

NORTHBOROUGH PLANNING BOARD
Rules and Regulations
Adopted January 4, 2011

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NORTHBOROUGH PLANNING BOARD RULES AND REGULATIONS

1.0. AUTHORITY.

Pursuant to the adoption of the Northborough Zoning Bylaw by Town Meeting on April 27, 2009, in accordance with M.G.L. c. 40A, as amended, and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, the Northborough Planning Board adopts the following Rules and Regulations governing the organization and conduct of the Board and review of special permits and site plans under the Northborough Zoning Bylaw, Chapter 7 of the Northborough Town Code.

2.0. DEFINITIONS.

As used in these Rules and Regulations, words shall have those meanings defined below, or specified by M.G.L. c. 40A, § 1A, by § 7-02-040 of the Northborough Zoning Bylaw, by M.G.L. c. 41, § 81L, and by the Planning Board's Rules and Regulations Governing the Subdivision of Land, in that order of precedence. Unless a contrary meaning is required by the context or is specifically prescribed in the text of the regulations, present tense includes past and future tenses, words in the singular include the plural and words in the plural include the singular. Throughout these Rules and Regulations, the word "shall" is mandatory and not directory.

ABUTTERS: The owners of land located directly adjacent to a property for which an application has been filed, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred (300) feet of the property line of the Applicant as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town. The Northborough Assessor's Office shall certify the names and addresses of abutters and such certification shall be conclusive for all purposes. For purposes of special permit public hearing and decision notices, an abutter is a "party in interest" as defined below.

APPLICANT: The person who submits an application for special permit approval and his administrators, executors, heirs, devisees, successors, and assigns. The Applicant must be owner of all land included in the application and submitted plan or proposal, or any person who shows specific written authorization by the owner to submit the application and to speak for and bind the owner as to any representations regarding the property or the owner's intent, with regard to any agreements made with the Board as part of the permit review and approval process and with regard to the owner's understanding of any conditions imposed upon the project by the Board's special permit decision document. Proof of ownership shall include a copy of the latest recorded deed or Land Court certificate as well as of the Northborough Board of Assessors' current listing for the property. The Applicant is considered a "party in interest" with regard to required public hearing and decision notices.

BUILDING INSPECTOR: The Building Inspector of the Town of Northborough.

DIAMETER AT BREAST HEIGHT (dbh): As applied to trees, the diameter of any tree trunk, measured at 4.5 feet above existing grade.

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DRAINAGE: The control of surface water within the tract of land to be developed by any means of collecting, diverting, handling, dispersing, or disposal of surface runoff. Such control shall be designed by a registered professional engineer.

ENGINEER: A registered professional engineer qualified to practice civil engineering in the Commonwealth of Massachusetts.

LEVEL OF SERVICE (LOS): A measure of the effect of a number of factors, which include speed and travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience and operating costs defined, in practice, in terms of particular limiting values of certain of these factors and expressed on a scale from A to F, from best to worst, applied to through traffic or to intersection movements. Level of service shall be represented for buildout of the project under review and for buildout of all areas which would contribute traffic to its streets. For analysis of adjacent roadways, LOS shall be based on 20-year projected traffic movements.

LOT: A continuous parcel of land with legally definable boundaries.

OWNER OF RECORD: As applied to real estate, the person holding the ultimate fee simple title to a parcel, tract, or lot of land, as shown by the record in the Registry of Deeds or Registry of Probate. For special permit applicants, proof of ownership shall include a copy of the latest recorded deed or Land Court certificate as well as of the Northborough Board of Assessors' listing for the property.

PARCEL: An area of land in one ownership, with definite boundaries, which may or may not constitute a lot or group of lots available for use as the site of one or more buildings.

PARTIES IN INTEREST: The Applicant, the owner of record, and abutters as defined above, the Planning Board, and the planning board of every abutting city or town. Parties in interest are legally entitled to notice of special permit public hearings and decisions under M.G.L. c. 40A, § 11 and the Northborough Zoning Bylaw.

PERSON: An individual, two or more individuals or a group or association of individuals, a trust, a partnership, or a corporation having common or undivided interests in a tract of land.

PROJECT: The proposed buildings, parking, roads, and so forth, that are the subject of the special permit application.

SITE: The entire tract on which a proposed use or development is located.

SPECIMEN TREE: A native, introduced, or naturalized tree which is important because of its impact on community character, its significance in the historic/cultural landscape, or its value in enhancing wildlife habitat. Any tree with a dbh of 6" or larger is eligible to be considered a specimen tree. Trees that have a small height at maturity or are slow growing, such as flowering dogwood or American holly with a dbh of 4" or larger, are eligible to be considered specimen trees.

SURVEYOR: A registered land surveyor qualified to practice surveying in the Commonwealth of Massachusetts.

TOWN ENGINEER: The Northborough Town Engineer.

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TOWN PLANNER: The Northborough Town Planner.

TRACT: A continuous area of land, which may be subdivided or unsubdivided, may be crossed by roadways or streams and may be in single or multiple ownership, which is proposed for development under these Rules and Regulations.

TREE: Any woody plant having a caliper of two inches or larger.

WETLAND: Land subject to the provisions of M.G.L. c. 131, § 40 and the Town of Northborough Wetlands Bylaw.

WILDLIFE HABITAT: Priority Habitats and Estimated Habitats as identified in the most recent edition of the Massachusetts Natural Heritage Atlas published by the Natural Heritage and Endangered Species Program.

ZONING ENFORCEMENT OFFICER: The Town of Northborough Building Inspector.

3.0. ORGANIZATION.

3.1. Membership and officers.

- A. The Planning Board shall consist of five (5) members elected annually for staggered terms as provided in Article III of the Town of Northborough Charter. Vacancies shall be filled by the Board of Selectmen and remaining members of the Planning Board in accordance with M.G.L. c. 41, § 11. Appointees shall serve until the next Annual Town Election, at which time the vacancy shall be filled by election for the remainder of the term. The members shall elect, on a yearly basis, a Chair and Vice-Chair, and may also elect a Clerk, of the Board.
- B. The Chair shall be eligible to vote on all matters. Subject to these Rules and Regulations, the Chair shall appoint such standing subcommittees as may be found necessary or desirable. The Chair shall issue the call for and preside at all meetings and hearings; decide all points of order unless overruled by a majority of the Board in session at the time, establish meeting agendas, represent the Board in certain matters, prepare and submit all reports required by law, and exercise general supervisory power. At each meeting, the Chair shall report on all transactions that have not otherwise come to the attention of the Board.
- C. The Vice-Chair shall act as Chair when the Chair is absent or is unable to perform his duties. He shall have such powers and duties as the Chair shall designate. In the absence of both the Chair and Vice-Chair, the Chair shall appoint an acting Chair prior to the meeting, or the Board members present shall elect an acting Chair.
- D. The Clerk shall keep minutes and detailed records of the Board's proceedings, compile all required records, maintain files and indexes as required by the Massachusetts Planning Board Records Disposal Schedule issued by the Secretary of State, and mail all required public hearing notices, notices of decisions, and copies of decisions as required by Massachusetts General Laws. The Board may delegate some or all of the aforementioned duties to an administrative assistant, subject to approval by the majority of the Board and the appointment of an administrative assistant by the Town Administrator.

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3.2. Planning Board appointments.

The Chair, with concurrence of a majority of the Board, shall make appointments to such other boards, committees, and task forces as authorized by the Board of Selectmen or the Town Bylaws. The Board, by majority vote, shall appoint one of its members to serve as a member of the Central Massachusetts Regional Planning Commission (CMRPC). The appointment shall be for a period of one (1) year.

3.3. Standards of conduct for Planning Board members.

- A. The primary obligations of the Board members are to serve the public interest, to conduct themselves so as to maintain public confidence in the Planning Board, to meet the fundamental responsibility of fairness and to comply with all statutory regulations. Individual Board members, including the Chairman, shall not meet with or have direct contact with an applicant or an applicant's representative outside of a Board meeting unless authorized to do so by the Board.
- B. A Board member shall not participate in official capacity in matters in which such participation is prohibited by the Massachusetts Conflict of Interest Law. The Board member shall, at any meeting where the particular matter is discussed, disclose orally the existence of the conflict-of-interest, remove themselves from the meeting at the time, and leave the meeting room during all times that particular matter is being discussed.

3.4. Roles and responsibilities.

The powers and duties of the Planning Board include but are not limited to the following:

- A. Prepare a Master Plan for the Town in accordance with M.G.L. c. 41, § 81D.
- B. Draft and submit zoning amendments for consideration by Town Meeting, holding hearings, and making recommendations as appropriate
- C. Adopt, administer, and amend Subdivision Rules & Regulations.
- D. Act as Site Plan Approval Authority when so designated in the Zoning Bylaw.
- E. Act as a Special Permit Granting Authority when so designated in the Zoning Bylaw.
- F. Act as a technical review body for the Special Permit Granting Authority when so designated in the Zoning Bylaw or as otherwise requested by the Special Permit Granting Authority.

3.5. Open Meeting Law.

- A. All meetings of the Planning Board shall be held in accordance with the provisions of the Massachusetts Open Meeting Law, M.G.L. c. 30A, §§ 18-25. As long as Board members do not deliberate, the term "meeting" shall not include:
 - (1) On-site inspection of a project;
 - (2) Attendance by a quorum of the Board at a public or private gathering or a meeting of another town board.

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- B. Except when a meeting is held in executive session, any person in attendance may record the meeting with a tape recorder or any other method of sonic reproduction, or may videotape the meeting from one or more fixed locations determined by the Chair, so long as there is no active interference with the conduct of the meeting.

3.6. Meeting schedule.

- A. The Planning Board shall hold at least one meeting per month throughout the year, except that by majority vote set a different time for a particular meeting. Notice of all meetings shall be filed with and posted in the Town Clerk's office at least forty-eight (48) hours in advance (not including Saturday, Sunday or legal holidays), including date, place and time of meeting.
- B. To be placed on an agenda, any requests and associated materials shall be submitted to the Board through the Northborough Planning Department at least thirty (30) calendar days prior to a Board meeting. Exceptions may be made for filing of "Approval Not Required" plans or for any other items authorized prior to the meeting by the Chair.

3.7. Conduct of public hearings.

As required by law, the Planning Board shall conduct a public hearing on special permit applications, proposed amendments to the Zoning Bylaw, and proposed rules and regulations under various provisions of the Zoning Bylaw. The Chair shall conduct each public hearing in the following order:

- A. The public hearing shall be opened, and the Chair shall note the time each hearing is begun and the date each hearing was originally opened, if applicable.
- B. The hearing notice shall be read aloud for the record at the beginning of the public hearing.
- C. Town staff shall be asked to report on any procedural or application deficiencies, if applicable.
- D. All written materials submitted for the record shall be identified and summarized.
- E. The proponent of the matter requiring a public hearing shall present the proposal to the Board. If the matter is a special permit or proposed zoning amendment, the Applicant(s) or Applicant's representatives, or the petitioner for a zoning amendment, shall address the Board and present their proposal. The Applicant's representatives, e.g., engineers, architects, attorneys, and so forth, shall provide, verbally or in writing, the credentials that qualify them to make technical statements about the proposed project. If the Planning Board is the proponent, the Board shall present the matter with assistance from Town staff or the Board's representatives as necessary.
- F. Board members shall have the opportunity to question the Applicant or petitioner, as applicable.
- G. Town staff and/or peer review consultants, if the matter is a special permit, shall provide their reports on the proposed project. Peer review consultants shall provide, verbally or in

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- writing, the credentials that qualify them to make technical statements about the proposed project.
- H. Board members shall have the opportunity to question the staff and consultants, where applicable.
 - I. Public officials present at the hearing shall be invited to make comments.
 - J. Other interested persons shall have the opportunity to ask questions and provide comments. Speakers shall identify themselves by name and address. The Chair may, in his discretion, impose a time limit on speakers in order to provide an opportunity for all interested persons to speak and may also require speakers to submit testimony in writing.
 - K. The Chair shall read or summarize letters and other written materials submitted during the public hearing, and such letters and materials shall be entered into the record.
 - L. The Applicant or petitioner and Town staff shall have the opportunity to provide final comments.
 - M. The Chair shall entertain a motion to close the public hearing or to continue the hearing to a later date. A continued hearing shall be continued to a date, time, and place certain, and no hearing shall be continued without the Applicant's written consent, which shall be filed with the Town Clerk.
 - N. After the close of a public hearing, the Board shall not accept or consider any new evidence.
 - O. Motions
 - (1) The Chair may entertain motions from any Board members sitting on an application. After a second, the Chair shall open the floor for discussion by the Board members and, if requested, staff.
 - (2) After discussion, the Chair shall call for a vote, with the vote of each member to be identified for the record.
 - P. All persons testifying before the Board shall address Board members only. Discussions between persons testifying before the Board and non-Board members shall occur only if authorized by and through the Chair. All other persons shall be silent at the request of the Chair. If a person persists in disorderly behavior during a meeting after warning from the Chair, the Chair may order him or her to withdraw from the meeting. If the disorderly person does not withdraw, the Chair may order a constable or another person to remove the offender and confine him or her in some convenient place until the meeting is adjourned.
- 3.8. Quorum and voting.**
- A. A quorum of members of the Planning Board shall be required to conduct business.
 - B. Board members present may be counted to determine whether a quorum is present even if they abstain from voting affirmatively or negatively. However, if a Board member

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abstains due to conflict of interest, he shall not be counted as being present for the quorum for that portion of the meeting for which he is disqualified by reason of conflict of interest.

- C. All votes shall take place at a Board meeting in person. No phone-in, email, proxy, or faxed votes shall be accepted.

4.0. SPECIAL PERMIT REGULATIONS.

4.1. General.

- A. The Planning Board serves as special permit granting authority for the following:
 - (1) Uses requiring a special permit in the Industrial District, and special permits for additional intensity of use in the Industrial District;
 - (2) Wireless communication facilities;
 - (3) Development in a Planned Residential Development District (PRDD);
 - (4) Certain reductions or waivers of off-street parking requirements, as set forth in § 7-09-030 of the Zoning Bylaw;
 - (5) Land clearing and grading associated with a project for which the Planning Board is the special permit granting authority;
 - (6) Common driveways;
 - (7) Open space-residential design (OSRD); and
 - (8) Industrial/office campus development (IOCD) master plan;
- B. Special permits shall be subject to the provisions of M.G.L. c. 40A, § 9 and § 7-03-040 of the Zoning Bylaw, and these Rules and Regulations.
- C. Under § 7-03-050 of the Zoning Bylaw, any use requiring a special permit shall be subject to a special permit with site plan approval. In such cases, the application shall be subject to the basic procedures, public hearing, and decision timeline of this Section 4.0 and the submission requirements and decision standards of Section 7.0. Prior to submitting an application, the Applicant should meet with the Town Planner and the Building Inspector to determine the scope and content of the application and the procedures that shall apply.

4.2. Applicability.

This Section of the Rules and Regulations applies to all activities listed under Section A(1) through (5) above. See Section 5.0 for regulations governing OSRD and IOCD submissions and Section 6.0 for Common Driveway submissions.

4.3. Submission requirements.

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- A. Informal meetings. Prior to filing an application for a special permit, applicants are encouraged to schedule a meeting with the Town Planner to discuss projects informally.
 - B. Application. An application for a special permit shall be submitted to the Town Clerk and the Planning Board on the form prescribed by the Planning Board, together with all required documentation and attachments specified on the form. The application form is incorporated by reference and hereby made part of these Rules and Regulations. The date of receipt by the Town Clerk shall be considered the date on which the application was filed with the Board. The applicant shall provide sufficient information for the Board to render a decision under § 7-03-040 of the Zoning Bylaw and these Rules and Regulations.
 - C. Number of copies.
 - (1) For a special permit not requiring site plan approval, the Applicant shall submit one (1) original and nine (9) copies of the special permit application, as follows:
 - (a) Town Clerk: original application.
 - (b) Planning Board; five (5) copies.
 - (c) Town Planner; one copy.
 - (d) Building Inspector; one copy.
 - (e) Town Engineer; one copy.
 - (f) Applicant.
 - (2) For special permit applications requiring site plan approval, the required number of copies shall be in accordance with Section 7.0 of these Rules and Regulations.
 - D. Filing with the Town Clerk as set forth above shall be documented by the Applicant on the form prescribed by the Planning Board.
 - E. Scope of review. The Town Planner will review preliminary materials in an attempt to avoid unnecessary deficiencies in the application to be filed and to promote efficiency in the formal review and hearing process. The Board may request other town boards or departments to comment prior to the date of the meeting or attend the meeting to ensure efficiency of review. The Board will not be responsible for assuring the accuracy, correctness or thoroughness of any application submitted for review.
- 4.4. Application review and decision procedures.**
- A. The Planning Board shall hold a public hearing within sixty-five (65) days of the date of filing of a special permit application and shall issue a decision within ninety (90) days following the date of the public hearing, as provided in M.G.L. c. 40A, § 9. Notification requirements for a public hearing shall be in accordance with M.G.L. c.40A, § 11 and these Rules and Regulations.

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- B. Notice of a public hearing shall be published in a newspaper of general circulation in the Town of Northborough once in each of two (2) successive weeks. The first publication shall be not less than fourteen (14) days before the day of the hearing. In addition, notice shall be given by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing.
- C. Notice shall be sent by certified mail, return receipt requested, to all parties in interest.
- D. All required publications and notices shall contain the name of the Applicant and the owner, a description of the area or premises, street address, if any, or other adequate identification of the property that is the subject of the special permit application; and the date, time, and place of the public hearing, the subject matter of the hearing, and action or relief sought by the Applicant.
- E. If required by the Board, the Applicant shall be responsible for all costs associated with the transcription of the special permit public hearing.
- F. The Planning Board may continue the public hearing as long as reasonably necessary to review the application; obtain input from the Applicant, parties in interest, other boards and commissions, consultants engaged by the Applicant or the Board, and the general public; conduct any negotiations necessary regarding the application; and develop the Board's decision, findings, and any conditions of approval.
- G. The required time limits for the public hearing and the Board's decision may be extended by written agreement between the Applicant and the Planning Board. A copy of such agreement shall be filed in the office of the Town Clerk.
- H. Approval of a special permit shall require a favorable vote of at least four members of the Board.
- I. All provisions governing a special permit application, unless specified otherwise by the Zoning Bylaw or these Rules and Regulations, shall also govern any application to modify or extend a special permit previously approved by the Board.
- J. The Planning Board shall prepare a written special permit decision, including a detailed record of its proceedings on the application, setting forth clearly the reason(s) for its decision, its findings, any conditions of approval and any attachments, and indicating the vote of each member on the decision, or if absent or failing to vote, indicating such fact, copies of which shall be filed with the Town Clerk within fourteen (14) days of the Board's vote. Such decision shall be deemed a public record.
- K. In addition to the special permit decision, the Planning Board shall cause one (1) copy of the approved site plan to be provided each to the Applicant, the Building Inspector, the Department of Public Works, the Police Department, the Fire Department, the Conservation Commission, and the Board of Health. One (1) copy of the approved site plan shall remain in the records of the Planning Board.
- L. Notice of the decision shall be mailed forthwith by regular mail to the Applicant, to the parties in interest and to every person present at the public hearing who requested that notice be sent to him and stated the address to which such notice was to be sent. Each such notice shall specify that appeals, if any, shall be made pursuant to M.G.L. c. 40A, §

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17 and shall be filed within twenty (20) days after the date of filing such notice in the office of the Town Clerk.

- M. After notice from the Town Clerk that no appeals have been filed or that any appeal has been dismissed or denied and the Planning Board's decision stands, the special permit decision will be released to the Applicant for recording. M.G.L. c. 40A, § 11 specifies that no special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed after the decision was filed in the office of the Town Clerk and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, and if approved by reason of the failure of the Planning Board to act thereon within the time prescribed, a copy of the special permit application accompanied by the certification of the Town Clerk stating the fact that the Board failed to act within the time prescribed and no appeal has been filed and that the grant of the application resulting from such failure to act has become final or that if an appeal has been filed, that it has been dismissed or denied, is recorded in the Worcester Registry of Deeds and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or Applicant.
- N. The special permit decision shall be recorded before the issuance of any building permit, or within six (6) months of its signature by the Planning Board, whichever is sooner, and a copy of said recorded decision indicating the Worcester Registry Book and Page at which it was recorded, along with the date of recording, shall be submitted forthwith to the Planning Board.
- O. Any open space deed restriction or deed of open space to the Town or a non-profit organization which is required by the Board's decision or by the Zoning Bylaw shall be recorded within ninety (90) days of the signature of the decision by the Board, and a copy of said recorded restriction or deed indicating the Worcester Registry Book and Page, or Land Court Certificate Number, at which it was recorded, along with the date of recording, shall be submitted forthwith to the Planning Board. Failure to so record will be considered a violation of the special permit and may result in enforcement action and penalties as authorized by law.
- P. Constructive approval.
 - (1) Failure by the Planning Board to take final action within ninety (90) days or extended time, if applicable, shall be deemed to be a grant of the special permit. Final action, as used here, is the filing of the Board's decision with the Town Clerk. Any applicant who seeks such approval by reason of the failure of the Board to act within the time prescribed shall notify the Town Clerk, in writing, within fourteen (14) days from the expiration of said ninety (90) days or extended time, if applicable, of such approval and that notice has been sent by the Applicant to all parties in interest. The Applicant shall send such notice to the parties in interest by mail, and each such notice shall specify that appeals, if any, shall be made pursuant to M.G.L. c. 40A, § 17 and shall be filed within twenty (20) days after the date the Town Clerk received such written notice from the Applicant that the Planning Board failed to act within the time prescribed by law.

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- (2) After the expiration of twenty (20) days without notice of appeal to the Worcester Superior Court, or, if an appeal has been taken, after receipt of certified records of the Superior Court indicating that such approval has become final, the Town Clerk shall issue a certificate stating the date of approval, the fact that the Planning Board failed to take final action and that the approval resulting from such failure has become final, and such certificate shall be forwarded to the Applicant.

4.5. Special permit decision criteria.

A. The Planning Board may grant a special permit only upon its written determination that adverse effects of the proposed use or activity will not outweigh its beneficial impacts on the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. At minimum, the Planning Board shall consider each of the following in making its decision:

- (1) The proposal is in substantial harmony with the Northborough Master Plan and other plans approved or amended from time to time by the Northborough Planning Board, and with the purposes of the Zoning Bylaw;
- (2) The proposed site is an appropriate location for such use;
- (3) The use as developed will not adversely affect the neighborhood;
- (4) There will be no nuisance or serious hazard to vehicles or pedestrians;
- (5) Adequate and appropriate facilities will be provided for the proper operation of the proposed use;
- (6) The proposed use will conform to any special requirements of the Planning Board, as stated in its written decision; and
- (7) The proposal could not reasonably be altered to reduce adverse impacts on the natural environment, to be compatible with historic development patterns of the town, or to preserve historically significant buildings.

B. Conditions. The Planning Board may grant a special permit with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as it may deem necessary to serve the purposes of the Zoning Bylaw. Such conditions may include but shall not be limited to the following:

- (1) Private disposal of refuse or solid waste;
- (2) Deadline to commence construction;
- (3) Limitations on signage, number of vehicles or parking spaces, noise, or hours of operation of construction equipment;
- (4) Requirements pertaining to integrated emergency or alarm systems, maintenance, landscaping, dust control, wastewater disposal or water supply, bond or other performance guarantee; and

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- (5) Term for years with or without automatic renewals, to the extent allowed by law.

5.0. CONCEPT OR MASTER PLAN SPECIAL PERMITS.

5.1. Applicability.

- A. This Section of the Planning Board's Rules and Regulations applies to special permit applications for an Open Space-Residential Design (OSRD) concept plan under § 7-10-010 and Industrial/Office Campus Development (IOCD) master plan under § 7-10-030 of the Zoning Bylaw.
- B. Except as specifically modified by this Section, the requirements of Section 4.0 shall apply to OSRD and IOCD special permits.

5.2. Submission requirements.

- A. Informal meetings. Prior to filing an application for a special permit, the Applicant should meet with the Development Review Team (see Chapter 7-02, Section 7-02-040) to discuss the proposed project.
- B. Application. An application for an OSRD concept plan special permit or an IOCD master plan special permit shall be submitted to the Town Clerk and the Planning Board on the form prescribed by the Planning Board. The application form is incorporated by reference and hereby made part of these Rules and Regulations. The date of receipt by the Town Clerk shall be considered the date on which the application was filed with the Board. The Applicant shall provide sufficient information for the Board to render a decision under the applicable provisions of the Zoning Bylaw and these Rules and Regulations.
- C. In addition to the Planning Board's special permit application form, an OSRD special permit submission shall include, at minimum:
- (1) A concept plan of the proposed OSRD, which shall be a schematic representation of the project. The concept plan submission shall include scaled drawings prepared by a registered landscape architect, demonstrating how the OSRD design process outlined in § 7-10-010(I) was used to arrive at the proposed concept plan, and it shall include all of the information listed under § 7-10-010(J)(4). A concept plan shall not be required to include all of the information required for a site plan submission under Section 7.0.
 - (2) A yield analysis, which shall demonstrate the maximum number of lots that could be developed on the site under a conventional plan and the maximum number of units that may be permitted in an OSRD according to the formula specified in § 7-10-010(F).
 - (3) A land management plan for the proposed common open space. The land management plan shall describe the proposed future management and use(s) of the land, which shall be reviewed by the Board in terms of potential impacts on the natural, cultural, scenic, and other resource(s) such land is intended to protect, as described in the Zoning Bylaw. The plan shall include, at minimum, the following information:

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- (a) A detailed description of the geographic extent, timing, and proposed types of all future uses of the common open space, including farming, forestry, recreation and similar land uses;
 - (b) Plans and elevations of any proposed structures, paths, and site alterations proposed in association with uses of the common open space; and
 - (c) Proposed methods and schedules of annual maintenance of landscapes and structures, where applicable, including the storage, use, presence and intended application of any oil, petrochemical product, pesticide, herbicide, fertilizer, or other hazardous leachable material.
- (4) A traffic analysis of, including but not limited to, traffic circulation, street capacity, and proposed transportation Demand Management (TDM) provisions.
- D. In addition to the Planning Board's special permit application form, an IOCD master plan special permit application shall include, at minimum:
- (1) A concept plan of the proposed IOCD, which shall be a schematic representation of the project. The concept plan submission shall document the anticipated scope and intensity of the development, the approximate size and location of structures and their proposed use(s), and the approximate layout of streets and ways, and shall demonstrate how the project will conform with the design criteria and guidelines in § 7-10-030 to the maximum feasible extent.
 - (2) The proposed ownership and management of the project and the proposed operations and maintenance plan for all common facilities, infrastructure, utilities, and stormwater management systems;
 - (3) One or more reports of the potential impacts of the IOCD on:
 - (a) Environmental resources, such as surface water, groundwater, wetlands, vegetation, scenic resources, wildlife habitat, air quality, energy consumption, or noise, or from the storage and use of hazardous or toxic materials on the site or the generation of hazardous waste;
 - (b) Municipal services; and
 - (c) Traffic, including any proposed Transportation Demand Management (TDM) provisions.

Such reports shall include all data and other appropriate documentation and shall describe the consultant's methodology. Impact reports shall be prepared by a civil engineer or other professional(s) currently registered or otherwise licensed to perform the applicable services in the Commonwealth of Massachusetts; or where no state registration or licensure applies, the report shall be prepared by a qualified professional recognized in the field and acceptable to the Planning Board.

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- E. During the public hearing process, the Planning Board may, in its discretion, make reasonable requests for additional information when necessary to address the special permit granting criteria that apply to the proposed project.

5.3. Application review and decision procedures.

The public hearing and decision procedures under Section 4.4 of these Rules and Regulations shall apply to a concept plan or master plan special permit.

5.4. Special permit decision criteria.

The special permit decision criteria shall be as set forth under the applicable provisions of the Zoning Bylaw (§ 7-10-010 and § 7-10-030) and in Section 4.5 of these Rules and Regulations.

5.5. Definitive plan.

- A. Following the issuance of a concept plan special permit, the Applicant shall be eligible to submit a definitive plan to the Planning Board. The definitive plan shall be a site plan under § 7-03-050 and these Rules and Regulations.
- B. If a project also involves a subdivision of land, the plan shall be submitted to the Planning Board for approval under the Planning Board's Subdivision Rules and Regulations.

6.0. COMMON DRIVEWAY REGULATIONS.

6.1. Common Driveway Plan Specifications

The common driveway plan shall be prepared by a registered engineer or registered surveyor and shall be at a scale of one (1) inch equals forty (40) feet. The size of the sheet may be either eighteen by twenty-four (18 x 24) inches or twenty-four by thirty-six (24 x 36) inches but shall not exceed twenty-four by thirty-six (24 x 36) inches. A margin of three-fourths (3/4) inch shall be allowed.

6.2. Contents of Common Driveway Plan

The common driveway plan servicing two lots shall contain the following information:

- A. Common driveway, including the way or ways on which it is situated, corner locus map, boundaries, North point, date or dates of revision, bench mark and datum. All elevations to refer to United States Coast and Geodetic Survey bench marks.
- B. Name and addresses of record owner and engineer or surveyor.
- C. Names and addresses of all abutters as they appear on the most recent tax list. This list must be certified by the Board of Assessors. A public hearing date will not be set until this list is delivered to the Planning Board.
- D. Sufficient data to determine readily the location, bearing and length of every street and way line, lot line and boundary line and to reproduce the same on the ground. Wherever a boundary line of the subdivision is within five hundred (500) feet of a Massachusetts

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Coordinate Survey Monument, the survey of the subdivision shall be tied to said monument or monuments.

- E. Location of all permanent monuments properly identified as to whether existing or proposed. The distance and bearing to the nearest town, county or state monument on an accepted way and monuments at all points of curvature and changes in direction of street side lines or where designated by the Town Engineer.
- F. Location, names and present width of streets bounding, approaching or within reasonable proximity of the common driveway.
- G. Suitable space to record the action of the Board and the signatures of the members of the Board.
- H. Existing and proposed topography at a two-foot contour interval for gentle slopes and at five-foot contour intervals for steep slopes. All contours shall be developed from original field work of the surveyor or engineer.
- I. Lengths, radii and central angles of all curves in lot lines and driveway.
- J. Zoning classifications and groundwater protection overlay districts of all areas and adjacent zones within one hundred (100) feet of common driveway.
- K. Delineate wetlands on parcels containing common driveway and within 100 feet of property lines. If no wetlands, indicate so on plan.
- L. Minimum building setback lines on all lots and a sketch plan showing proposed house sites.
- M. A legend denoting any signs and symbols used on the plan and not otherwise explained.
- N. Identification of all existing and proposed easements and rights-of-way that affect lots within the proposed subdivision, and the location of common driveways, if any, together with the required covenants.

Common driveways servicing three or more lots, the following additional information is required:

- A. Size and location of existing and proposed storm drainage, water supply and sanitary sewer facilities and electrical distribution system.
- B. The storm drainage and sanitary sewer systems shall be shown, each on a separate sheet. The plan shall include invert and rim elevations of all catch basins and manholes, together with surface elevations of all waterways within the subdivision at one-hundred-foot intervals and approximate depth of water at these points. The drainage plan shall also show the stormwater management plan, the drainage areas inside the subdivision, areas outside the subdivision which drain into it and the route taken for all existing and proposed drainage discharging from the subdivision to the primary receiving watercourse or other body of water. Surface elevation and approximate depth of water shall be shown at each point where drainage pipe ends at a waterway. Drainage calculations prepared by the applicant's engineer, including the design criteria used, drainage area and other

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information sufficient for the Board to check the size of any proposed drain, culvert or bridge.

- C. Subsurface conditions of the tract, location and results of tests made to ascertain subsurface soil, rock and groundwater conditions. Depth to groundwater and location and results of soil percolation tests if individual sewage disposal systems are proposed (on a separate sheet).
- D. Watercourses, ponds, marshes, floodplains, rock outcrop, trees of over ten-inch caliper (unless otherwise specified by the Board) and other significant natural features.

7.0. SITE PLAN REGULATIONS.

7.1. General.

- A. Purposes. The purposes of these Site Plan Regulations are to promote public health, safety, and welfare by encouraging the laying out of parking, circulation, and buildings in a safe and convenient manner, to ensure that new developments are designed to protect and enhance the visual and environmental qualities of the Town of Northborough, and to provide for an adequate review of development plans which may have significant impacts on traffic, drainage, community services, environmental quality, and community character. No site plan will be approved until it complies in all respects with the Northborough Zoning Bylaw and these Rules and Regulations.
- B. Projects subject to site plan approval. The following uses or activities shall require site plan approval or a special permit with site plan approval from the Planning Board:
 - (1) All new construction of any municipal, institutional, commercial, industrial, or multi-family structure or purpose;
 - (2) All nonresidential additions, expansions or reconstruction exceeding 1,000 gross square feet or that would require a total of ten (10) or more parking spaces to serve both existing and new development, or any change of use which would require ten (10) or more additional parking spaces based only on new development;
 - (3) Construction or creation of any new parking lot or the expansion or redesign of an existing parking lot with ten (10) or more parking spaces for a municipal, institutional, commercial, industrial, or multi-family structure or purpose; or
 - (4) Land clearing or grading in accordance with § 7-09-010 of the Zoning Bylaw.
 - (5) Any use requiring a special permit from the Planning Board under § 7-05-030 of the Zoning Bylaw.
 - (6) Definitive plans filed pursuant to an approved Open Space Residential Design (OSRD) special permit under § 7-10-010 of the Zoning Bylaw.
 - (7) Project plans filed pursuant to an approved Industrial/Office Campus Development special permit under § 7-10-030 of the Zoning Bylaw.

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- C. No building permit shall be issued for such uses or activities unless the Planning Board has approved a site plan therefor.
- D. Technical review. The Planning Board serves as a reviewing board for site plans submitted in connection with a special permit issued by the Zoning Board of Appeals. In such cases, the site plan application content shall be the same, but the public hearing, review process, and decision period differ because of statutory requirements. Applicants should consult the Rules and Regulations of the Zoning Board of Appeals for further guidance.
- E. Other permits and approvals. Site plan approval from the Planning Board shall not be construed as approval from any other board, commission, or department of the Town.

7.2. Submission requirements.

- A. Form. An application for site plan approval shall be submitted on the form prescribed by the Planning Board and shall contain all of the plans, data, documents, and other information required under this Section. The application form is incorporated by reference and hereby made part of these Rules and Regulations.
- B. Application narrative. To assist the Planning Board with its review, the Applicant shall provide a concise narrative about the proposed project. At minimum, the narrative shall include the following information:
 - (1) The proposed use(s).
 - (2) The projected increase in traffic trips generated by the project.
 - (3) The projected public water and sewer demand, if any.
 - (4) A list of all other required local, state and federal permits, and the status of each.
 - (5) The size of the proposed building(s) or addition.
 - (6) The estimated number of employees for the project.
 - (7) The number of parking spaces required to serve the use(s) in the project.
 - (8) The proposed methods of screening the premises and off-street parking from abutting property and the street.
 - (9) Calculation of existing and proposed lot coverage.
 - (10) For a project plan filed under an approved Industrial/Office Campus master plan special permit, the Applicant shall also provide written statements that the project for which a building permit is sought complies with (a) the master plan special permit, (b) the uses permitted within an IOCD and (c) all requirements of §7-10-030 of the Zoning Bylaw.
 - (11) Any other information the Applicant believes will assist the Planning Board in reviewing and understanding the site plan application and making the required

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determinations under Section 6.5 of these Regulations and § 07-03-050 of the Zoning Bylaw.

- C. Site plan contents. The site plan shall be at a scale of one inch equals forty feet (1" = 40'), prepared and stamped by an architect, landscape architect, or professional engineer registered in the Commonwealth of Massachusetts, as applicable, and shall show the following:
- (1) Existing and proposed boundaries of the site.
 - (2) Site area and zoning classification(s).
 - (3) Ownership of abutting land.
 - (4) A north arrow and locus map showing the project within the Town at a scale of one (1) inch equals one hundred (100) feet, and the location and use of any building thereon within three hundred (300) feet of the boundary of the site. The Northborough Assessor Maps, as amended to the date of the site plan application, shall be acceptable to show the use and ownership information required herein.
 - (5) Location of the site in relation to the Groundwater Protection Overlay District as shown on the Northborough Zoning Map, on file with the Town Clerk.
 - (6) Location of site in relation to the Floodplain District under § 7-07-020.
 - (7) Existing and proposed topographical contours of the site taken at two-foot (2') contour intervals by a registered engineer or registered land surveyor. The contours shall extend at least fifty (50) feet beyond the site boundaries, as estimated by the professional preparing the plan.
 - (8) Location of all wetlands or water bodies on the site and within one hundred (100) feet of the perimeter of the development activity.
 - (9) The nature, location, and size of all significant existing natural land features, including but not limited to tree, shrub, or brush masses, specimen trees and all other trees over ten (10) inches in diameter at breast height, grassed areas, and soil features.
 - (10) Engineering cross-sections of proposed new curbs and pavements, and vision triangles measured in feet from any proposed curb cut along the street on which access is proposed.
 - (11) Proposed surface treatment(s) of paved areas and the location and design of drainage systems, with drainage calculations prepared by a registered civil engineer.
 - (12) Comprehensive parking and traffic circulation plan, showing location and dimensions of proposed parking spaces, dividers, bumper stops, required buffer areas and planting beds, the location and dimensions of proposed pedestrian walkways, and provisions for accessible parking and circulation for people with disabilities.

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- (13) Location, height, elevation, interior and exterior dimensions and uses of all buildings or structures, both proposed and existing; location, number and area of floors; number and type of dwelling units or proposed leasable areas; location of emergency exits, retaining walls, existing and proposed signs.
 - (14) A table that summarizes all zoning requirements that apply to the project and demonstrates how the project complies with each such requirement.
 - (15) Provisions for waste disposal, drainage, dust, erosion control, and other utilities including the proposed water supply system showing proposed fire hydrant locations, and any proposed sewer, electric, telephone, gas and cable television utilities.
 - (16) Plans and documents illustrating the proposed system of wastewater collection, treatment and disposal, along with documentation regarding the proposed treatment technology.
 - (17) Proposed stormwater management system, which shall be designed in accordance with the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy Handbook and Technical Handbook as most recently amended, whether or not the proposed work falls within the jurisdiction of the Wetlands Protection Act, M.G.L. c. 131, § 40.
 - (18) Lighting plan showing existing and proposed lighting, including intensity, pole height, design and direction. A photometric plan shall be submitted.
 - (19) Landscaping plan showing existing and proposed landscape features, including trees, signs, fences, walls, plantings, and walks, and the location, name, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps and paths.
 - (20) Where the Zoning Bylaw requires the provision of open space, the Applicant's declaration of his choice of method or methods of dedicating the required open space, consistent with the provisions of the Zoning Bylaw, along with proposed covenants and restrictions to secure the permanent legal existence of the preserved open space and the proposed wording of any deed for transfer in fee to the Town or to a nonprofit organization.
- D. Additional requirements. The site plan application shall also include:
- (1) Development impact analysis, including:
 - (a) Traffic impact: projected total and peak-hour trip generations, capacity and pre- and post-project (buildout) level of service (LOS) of streets and intersections to be affected by the project, existing and proposed traffic controls and sight lines at the intersections of proposed driveways and streets.
 - (b) Environmental impact: written analysis of the project's potential impacts on the quality of air, surface water and groundwater; flooding potential; increases in impervious surfaces; stormwater management; compliance

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with Groundwater Protection Overlay District requirements; hazards from radioactive emissions or other hazardous materials; solar access to adjacent properties; and noise and light impacts.

- (c) Fiscal impact: projections of costs rising from increased demand for public services and infrastructure; projections of benefits from increased tax revenues, employment and infrastructure improvements; and impacts on adjacent property values.
 - (d) Community impact: analysis of the project's impact on the surrounding neighborhood in terms of architectural character, pedestrian movement and overall character; impacts on nearby historic structures or sites; and an evaluation of the proposed project's consistency and compatibility with existing local and regional plans.
- (2) A list of any previously issued or denied special permits, variances, or easements and date of such decision.
 - (3) A copy of the latest recorded deed to the property affected by the application for site plan approval.
 - (4) A request for a waiver of any site plan application requirements, if the Applicant intends to request a waiver. In such case, the Applicant shall identify the specific requirement(s) for which a waiver is requested and demonstrate why the waiver should be granted.
 - (5) A list of abutters certified by the Northborough Assessor's Office (for a special permit with site plan approval).
- E. Number of copies. The Applicant shall submit one (1) original and fifteen (15) copies (plus an additional 5-10 copies when applicable) of the site plan application form, site plan, and all other submission requirements listed in this Section 7.0, as follows:
- (1) Town Clerk: original application.
 - (2) Planning Board; five (5) copies.
 - (3) Town Planner; one copy.
 - (4) Conservation Commission; one copy.
 - (5) Town Engineer; one copy.
 - (6) Earth Removal Board; one copy.
 - (7) Board of Selectmen; one copy.
 - (8) Department of Public Works; one copy.
 - (9) Police Department; one copy.
 - (10) Fire Department; one copy.

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- (11) Board of Health; one copy.
- (12) Building Inspector; one copy.
- (13) Groundwater Advisory Committee, when applicable; five (5) copies.
- (14) Design Review Committee, when applicable; five (5) copies.

Filing with the Town Clerk and submission of the site plan application copies as set forth above shall be documented by the Applicant on the form prescribed by the Planning Board.

- F. Filing fee. The Applicant shall pay the required site plan application fee at the time of filing the original application with the Town Clerk. Filing fees for all Planning Board applications shall be as set forth in Appendix A of these Rules and Regulations.

7.3. Design review.

- A. Applicability. A site plan application involving new construction or exterior alterations or expansion of any commercial, municipal, institutional or multi-family structure in the Downtown Business, Business East, Business West, or Business South District, or new construction or exterior alterations or expansion of any multi-family structure or any structure requiring a special permit in the Downtown Neighborhood District, requires design review by the Design Review Committee. In such cases, the Applicant shall submit an additional five (5) copies of the site plan application to the Planning Board.
- B. Supplemental application requirements. In addition to copies of the site plan application, the Applicant submit the following information for review by the Design Review Committee:
 - (1) In cases involving changes to existing buildings:
 - (a) Photographs of existing buildings showing location of proposed alterations/renovations and of adjacent areas;
 - (b) Drawings showing exterior elevations, outline plans, schedule of exterior materials and colors;
 - (c) Landscaping (site) plan showing all proposed changes and describing all materials including plantings; and
 - (d) Manufacturers' brochures with illustrations and specifications for new materials, components or assemblies to be used.
 - (2) In cases involving construction of new buildings:
 - (a) Site plan locating the structure and showing existing and proposed grades;
 - (b) Drawings of exterior elevations;
 - (c) Schematic floor plans;

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- (d) Schedule of all exterior materials and colors;
 - (e) Manufacturer's brochures with illustrations and specifications for new materials, components or assemblies to be used;
 - (f) Landscaping (site) plan showing all proposed changes and describing all materials including plantings; and
 - (g) Photographs of adjacent buildings.
- C. Drawings standards. Drawings need not be professionally prepared but must:
- (1) Be drawn to scale.
 - (2) Show all exterior features completely and accurately.
 - (3) Show finish grades and floor elevations.
 - (4) Indicate all materials, colors and unusual details.
- D. Photograph standards. Photographs must be recent. Photographs shall be in color and no smaller than 4" x 6". Several different views shall be provided, including those of adjacent properties.
- E. Samples. The Applicant shall provide samples or models if requested by the Design Review Committee.

7.4. Application review and decision procedures.

- A. Site plan approval without a special permit.
- (1) The Planning Board shall hold a public project review meeting with the Applicant no later than forty-five (45) days from the date the site plan application was filed with the Town Clerk.
 - (2) Prior to the project review meeting, the Applicant shall:
 - (a) Stake out the center line of any proposed streets, the location of any proposed buildings, and the limits of any proposed clearing, as applicable.
 - (b) Meet with the Design Review Committee regarding the proposal, where applicable. The Design Review Committee's report shall be required prior to any action by the Planning Board on the application.
 - (3) The reviewing boards, commissions, and departments on the required distribution list under Section 7.2(E) and, where applicable, Section 7.3, shall forward written comments to the Planning Board no later than the date of the project review meeting. Failure to provide written comments by the date of the project review meeting shall be deemed no opposition to the site plan application.

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- (4) The project review meeting shall be held during a regularly scheduled meeting of the Planning Board, which shall be posted in accordance with the Open Meeting Law, M.G.L. c. 39, § 23B.
 - (5) The Planning Board may obtain site plan review assistance from one or more qualified consultants at the expense of the Applicant (“peer review”). Peer review fees shall be in accordance with Section 12.0 of these Rules and Regulations.
 - (6) Decision.
 - (a) The Planning Board’s decision to approve, approve with conditions, or deny the site plan shall be by a majority of those present, and shall be in writing.
 - (b) The Planning Board may, in its approval of a site plan, impose reasonable conditions at the expense of the Applicant, including performance guarantees, to promote these objectives. Noncompliance with the site plan or the conditions placed on said plan by the Planning Board shall be cause for action by the zoning enforcement officer of the Town of Northborough.
 - (c) The Planning Board may deny a site plan only if the proponent’s submission does not include the specific information required to make the determinations under Section 7.5.
 - (d) Except for site plan applications filed pursuant to an Industrial/Office Campus master plan special permit, the Planning Board shall take final action on the site plan application no later than ninety (90) days following the date of submission. If no action is taken within ninety (90) days, the application shall be deemed approved as submitted except where the Planning Board and the Applicant have agreed in writing to extend the review period and such extension has been filed with the Town Clerk.
 - (e) For Industrial/Office Campus site plan applications, the Planning Board shall take final action on the application no later than sixty (60) days following the date of submission. If no action is taken within sixty (60) days, the application shall be deemed approved as submitted except where the Planning Board and the Applicant have agreed in writing to extend the review period and such extension has been filed with the Town Clerk.
- B. For a special permit with site plan approval:
- (1) The Planning Board shall hold a public hearing within sixty-five (65) days of the filing of a special permit with site plan approval application and shall issue a decision within ninety (90) days following the date of the public hearing, as provided in M.G.L. c. 40A, § 9. Notification requirements for a public hearing shall be in accordance with M.G.L. c.40A, § 11 and Section 4.4 of these Rules and Regulations.

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7.5. Site plan decision criteria.

A. The Planning Board shall base its decision on the following criteria:

- (1) The site plan meets all applicable requirements of the zoning bylaw;
- (2) Given the location, type and extent of land use proposed by the proponent, the design of building form, building location, egress points, grading, and other elements of the site plan could not reasonably be altered to:
 - (a) Reduce clearing and grading on the site, or reduce the volume of cut and fill, the number of removed trees, the length of removed or altered stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, or threat of air or water pollution,
 - (b) Reduce the risk of groundwater contamination from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances,
 - (c) Improve pedestrian, bicycle or vehicular safety, both on the site and egressing from it,
 - (d) Improve access to each structure for fire and other emergency service equipment,
 - (e) Reduce visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned,
 - (f) Achieve greater consistency and compatibility with the surrounding area as to building design or scale, or site design,
 - (g) Reduce glare from headlights, reduce light trespass from luminaires onto adjacent lots or the street, or light overspill into the night sky,
 - (h) Avoid the removal or disruption of historic, traditional or significant structures or architectural elements, and
 - (i) Reduce obstruction of scenic views from publicly accessible locations;
- (3) Any variances required from the Zoning Board of Appeals have been granted.

B. Conditions of approval.

- (1) The Planning Board may impose reasonable conditions on approved site plan. Compliance with such conditions shall be at the expense of the proponent. The Planning Board's conditions shall become binding zoning requirements of the project. Noncompliance with the site plan or the conditions placed on said plan by the Planning Board shall be cause for action by the zoning enforcement officer of the Town of Northborough.

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- (2) As a condition of site plan approval, the Planning Board may require that a performance bond, secured by deposit of money or negotiable securities in the form selected by the Planning Board be posted with the Town in order to guarantee completion of all public improvements to be made in compliance with the approved plans. The Planning Board may also require that an amount be included for land restoration not having to do with the construction of public improvements. The amount of security shall be determined by an estimate from the Applicant's engineer, confirmed or added to by the Planning Board. The Town may use the secured funds for their stated purpose in the event that the Applicant does not complete all public improvements in a manner satisfactory to the Planning Board within two (2) years from the date of approval, or the final date of the last extension of such approval, if any. (See also, Section 10.0 of these Rules and Regulations.)
- C. If an Order of Conditions from the Northborough Conservation Commission or other permit or approval imposes conditions inconsistent with an approved site plan, the Applicant shall apply for an amendment to the site plan. The amendment application shall be submitted to the Planning Board.

8.0. CONCURRENT SUBMISSIONS.

- A. Submission of concurrent applications. If approval under M.G.L. c. 41, §§ 81K-81GG (Subdivision Control Law) or any other special permits are required from the Planning Board for the proposed project, it is strongly advised that the Applicant submit the applications for these additional permits concurrently.
- B. Coordination of review of other applications. If the proposed project requires the filing of an application for additional special permits or other permits in which the Planning Board is the permitting authority, many of the requirements of these Rules and Regulations may be waived in view of equivalent information required to be submitted for the additional applications. In this case, the Applicant may combine the required information and plans for the various permits, provided that all information required as part of these Rules and Regulations is included and shall provide a written statement to that effect. All application fees for the various special permits or other permits shall be required, unless otherwise authorized by the Board.
- C. Coordination with other permitting authorities. If requested by the Applicant, the Planning Board shall make every reasonable effort to coordinate its review of special permit and/or site plan applications with the boards, commissions, or officials that have authority over other permits and approvals required in order for the project to proceed. Such other permits and approvals may include, but are not limited to, a Determination of Applicability or an Order of Conditions from the Conservation Commission; on-site wastewater disposal systems requiring approval under Title V from the Board of Health; special permits granted by the Zoning Board of Appeals; a permit from the Earth Removal Board; or design review by the Design Review Committee. Coordinated or joint public hearings may be conducted to the extent allowed by law, recognizing that each permitting authority is subject to a specific statutory decision period and not all such decision periods coincide.

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9.0. STANDARDS.

Unless otherwise specified in these Rules and Regulations, the following sources shall be used as the basis for plans, studies, or analysis provided by the Applicant in support of a special permit or site plan application.

- A. Level of service. Level of service shall be analyzed using the procedures described in the most recent edition of the Highway Capacity Manual, published by the Transportation Research Board.
- B. Parking facilities. The design of parking facilities shall be in accord with the most recent edition of *The Dimensions of Parking*, published by the Urban Land Institute and the National Parking Association.
- C. Stormwater. The Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy Handbook and Technical Handbook, as most recently amended.
- D. Trip generation. Traffic generated by a proposed use shall be estimated in accordance with the most recent edition of *Trip Generation*, published by the Institute of Transportation Engineers (ITE).

10.0. REQUIREMENTS FOR DISK SUBMISSIONS.

All plan drawings as specified in the site plan submission requirements shall also be submitted on a Windows compatible disk in DXF (drawing exchange file) format. All digital data shall conform to the following guidelines.

- A. The coordinate system shall be Massachusetts State Plane coordinates using the North American Datum of 1983 (NAD83) and the North American Vertical Datum of 1988 (NAVD88). The plan submittals shall be “tied into” real world State Plane coordinates using the datum specified above. To demonstrate this tie down, all features shall be stored in the Massachusetts State Plane Coordinate System and the plan location and coordinate values of at least two points shall be included in the CAD file.
- B. In addition, the CAD file shall use a layering scheme specified by the Town Engineer or Geographic Information System (GIS) Coordinator. The layering system will ensure that all plans are submitted to the Town in a consistent format.

11.0. PERFORMANCE GUARANTEES.

- A. Before approving a special permit, the Planning Board may require that a bond or other performance guarantee be filed by the Applicant in an amount determined by the Board to be sufficient to cover the cost of roadway improvements, parking areas, stormwater management facilities, water quality monitoring programs, landscaping, or other items required by the Board’s permit decision and approved as to form and sureties by the Town Treasurer, conditioned upon the satisfactory completion of such improvements within such period of time, if any, as the Board may specify in its decision.

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- B. A total or partial release from the performance guarantee may be obtained when the required improvements are complete, in whole or in part, as set forth in the bond or at the Planning Board's discretion.
- C. In the event that the Applicant fails to perform satisfactorily the requirements set forth in the special permit decision or any written agreement regarding the performance guarantee, within the specified period of time, if any, the then outstanding principal amount (penal sum) of the bond shall be payable to the Town as provided by law, to the extent of the reasonable cost to the Town of the completion of the improvements required under the bond. In such case, the Planning Board's approval of the special permit may also be rescinded following the procedures provided by law.

12.0. PEER REVIEW.

12.1. General.

The Planning Board has authority to employ outside consultants and to collect fees to cover the reasonable costs of reviewing special permit and site plan applications which, by reason of location, size, complexity, or other factors, require the assistance of a professional consultant such as but not limited to an engineer, architect, landscape architect, or traffic operations engineer. Such consultants shall be referred to herein as peer review consultants.

12.2. Procedures.

- A. Consultant selection. The Planning Board shall determine the minimum qualifications that must be met in order for a consultant to be considered eligible to provide peer review services. At minimum, such qualifications shall consist of an educational degree in or related to the field at issue and three or more years of practice in the field at issue or a related field.
- B. Appeal. The Applicant may appeal the consultant selection decision to the Board of Selectmen. The grounds for appeal shall be limited to claims that the selected consultant has a conflict of interest or does not possess the minimum required qualifications.
- C. Escrow account. A special escrow account shall be established by the Town Treasurer in the Town treasury and shall be kept separate and apart from other monies. Such special escrow account shall conform to the requirements of M.G.L. c. 44, § 53G, The special account, including accrued interest, if any, shall be expended at the direction of the Planning Board without further appropriation; provided, however, that such funds are to be expended by it only in connection with carrying out its responsibilities under the law. Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the Applicant or to the Applicant's successor in interest and a final report of said account shall be made available to the Applicant or to the Applicant's successor in interest.

13.0. INSPECTION FEES.

- A. The Applicant shall be responsible for all costs associated with inspections as required by the Zoning Bylaw or these Rules and Regulations.

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- B. The Planning Board, in consultation with the Town Engineer, shall determine the amount of any additional Inspection Fee funds required, should the initial Inspection Fee approach depletion. The Inspection Fee shall equal the hourly rate of the Town Engineer or designee plus ten percent (10%), multiplied by the number of actual inspection hours.
- C. If it is determined that a supplemental Inspection Fee is required, the Planning Board shall notify the Applicant by mail, postage prepaid, within seven (7) days of such decision. The required fee must be received by the Town within fourteen (14) days after the receipt of the notification.
- D. Excess inspection fees shall be returned to the Applicant or the Applicant's successor in interest, with the final inspection of the approved project.

14.0. REFERENCE.

For matters not covered by these Rules and Regulations, reference is made to the Northborough Zoning Bylaw and M.G.L. c. 40A.

15.0. SEVERABILITY.

The invalidity of any Section or provision of these Rules and Regulations shall not invalidate any other Section or provision thereof.

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APPENDIX A Schedule of Application Fees

Application fees shall be paid at the time of filing an application for a special permit or site plan approval and shall be nonrefundable. These fees shall be in addition to peer review fees and inspection fees under Sections 12 and 13 of the Planning Board's Rules and Regulations. The fees for each type of application shall be as follows:

Common Driveways:	\$1000 + \$100 per lot
Common Driveway re-file, with no revisions to plan:	\$250
Common Driveway re-file, with revisions to plan per lot serviced by driveway:	\$250 plus \$50
Form A, Approval Not Required:	\$250 plus \$50 per lot
Form B, Preliminary Plan:	\$500 plus \$50 per lot
Form C, Definitive Plan - If preliminary plan was filed:	\$1000 plus \$100 per lot and \$250 plus \$50 per lot for revisions, and \$100 per lot release and inspection
Form C, Definitive Plan - If no preliminary plan was filed:	\$3000 plus \$250 per lot and \$500 plus \$50 per lot for revisions and \$250 per lot release and inspection
Form C, Re-issue of Lot Release	\$50 per lot
Industrial District Special Permit:	\$150
Industrial/Office Campus Master Plan Special Permit:	\$500 + 5¢ per square foot
Land Clearing and Grading:	2¢ per square foot
Open Space Residential Development:	\$1000 + \$100 per lot; \$250 + \$50 per lot for revised plan; \$100 per lot release
Planned Residential Development District (PRDD) Special Permit:	\$1000 + \$100 per dwelling unit; \$250 + \$50 per dwelling unit for revised plan
Scenic Road:	\$250
Site Plan Approval:	\$500 + 5¢ per square foot
Wireless Communication Facility:	\$1000 if Special Permit \$500 if no Special Permit