer (full-size plans)		
Groundwater Advisory Committee (5 copies and half-size plans)		
Board of Selectmen (half-size plans)		
Fire Department (full-size plans)		
Police Department (half-size plans)		
Department of Public Works (full-size plans)		
Water-Sewer Commission (3 copies and half-size plans)		
Board of Health (half-size plans)		
Conservation Commission (half-size plans)		
Earth Removal Board (half-size plans)		
Planning Board (5 copies & half-size plans)		
Northborough School Committee (53 Parkerville Road, Southborough 01772)		
Northborough Housing Authority 26 Village Drive		

THE COMPLETED DISTRIBUTION SHEET MUST BE RETURNED TO THE PLANNING OFFICE.