



Chelmsford Planning Board
Town Offices
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Site Plan and Special Permit Regulations and Procedures

Adopted: April 26, 2000

Revised: April 23, 2003

August 12, 2009

1 General Provisions

1.1 Purpose

The purpose of these Regulations is to establish uniform procedures for conducting the business of the Planning Board under its jurisdiction as the Site Plan Approval Authority and as a Special Permit Granting Authority.

1.2 Applicability

Any person applying for a Site Plan Approval or a Special Permit under the Bylaw, whether or not governed by any other federal, state, or local regulations, laws, permits, variances, approvals, or programs, shall comply with the provisions of these Regulations.

1.3 Definitions

Applicant: Any person or such person's authorized representative who files an application for Site Plan Approval under the Bylaw.

Application: All plans, forms, reports, studies, or other documents which are submitted to the Board under these Regulations by the applicant.

Board: The Planning Board of the Town of Chelmsford.

Bylaw: The Zoning Bylaw of the Town of Chelmsford, Chapter 195 of the Chelmsford Code, as amended.

Decision: Action by the Board on an application.

Parties in Interest: The applicant; abutters; owners of land directly opposite on any private or public street or way; and, abutters to the abutters within three hundred (300) feet of the property lines of the subject property 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 Department of Housing & Community Development; and the Planning Board of any other abutting city or town.

Permit: Site Plan Approval or Special Permit issued pursuant to the Bylaw.

Regulations: The Site Plan and Special Permit Regulations & Procedures as presented herein.

Town: The Town of Chelmsford, Massachusetts

Other Definitions: Refer to the Bylaw

1.4 Waiver of Regulations

Strict compliance with these Regulations may be waived if the Board finds that the waiver is in the public interest or is irrelevant to the project, and is consistent with the intent and purpose of the Bylaw and these Regulations. Any request from an applicant for a waiver of these Regulations must be submitted, in writing, to the Board at the time of submission of the application. Such requests must clearly identify the provision(s) of the Regulations from which relief is sought and be accompanied by a statement setting forth the reasons why, in the applicant's opinion, the granting of such a waiver would be in the public interest or the specific information required is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of the Bylaw and these Regulations.

1.5 Provision of Security

The Board may require in its decision that security be posted with the Town in such form and amount as is determined by the Board to secure the satisfactory completion of all or any part of the work authorized under a permit. The form of security will generally be a passbook savings account.

1.6 Advice from Town Staff

Any advice, opinion, or information given to the applicant by a Board member or by any agency, official, or employee of the Town shall be considered advisory only and not binding on the Board.

1.7 Amendments to the Regulations

These Regulations may be amended by a majority vote of the Board after a public hearing.

2 Submittal Requirements

An application for approval which lacks information or is incomplete in any manner, may be denied or seriously delayed. It is the responsibility of the applicant to assure the accuracy and completeness of all information submitted to the Board as part of an application. The applicant shall be responsible for factually supporting all points relied upon in the application including references for methodologies used in design calculations. Applications considered to be incomplete will not be scheduled for a public hearing.

Twelve (12) full size copies (36" X 24") of the applications (including plan sheets), eight (8) reduced size (11" X 17") copies of the plan sheets, and eight (8) reduced size copies of the color rendering and architectural plans shall be required at the time of submission of an application. Each full size copy of the application shall be folded so that it will fit neatly into a legal sized file folder.

Each set of reduced plans shall be folded in half (1/2).

A complete application package for a special permit shall include the following items:

2.1 Application Form

Any application for a Site Plan Approval shall be made in writing and include the completed application form entitled "Site Plan Application". If the applicant is concurrently applying for Special Permits the form entitled "Petition for Hearing for Special Permit", should also be included. These forms are available from the Planning Board office at the Town Offices. In the case where the applicant is a person other than the record owner of the property, the applicant must obtain the owner's signature where required on all forms indicating that the owner has knowledge of and consents to the application. In lieu of the owner's signature on the application the applicant may submit a letter signed by the owner giving his/her authorization to procure permits.

2.2 Certified List of Parties in Interest

A list of abutters and abutters to abutters within three hundred (300) feet of the property that are Parties in Interest as defined in these Regulations, taken from the most recent tax list of the Town and certified by the Town Assessor, shall be provided. This list may be obtained from the Assessors' Office in the Town Offices and must be requested ten (10) days in advance. The Planning Boards of all abutting communities as well as municipal agencies shall also be notified. The applicant shall pay any charges required by the Town Assessor for the list.

The applicant shall provide the Planning Board with the necessary postage and envelopes per Section 3.2.1. Mailing Fee of this document.

2.3 Use Description

A detailed description of the existing and proposed uses shall be provided. The applicant shall declare whether or not the facility in question is expected to generate, store, use, or dispose of hazardous materials or wastes. An affidavit under Article VIII, Environmental Protection Standards, must be submitted as part of the application package (a copy is attached with these Regulations). Where the applicant cannot commit to a particular use at the time the application is filed, the applicant must provide the Board with a description of the possible uses to which the facility may be put.

2.4 Other Permits and Variances

List and provide copies of all variances, permits, and special permits previously issued by other Town Boards, Departments, and Commissions, State and Federal agencies, and a list of any variances or permits required to complete the proposed work. This list should include, but not be limited to, any permits from the Board of Health, Conservation Commission, Sewer Commission, Board of Appeals, Department of Public Works/Highway Department, Massachusetts Highway Department, Army Corps of Engineers, and Massachusetts Department of Environmental Protection; and certificates issued by the Secretary of Environmental Affairs under the Massachusetts Environmental Policy Act.

NOTE: If any special permits are required from the Planning Board, the applicant is hereby strongly advised to make applications for such special permits concurrently with the Site Plan application.

2.5 Recorded Plans and Deeds

A Copy of the most recently recorded plan(s) for the lot(s) on which the work will take place bearing the book number(s), page number(s), and date(s) of recording(s) or

registration(s) must be included in the submission package. A copy of the deed shall also be included.

2.6 Calculations

Storm drainage runoff calculations used for the drainage system design must be prepared by and display the seal of a Registered Professional Engineer certifying that the drainage system design is in compliance with DEP's Stormwater Policy and utilizes required or comparable Best Management Practices (BMP's). These calculations must meet the requirements of the Town Engineer. The calculations must contain a written summary explaining the rationale of the design so that a lay person can understand the basic design approach and its validity for the site in question. Furthermore, the calculations should be fully documented including copies of charts, pre- and post- development drainage area maps, or other reference sources to make review possible. Test holes shall be performed in the location of all proposed retention or detention facilities to determine depth to groundwater, depth to refusal, and soil classification. If the system proposes recharge to groundwater a percolation test shall also be performed. All soil testing shall be witnessed by the Town Engineer or his designee. Additional testing may be required by the Town Engineer at his discretion. The pre- and post- development runoff rates must be provided. There shall be no increase in peak rates of runoff at the property line in any storm event. The use of computer generated reports is acceptable; however, the source of the software should be identified. Calculations shall be provided to support the sizing of all drainage structures and pipes. For the 25-year storm design velocities shall be between 2 and 10 feet per second. If the site plan includes a "reserve parking" area, the storm drainage system design for this area shall be included in these calculations.

2.7 Earth Removal Calculations

Calculations for determining the amount of earth to be removed or the amount of fill to be brought to the site shall be prepared by and show the seal of a Registered Professional Engineer.

2.8 Plans

Plans shall be legibly drawn to fully detail and explain the intentions of the applicant. Site plans shall be drawn to a scale of 1"=20' (one inch equals 20 feet). For large sites a scale of 1"=40' (one inch equals forty feet) may be allowed, with blow ups of relevant sections where required. All plans shall include a reasonable numbering system with an appropriate title block, north arrow and legend identifying any representative symbols used on the sheet in question. The plans shall include at least the following information as described below:

2.8.1 Design Certifications

Each plan sheet shall show the seal of a Registered Professional Engineer, Registered Land Surveyor, Registered Landscape Architect, Registered Professional Architect, or some combination of these as appropriate to the data of the sheet.

2.8.2 Locus Plan

A locus plan at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1000) feet from the project boundaries or such other distance as may be approved or required by the Planning Board.

2.8.3 Planning Board File Number

This number may be obtained from the Planning Board Office and is to be placed in the lower right hand corner of each sheet of the plan.

2.8.4 General Site Characteristics

All lot lines and boundaries of the site, with ownership of abutting properties indicated.

Access and utility easements.

All required setbacks for buildings, structures, and parking/loading facilities shall be dimensioned on the plan to demonstrate compliance with zoning requirements.

All zoning district boundaries, including the boundaries of the floodplain and aquifer protection districts, if applicable, shown in their proper location.

Any special site features including, but not limited to, stone walls, fences, wells, historic structures, and historic buildings.

2.8.5 Natural Site Characteristics

Site features including, but not limited to, flood plains, waterways, drainage courses, and ledge outcroppings.

Existing and proposed contours of the land shown at two (2) foot intervals unless otherwise required. Topography shall be referenced to the National Geodetic Vertical Datum of 1929 with the location and elevation of the starting bench mark plus at least two (2) additional temporary bench marks on the site.

All wetland resource areas and wetland buffer zone boundaries. Wetlands are defined as those areas subject to the provisions of either the "Wetlands Protection Act", Massachusetts General Laws, Chapter 131, Section 40, or the Chelmsford Wetlands Bylaw, Chapter 187 of the Chelmsford Code.

2.8.6 Site Improvements

Tabulations: A table shall show the legal requirements (minimums, maximums) of the zoning district (where applicable), existing conditions (where applicable), and the proposed site conditions for the following characteristics:

Lot size, total lot coverage, % of land in any zoning district where the proposed use is not permitted, % of contiguous dry land, open space, % wetlands, front yards, side yards, rear yards, any buffers, building height, gross floor area, net floor area, floor area ratio, and the number of parking spaces (including number of reserve parking and handicapped spaces) with supporting calculations. The table shall give the percentage of reserved parking spaces with respect to the total number of spaces provided.

Outline or footprint of any existing or proposed building(s) or structure(s) with identification and its finished floor elevation. The final disposition of any existing building or structure, whether it is to remain, be removed or altered shall be noted. The location of

any existing or proposed signs must be shown and, if existing, their final disposition must be noted.

Clear identification of each area intended to be used as open space or landscaped open space on the site with the square footage of each such area shown. A separate sheet may be used if necessary to show these areas adequately.

Sidewalks: Sidewalks shall be required along all road frontages. The Planning Board may waive construction of sidewalks in lieu of a contribution to an account established pursuant to Massachusetts General Laws, Chapter 44, Section 53A. The material of sidewalks shall be noted on the plans.

All driveway entrances dimensioned so that compliance with the access requirements of the Bylaw may be determined. Any driveway intended to be used as a "common driveway" shall be so identified. In the case where a common driveway is proposed, the plan must show sufficient detail so that the Board may evaluate how the driveway is intended to serve the common sites. All of the drives and entrances must be designed to accommodate the designated size of truck. The smallest size for the design shall be the SU-30 design vehicle so that fire trucks may maneuver on the site.

All parking and loading facilities with proper dimensions. Parking spaces must be identified as either standard or handicapped. The location of any sign intended to be used for identification of handicapped spaces must be shown. Parking dimensions shall be according to the Zoning Bylaw.

Areas intended for open space (outdoor) storage with identification label and dimensions.

Proposed location of any sign or signs on the property.

Erosion and sedimentation control measures with a brief written description of the methods used.

A signature block for the Planning Board's approval shall be included on each sheet of the plan set. The signature block shall generally be located in the bottom right hand corner of the sheet.

2.8.7 Water Conservation

A. All site plans shall utilize water conservation techniques to the extent practicable, both for interior and exterior water usage. All applications for a site plan shall identify the following:

1. Total water usage for the proposed use.
2. Water conservation practices utilized within the building.
3. Program for recycling, if applicable.
4. How the landscape design incorporates xeriscaping techniques.

B. No exterior irrigation system shall be connected to the municipal water system unless otherwise specified by the applicable water district. A private well shall normally be required for any irrigation system. All irrigation systems shall be equipped with a rain sensor.

- C. The landscaping plan shall incorporate reasonable water conservation practices to the extent practicable, including but not limited to the following:
1. Use of drought resistant species of trees, shrubs, and other plant materials including grasses.
 2. Limit large expanses of grass. Alternatives may include the use of wildflower or native grass mixes, groundcovers, and naturalized areas. Adjacent to wooded areas, wood chips and shade tolerant groundcovers should be considered. All planted areas shall be mulched.
 3. In areas of sandy soils, a 2-3" layer of glacial till or other less permeable material shall be utilized beneath the topsoil or loam.
 4. Large planted areas are encouraged where the plant materials provide shade to each other.
- D. The applicant shall obtain all required permits from the Board of Health, Plumbing Inspector, Water District, or other applicable authority.

2.8.8 Site Utilities

Location and type of stormwater drainage facilities including notes on the construction materials of any pipes, culverts, catch basins, or any other system component. Sufficient information relating to placement of the drainage system components (rim and invert elevations, pipe slopes, amount of cover, type of pipe, etc.) shall be shown so that the operation of the system can be evaluated. Any drainage ponds intended to be constructed shall be shown fully dimensioned.

If a "Reserve Parking" area is proposed, the plan shall show the stormwater drainage structures intended for construction should the reserve parking area be built in the future.

Location of any underground storage tanks for fuel or other chemical storage, including the tank types, capacities, and condition.

Location and type of existing and proposed water services to serve the facility, including abandoned wells and irrigation wells.

All fire hydrants on the site or off the site but within five hundred (500) feet of the principal building on the site. The location of any proposed municipal fire alarm boxes or other warning systems, siamese connections, and any proposed fire lanes shall be clearly shown and identified. Any underground conduit for municipal fire alarm connections shall be shown.

The location of existing and proposed sewer mains, services, and manholes shall be shown.

The location and type of any other underground utilities including, but not limited to electric, gas, telephone, or cable television services. Any emergency power facilities should also be shown.

A lighting plan, including design and details, shall be included indicating all proposed external lights.

2.8.9 Waste Disposal Facilities

Type and location of any solid waste disposal facilities with provisions for recycling.

Dumpsters and recycling containers shall be screened with a stockade fence or similar material.

2.8.10 Construction Details

Typical detail of a proposed four foot (4') deep sump catch basin, manhole, headwall, retaining wall, walkway, subdrain, waterway, leaching catch basin, drainage pond or other structure, if any.

Typical detail of each type of parking space to be used on the site showing the dimensions of the stall and aisle so that compliance with the off street parking and loading standards of the Bylaw is evident.

2.8.11 Landscape Plan

Landscaping information must be shown on a separate plan sheet or sheets. In addition to showing landscape features planned for the site, the Landscape Plan shall include general site features such as lot lines, existing and proposed structures, parking areas, curbs, walkways, loading areas, land contours, water bodies, wetlands, streams, ledge outcroppings, and large boulders so that it may be easily related to the other plans. Any area intended to meet landscaping area requirements of the Bylaw shall be fully dimensioned and its area noted so that compliance with Bylaw requirements may be determined. The screening of parking areas facing public ways and residential zones or uses will be required.

The Landscape Plan shall be prepared and stamped by a licensed landscape Architect in the State of Massachusetts for the following types of projects:

- Multi-family with eight or more units regardless of lot size or density
- 5,000 sq. ft. or more of any non-residential building / structure
- any project located in the Aquifer Protection District
(adopted August 12, 2009)

Planting Table.

The botanical and common name of each species, its height (at planting), its spread (at maturity) and the quantity intended to be planted shall be listed in a table along with the symbols used to represent the plants on the plan.

Landscaping Details.

A typical detail of a tree, tree well, tree planting, and specialty planting area, if applicable.

Limits of Work.

Any area where existing conditions may reasonably be expected to be disturbed during construction shall be shown and identified on the Landscape Plan and shall be staked in the filed prior to commencement of clearing on the site.

Perimeter of Trees.

The perimeter of any existing wooded area on the site shall be shown. Existing wooded areas intended for preservation shall be noted. The location, size and proposed fate of any existing trees larger than sixteen inches (16") in diameter shall be shown.

2.8.12 Outdoor Lighting

Outdoor Lighting Plan:

A lighting plan shall be provided showing the proposed locations, size, height, and orientation of outdoor lighting. The applicant must provide product cut-sheets for all proposed fixtures. All lighting fixtures shall be in keeping with the building architecture and/or the character of the neighborhood. For site plans showing a high level of illumination, the Planning Board may require an iso-lux plan indicating levels of illumination in footcandles, at ground level.

All exterior lights shall be designed, located, installed, and directed in such a manner as to prevent observable shadows at the property lines and disability glare at any location on or off the property.

Parking Lot Lighting for Non-Residential Uses:

All parking area lighting shall be full cut-off type fixtures. The lighting shall be shielded to prevent direct glare and/or light trespass. The lighting shall be contained to the target area as much as physically possible.

Building Lighting for Non-Residential Uses:

All building lighting for security or aesthetics shall be full cut-off or a shielded type, not allowing any uplighting. Floodlighting is discouraged, and if used, shall be shielded to prevent:

- A. disability glare for drivers or pedestrians,
- B. light trespass beyond the property line, and
- C. light above a 90 degree, horizontal plane.

Wallpack type fixtures are prohibited.

Adjacent to residential property, no direct light source will be visible at the property line at ground level or above.

Definitions: For the purposes of this section the following words shall have the following meanings:

Disability Glare: The eye's line-of-sight contact with a direct light source, which causes a partial blindness.

Footcandle: A unit of measure for illuminance. A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Full Cut-Off Type Fixture: A luminaire or light fixture that; by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree, horizontal plane from the base of the fixture. Full cut-off fixtures must be installed in a horizontal position as designed, or the purpose of the design is defeated, and disability glare will result.

Light Trespass: Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

Uplighting: Any light source that distributes illumination above a 90 degree horizontal plane.

2.8.13 Building Elevations

The front, sides, and rear elevations of each building shall be shown at an appropriate scale, generally not less than 1/8"=1'. The exterior of the building shall be in accordance with the neighborhood. Renderings shall show all HVAC and other roof-mounted utilities.

2.8.14 Floor Plans

A floor plan for each floor of each building, whether such building is existing or proposed, so that compliance with the parking requirements of the bylaw may be discerned. Each floor plan must identify the proposed use or uses to be conducted on the floor in question. Each floor plan must be dimensioned to show the Net Floor Area. The floor plan shall be drawn at a scale of 1/4"=1'.

2.8.15 Color Rendering

A color rendering of each side of each building elevation, generally at a scale of 1/8"=1'.

2.8.16 Plan Notes

Plan notes shall be provided that:

- 1) Forbid the use of fill containing hazardous materials.
- 2) Require the marking of the limits of work in the field prior to the start of construction or site clearing.
- 3) Require the cleaning of catch basin sumps and stormwater basins following construction and annually thereafter, or more frequently if required by the operation and maintenance plan.
- 4) Restrict the hauling of earth to or from the site to the hours of 7:00 AM and 6:00 PM on weekdays if earth materials are intended to be removed from or brought to the site.
- 5) Describe the materials to be used in the construction of impermeable surfaces such as sidewalks and driveways.

2.8.17 Outdoor Lighting Structures.

The location of any existing or proposed outdoor lighting facilities shall be shown. Both pole mounted and wall mounted lighting structures shall be shown and detailed.

2.9 Traffic Study

A traffic impact study will be required in all Major Business Complex applications or such other applications where the proposed uses will, in the opinion of the Board, be likely to produce additional traffic volumes likely to impact local roads. To avoid lengthy delays in the processing of an application, consultations should be made by the applicant with the Town Engineer and Community Development Coordinator to determine whether an application is likely to require a traffic study. A traffic study shall examine the following:

Existing Traffic Conditions including the roadway geometry, traffic volumes, safety, delays, sight distances, and levels of service for streets and intersections (whether in Chelmsford or another town) affected by the proposed uses.

Future Traffic Conditions including trip generation, trip distribution, volume to capacity ratios, and levels of service for existing streets and intersections (whether in Chelmsford or another town) affected by the proposed project at the time of anticipated completion and five (5) years beyond anticipated completion, taking into consideration the impacts of other previously approved projects and projects pending approval on the same streets (consult the Community Development Coordinator or Town Engineer for a list of such projects). Approach and departure route assignments shall be based on existing traffic patterns, minimum time paths, or market studies. Trip generation for the proposed uses shall be based on average statistics from the Institute of Traffic Engineers *Trip Generation* and must include both A.M. and P.M. peak hours and weekend peaks if applicable, as well as average total daily trips. Any anticipated reduction in trips due to special characteristics of the proposed uses must be fully explained and documented. Sight distances for turning movements to and from the site must be analyzed using AASHTO standards. The adequacy of vehicular queuing storage at the site entrances shall also be demonstrated. The impact of any planned phasing of the project shall be discussed.

Mitigation Measures that could be taken to reduce the impacts of the proposed uses and their estimated cost. These should include traffic demand management strategies such as staggered employee work schedules and promotion of carpooling as well as capacity enhancements such as added turn lanes, signalization, and improvements to intersections and medians. The potential for driveway connections to neighboring lots must be explored. The study should take into account those improvements that are being planned by the State or the Town.

2.10 Additional Information.

The application may contain whatever additional information the applicant feels is necessary to properly inform the Board about the development including legal opinions, copies of deeds, historical data, studies, and reports. The Board may require information in addition to that specifically required by the Bylaw or by these Rules. The Board will require the applicant to supply information if it finds that such information is necessary to properly act upon the application in question.

3 Filing Procedures

3.1 Who May File an Application?

Anyone may file an application for a permit provided that the property owner of record has signed the application form thereby granting his/her consent to the filing of the application or a letter has been submitted signed by the owner giving his/her consent.

3.2 Application Fees

A fee to cover the expenses incurred by the Town in reviewing the application shall accompany any application. The fee is not refundable. The fee shall be submitted in check form and made payable to "Town of Chelmsford". The amount of the fee shall be as described in "Regulations Governing Fees" available at the Planning Board Office.

3.2.1 Abutter Notification Fee

For each of the abutters included on the Certified List of Parties in Interest, described in Section 2.1 of this document, the applicant shall provide the Planning Board with the following:

- (1) For each abutter on the list, one business-size, plain white envelope with one first-class postage stamp affixed to the envelope; and
- (2) For each abutter on the list, postage for a certificate of mailing (United States Postal Service Form 3817) – not affixed.

The Planning Board will mail the notices to parties in interest.

3.2.2 Additional Review Fee Deposits

So that the Board may make findings required under the Bylaw and insure that the public safety will be protected, the Board may hire outside traffic, engineering, architectural, legal, or planning consultants to review an application. Said outside review shall be pursuant to the provisions of G. L. c. 44, s. 53G. To cover the cost of these reviews, a review fee deposit may also be required of an applicant at the time of submission or at any appropriate time in the review process. As the scope of study and review will vary according to the size of a particular project, the applicant is strongly advised to consult with the Community Development Coordinator and/or the Town Engineer concerning the scope and cost of any such studies early in the process. Failure to do so could result in serious delays in the processing of the application. The amount of the fee deposit will reflect the anticipated consultant fee(s) plus 10%. Note that some projects may require additional fees to cover further study if significant impacts or problems are found in the initial review. Any amount of the deposits remaining after the issuance of building permits for the proposed construction plus any remaining accrued interest will be repaid to the applicant or the applicant's successor in interest. The applicant may choose the consultant for any such review from a pre-approved list maintained by the Board; otherwise, the Board will make the choice of the consultant.

3.2.3 Appeal From the Selection of the Consultants

The applicant may appeal from the selection of an outside consultant to the Board. 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 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. The applicant must specify the specific grounds which the applicant claims constitute a conflict of interest or a failure to meet minimum professional requirements.

3.3 Submission to the Town Clerk and the Planning Board

Applications shall be reviewed by the Community Development Coordinator or designee prior to submission to the Town Clerk. Two (2) complete-copies of the application shall be submitted to the Office of the Town Clerk. The Clerk will certify the date and time of filing

on both copies, keep one copy and return the other to the applicant. The copy returned by the Clerk along with the remaining ten (10) copies of the application, the eight (8) reduced sized plan copies, the plans and required fees shall be filed forthwith by the applicant with the office of the Planning Board. The applicant may request a receipt for the materials submitted.

Any questions concerning this process should be directed to the Community Development Coordinator.

3.4 Review of Application

The Planning Board will transmit a copy of an application to various other Town Boards, Departments, Commissions, Agencies, Committees, or independent consultants in order to ensure full and qualified review of the application. Failure to submit comments on the application shall be deemed a lack of opposition by the reviewing party. The Board will make available to the applicant a copy of any comments or recommendations received.

4 Public Hearing and Decision

4.1 Public Hearing Notice

The Planning Board or its designee shall set the date, time, and place of the Public hearing. A notice of the hearing indicating the date, time, place, and purpose of the hearing shall be sent via certified mail by the Board to Parties in Interest. A notice of the hearing shall also be published by the Board in the *Chelmsford Independent*, *Lowell Sun*, or other newspaper of general circulation in Chelmsford according to the application procedures described in the Zoning Bylaw. Where the Planning Board serves as the special permit granting authority, it shall consolidate its site plan review and special permit procedures. The applicant will be billed directly for the cost of publication.

4.2 Public Hearing Presentation

An applicant may appear on his/her own behalf or be represented by an agent or attorney. It is the responsibility of the applicant or his/her agent or attorney to present the application to the Board and to the Public. In the absence of an appearance, the Board may decide the matter using the information it has received. Failure to appear at a public hearing could seriously jeopardize the success of an application.

The Board will retain any evidence which has been introduced at the hearing for reference in its deliberations on the case.

In no case will the Board allow new evidence to be admitted after the close of the public hearing unless the evidence was specifically requested by the Board prior to the close of the public hearing.

4.3 Withdrawal of Application

Any application for a permit submitted hereunder may be withdrawn without prejudice by notice in writing to the Board prior to the notice of a public hearing being posted or mailed pursuant to Section 4.1 above. Withdrawal of any application thereafter requires Board approval. No refund of fees will be provided if an application is withdrawn.

4.4 Time Period for Deliberation

The Board will act upon each application for a Permit within sixty (60) days of the date of application, unless such application has been withdrawn from consideration as set forth in

Section 5.3 above. If Special Permits have also been applied for the Board shall render its decision within ninety (90) days of the close of the public hearing.

4.4.1 Continuation and Extension

The period within which final action shall be taken may be extended for a defined period by written agreement between the Board and the applicant. In the event that the Board determines that the application is inadequate for the Board to make a finding, the Board may, at its discretion, continue the hearing to a later date to permit the applicant to submit a revised application.

4.5 Decision

Site Plan Approval

The affirmative vote of a majority of the voting members of the Board shall be necessary to decide in favor of granting.

The Board will file its decision with the Town Clerk and send a copy to the applicant by certified mail or hand delivery. The Board shall also send a notice of its decision to the property owner, to other Town Boards and Departments, to Parties in Interest and to those who have requested such notice at the public hearing.

Special Permit

The affirmative vote of five (5) of the seven (7) members of the Board shall be necessary to decide in favor of granting a special permit. Only those members of the Board who were in attendance at the public hearing (and any other session in which testimony was given) may vote on the application in question.

The Board will file its decision with the Town Clerk and send a copy to the applicant by certified mail or hand delivery. The Board shall also send a notice of its decision to the property owner, to other Town Boards and Departments, to Parties in Interest and to those who have requested such notice at the public hearing.

4.6 Recording of the Decision

The applicant shall be responsible for recording a full copy of the decision in the Middlesex North District Registry of Deeds in Lowell or in the Land Court and for paying any required recording fees. A copy of the recorded decision, certified by the Registry of Deeds, must be submitted to the Board and the Building Inspector prior to the issuance of a Building Permit for the start of any work. The permit is not effective unless it has been recorded with the deed to the property.

4.7 Submission of Final Approved Plans

The applicant shall submit one set of plans and one set of original (mylar) plans to the Board for endorsement. Following the Board's endorsement the original set will be returned to the applicant. Within ten (10) days the applicant shall return five copies of the endorsed plan sets to the Board. Failure to return copies of endorsed plans will result in withholding of the Building Permit.

4.8 Time Limit for Permit

Any permit granted by the Board shall lapse within two (2) years from the date of filing of the decision with the Office of the Town Clerk unless substantial use or construction under

the permit has begun, except for good cause, or if the Board has specified a shorter time period in the decision. A reasonable extension of said time may be granted by the Board where good cause is shown. Any request to the Board for such an extension of time must be submitted in writing to the Board and a copy thereof to the Office of the Town Clerk at least thirty (30) days prior to the date when the permit is due to lapse. Failure to submit such a request as prescribed above shall be due cause for the Board to deny the requested time extension.

4.9 Limitation of the Decision

The granting of a permit constitutes approval only under the pertinent sections of the Bylaw. Other permits or approvals required by other governmental boards, agencies, or bodies having jurisdiction, such as the Board of Health, Board of Appeals, Chelmsford Water Districts, and Conservation Commission shall not be assumed or implied. The Board may condition any permit hereunder on satisfactory demonstration of compliance with the requirements of other governmental bodies having jurisdiction prior to the start of any work on the site, issuance of a Building Permit, or any other appropriate step in the development process. The applicant is hereby encouraged to seek approvals and certificates of compliance from other such governmental bodies prior to or concurrently with the application to the Board.

4.10 Amending a Site Plan

A previously granted permit may be amended by written request to the Board or on the Board's own motion. The Board shall determine whether any request for further alterations to a site constitutes a minor amendment or if such request should be considered a new application requiring a public hearing. The Board may amend a permit without a new public hearing provided it finds that the amendment is not significant to the public interest and is consistent with the intent and purpose of the Bylaw. Consultation with the Community Development Coordinator and Town Engineer is recommended prior to the filing of any request to amend a permit. The fee for minor amendments shall be as established in "Regulations Governing Fees".

4.11 Minor Site Plan

Applications for permits to build, alter, or expand any nonresidential building, structure, or use in any district where such construction will exceed a total gross floor area of 500 square feet but not exceed a total gross floor area of 3000 square feet or will not generate the need for more than 10 parking spaces shall be deemed a Minor Site Plan. For the purposes of computing the total gross floor area of a Minor Site Plan, the Inspector of Buildings shall aggregate all such applications made within the 5 previous calendar years. Minor Site Plans shall set forth all of the information required by Section 2.8 of these Regulations; provided however, that the scale of the Site Plan may be 1'=100', unless greater detail is needed for clarity, and the plan may depict topographical contours at intervals available on maps provided by the United State Geological Survey or Town of Chelmsford topographic maps. Minor Site Plans shall be referred to the applicable Town agencies at the discretion of the Planning Board.

5 POST-CONSTRUCTION REQUIREMENTS

Following construction and prior to the issuance of a Certificate of Occupancy and Use the applicant shall submit to the Planning Board, Community Development Coordinator, Town Engineer, Building Inspector and Fire Department an as-built plan. Said as-built plan shall show all buildings, drives, parking and loading areas, drainage structures including

cumulative volumes of detention areas, irrigation well locations, depth, safe yield, and boring log, and signs on the site, and shall be accompanied by a certification by a Registered Professional Engineer that the site has been developed in conformance with the approved design plan. A copy of the as-built plan shall also be provided to the Town Engineer on a disk in a format compatible with the Engineering Department's computer system.

Robert Morse, Clerk
Chelmsford Planning Board



**Chelmsford Planning Board
Town Offices
50 Billerica Road
Chelmsford, MA 01824
Phone: 978-250-5231 Fax: 978-250-5232**

**Affidavit Pursuant to Article VIII
Environmental Protection Standards
And
Section 195-104, Site Plan Approval, of the Chelmsford Zoning Bylaw**

Project Location: _____

I, the undersigned, hereby state that I acknowledge and understand the Environmental Protection Standards as mandated by the provision contained within Article VIII of the Chelmsford Zoning Bylaw.

I further stated that I have caused to be submitted to the Planning Board a certification by a registered professional engineer that the subject proposal is in conformity herewith.

This acknowledges that the same shall be binding upon any and all successors and assigns as their interest may appear.

Signed and sworn this _____ day of _____, 200____ under pains and penalties of perjury.

Applicant Signature _____

Applicant Print Name _____

Notary Public _____

Commission Expires _____

This is to certify that I personally viewed the requirements of Article VIII Environmental Protection Standards of the Chelmsford Zoning Bylaw, and that the proposal contained in this submission conforms with those provisions of the Zoning Bylaw.

Professional Engineer _____



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Regulations Governing Fees

Adopted: April 26, 2000
Revised: April 23, 2003

1 Introduction

- 1.1 **Procedural History.** On March 22, 2000 the Planning Board held a public hearing, pursuant to G. L. c. 41, s. 81Q and G. L. c. 40A, s. 9, to consider proposed regulations governing fees. At the close of the public hearing, the Planning Board voted to adopt regulations governing fees and a new schedule of fees for review conducted by the Planning Board, municipal departments, and Planning Board consultants on the various types of applications which come before the Board. This document, subject to revision from time to time in a manner spelled out herein, constitutes the Planning Board's rules governing the imposition of fees and its current fee schedules.
- 1.2 **Purpose.** These regulations and fee schedules have been adopted to produce a more equitable schedule of fees which more accurately reflects the costs of technical and legal review of applications to the Planning Board; to take advantage of the procedures offered by G. L. c. 44, s. 53G; to establish a review procedure in the selection of consultants; and to promote more informed decision-making by the Planning Board.
- 1.3 **General.** The Planning Board shall impose reasonable fees for the review of applications that come before it. The Planning Board may impose Application Fees and Project Review Fees as may be applicable to the types of applications set forth in Section 3.

2 Consultant Review Fees

- 2.1 **Applicability.** In addition to the Application Fee, the Planning Board may impose a Consultant Review Fee on those applications which require, in the judgment of the Planning Board, review by outside consultants due to the size, scale, or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances, by-laws, and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation.
- 2.2 **Submittal.** Consultant Review Fees shall be submitted at a time to be determined by a majority vote of the Board for deposit in an account established pursuant to G. L. c. 44, s. 53G (53G Account). Failure to submit the fee as required by the Board shall be cause for the Board to continue or suspend the proceedings and no review work shall commence until the fee has been paid in full.

2.3 Replenishment. When the balance in an applicant's 53G Account falls below twenty-five percent (25%) of the initial Consultant Review Fee, as imposed above, the Planning Board shall consider whether to require a supplemental Consultant Review Fee to cover the cost of the remaining project review.

2.4 Appeal From the Selection of the Consultants. The applicant may appeal the selection of an outside consultant to the Board. 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 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. The applicant must specify the specific grounds which the applicant claims constitute a conflict of interest or a failure to meet minimum professional requirements.

3 Application Fees

The following chart includes the application fees that shall be payable at the time of application to the Planning Board.

Planning Board Application Fees	
Subdivision Fees:	
<i>Approval Not Required (ANR) Plans</i>	\$100 per lot or parcel changed or created
Preliminary Plans	\$200 plus \$50 per lot
<i>Definitive Plans</i>	\$100 per lot plus \$2.50 per linear foot of road; \$1000 minimum
Modification of a Preliminary Plan	\$100 plus \$50 for each lot affected
Modification of a Definitive Plan	\$200 plus \$100 for each lot affected
Definitive Plan Inspection fee	<i>A road inspection fee as determined by the Engineering Division of the DPW</i>
<i>Paper Street</i>	<i>\$5 per linear foot of road; \$1000 minimum</i>
Site Plan and Special Permit Fees:	
Site Plan Approval	\$50 per 1000 square feet gross floor area; \$1500 minimum; \$8000 maximum.
Special Permit	\$500 for the first Special Permit; \$250 for each Subsequent Special permit
Modification or extension of Special Permit or Site Plan	\$500
Minor Site Plan	\$500
Repetitive Petitions	\$250
Scenic Road Hearing	\$250

3.1 Waiver of Fees. The Planning Board may waive or reduce any Application Fee, if, in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.

3.2 Legal Advertising and Abutter Notification Fees. In addition to the Application Fees in Section 3.1, the applicant shall pay the following costs:

- 3.2.1 The legal advertisements in a newspaper of general circulation in Chelmsford, as determined by the Board;
- 3.2.2 Notification of abutters and parties in interest as required in the Chelmsford Zoning Bylaw, Chapter 195 of the Chelmsford Code; Site Plan and Special Permit Regulations & Procedures; the Zoning Act, G. L. c. 40A; the Chelmsford Subdivision Rules and Regulations, Chapter 202 of the Chelmsford Code; and the Subdivision Control Law, G. L. c. 41, ss. 81K-81GG.

Chelmsford Planning Board

Robert Morse, Clerk