

RULES
AND
REGULATIONS

DRAFT 7/31/2017



DUNSTABLE PLANNING BOARD

GOVERNING SITE PLANS

IN DUNSTABLE, MASSACHUSETTS

PROPOSED CHANGES FALL 2017

SITE PLAN RULES AND REGULATIONS

Article I. GENERAL

These Rules and Regulations shall apply to all Site Plans submitted to the Dunstable Planning Board as required in support of an application for a Special Permit or Site Plan Approval by the Planning Board. When submitting in conjunction with a Special Permit, the procedures and fees contained in the Special Permit Rules and Regulations shall supersede the following when conflicting.

Article II. AUTHORITY

These Rules and Regulations are promulgated in accordance with Sections 14.2 through 14.5 of the Town of Dunstable Zoning Bylaws.

Article III. SUBMITTALS

Application packages shall be submitted to the Planning Board office a minimum of three (3) working days before the meeting date. At the regularly scheduled Planning Board meeting, the Board shall review the package to determine if it is complete. If the package is complete, the Board shall vote to accept the application. If the Board finds that the package is incomplete, it shall notify the applicant, in writing by certified mail return receipt of the deficiencies within five (5) working days after the meeting. All other time frames shall run from the date of acceptance of the application by the Board.

A complete application submittal to the Planning Board for a Site Plan shall consist of the following items:

Section 3.01 Application Form

A minimum of ten (10) copies of the completed application form. The Board shall, upon request, provide the blank forms. All information requested on the form shall be provided by the applicant. If an item does not apply then it should be marked "Not applicable". Incomplete forms will not be accepted.

Section 3.02 Narrative

The application shall include three (3) copies of a narrative explaining the existing and proposed condition and responses confirming compliance with Site Plan section 14.5 (a) - (k) of the Zoning Bylaw Bylaw and on and offsite impacts of the proposed project.

Section 3.02 3.03 Drainage Calculations

The application form shall be accompanied by three (3) sets of drainage calculations. The drainage calculations shall conform to the requirements for

drainage calculations contained in the *Rules and Regulations Governing the Subdivision of Land in Dunstable, Massachusetts* prepared by the Dunstable Planning Board.

Section 3.03 3.04 Plans

A minimum of ten (10) sets of plans shall be submitted as part of the application. All plans shall be prepared at a scale of 1" = 20' or such other scale as the Board may approve. Each sheet in the plan set shall contain: the name and location of the project, assessors map and parcel number of the property, applicant's and owner's name and address, name, address and telephone number of the engineer preparing the plan, scale of the plan (including a graphical depiction), north arrow with reference, date of preparation and any revisions, sheet number, match lines if more than one sheet is needed for each plan type, stamp and signature of the engineer or surveyor preparing the plan, signature block for the Board with the appropriate number of lines for the members to sign and date. The plans shall be prepared on 3 mil or thicker stable base drafting film with a maximum size of 24" x 36".

The following six (6) types of plans shall be included in the plan set accompanying the application form:

Site Layout, which shall contain the boundaries of the lot(s) in the proposed development with bearings and distances labeled (tied to the Town of Dunstable Control System), references used in the determination of the property line, Zoning table for the appropriate district and depicting the required and proposed dimensions, existing and proposed structures, with offsets, driveways or other access ways, parking spaces with dimensions, landscaping and retaining walls, sidewalks, loading areas and facilities with dimensions, snow storage areas, waste or trash disposal, treatment facilities and easements.

Grading, Drainage and Utilities, which shall show the existing and proposed topography using a two (2) foot contour interval, all existing and proposed facilities for handling, controlling or treating storm water. In areas where the slope is less than 1%, one foot contours and spot elevations shall be used to accurately show the existing and proposed conditions and drainage patterns. In addition, the plan should show facilities for sewage disposal, water lines, and appurtenances, and any other utility lines, lengths, material of pipe and slope if appropriate. All proposed utility lines shall be placed underground. All existing ditches, streams, rivers, ponds, lakes, wetlands, flood plain, other resource areas on or adjacent to the site and any easements related to any of these items should also be shown. All other site features such as stonewalls, foundations, ledge outcroppings, or trees twelve inches (12") or greater in diameter located within the locus shall also be shown on the plan. The plan shall also show the limits of work and the existing and proposed tree line,

Landscaping, which shall show all proposed landscaping features, screening, and each planting area with the size, type of tree, flower, ground cover, shrub and snow storage areas.

Locus, which shall show the boundaries of the parcel; all public ways with names, approximate property lines with abutters names, assessor's map and parcel number, public or common areas, zoning district and zoning district lines, buildings, public and private well on or within 300 feet of the site. This plan shall be prepared at the scale needed to adequately show the required information on the 24"x36" sheet.

Lighting, which shall show location, size, height, and orientation of all outdoor lighting. The plan shall also show the type of fixture and wattage. The plan shall also show the distribution of illumination in foot-candle at ground level

Detail, which shows detail information on the layout or construction of items proposed.

Section 3.04 Traffic Impact

A traffic report may be required by the Board, depending on the size and complexity of the proposed project. The extent and depth of the study will be set by the Board based on the anticipated impact of the project.

Section 3.05 Abutter's List

The owner's name, address, assessor's map, and parcel number of all parcels within 300 feet of the property lines of the site as they appear on the most recent records of the assessor's office. The list must be certified by the assessors. If the 300 feet incorporates property in an adjacent town, that town's assessors must certify a list of the property owner's name and address with the parcel identification.

Section 3.06 Miscellaneous Information

Copies of all variances and Special Permits issued for the site or any property within 300 feet of the site shall be submitted with the application. Copies of all easements and deed restrictions related to the property, whether recorded or not, shall be submitted.

Section 3.07 Waivers

The Board may waive any of the submittal requirements except those related to public notification. The Board may also consider in their evaluation and decision, the volume, duration and pitch of any noise generated by the proposed project as well as any odor, or vibration caused by the project either during the construction or operation of the site.

Section 3.08 Fees

The fees required shall consist of two parts: the first or administrative fee and the second or review fee. The amount of the fees shall be as listed in the *PLANNING BOARD FEE SCHEDULE*. The review fee shall be used to pay fees associated with the technical review of the project. The Board shall return all money left from the review fee account to the applicant upon final action. If the

cost of review exceeds the amount of money in the account, the applicant shall deposit an additional sum as requested by the Board before the review will continue or further action is taken by the Board.

Article IV. DESIGN STANDARDS

Section 4.01 Drainage

The standards and criteria used for site plan design shall be the same as listed in the *Rules and Regulations Governing the Subdivision of Land in Dunstable, Massachusetts*. The design shall incorporate the Stormwater Management Regulations propagated by the Massachusetts Department of Environmental Protection regardless of the size of the project.

Section 4.02 Parking and Access

Off-Street parking, loading areas and access drives shall be treated with bituminous or other paving material unless the Planning Board authorizes an alternative surface which will adequately prevent dust, erosion, improper drainage or unsightly conditions. Bituminous curbing or other curbing material shall be provided in parking areas, unless waived by the Planning Board, to provide for the proper diversion and containment of runoff.

Parking areas shall be located a minimum of ten (10) feet from the abutting lot lines. The Planning Board may require this setback to be increased due to the nature of the abutting properties.

The dimensions of regular parking spaces shall be as follows:

| ANGLE | STALL WIDTH | STALL LENGTH | ISLE WIDTH |
|-------|-------------|--------------|------------|
| 90° | 9 ft. | 19.0 ft. | 24 ft. |
| 60° | 10 ft. | 20.7 ft. | 18.5 ft. |
| 45° | 12 ft. | 19.4 ft. | 13.5 ft. |
| 0° | 8 ft. | 22.0 ft. | 14 ft. |

Handicapped parking, sidewalks and access routes shall comply with the requirements of the *Americans with Disabilities Act* or the regulations of the Architectural Access Board, whichever is more stringent.

Access points to sites from a public way shall be located to maximize safe access and egress and minimize impact on the flow of traffic in the public way. Sight distances at the access point shall comply with the criteria listed in the *Rules and Regulations Governing the Subdivision of Land in Dunstable, Massachusetts*. The number of access points and size shall be the minimum required providing safe access/egress for the site. Parking areas shall be designed so that no vehicle will be required to back into a public way to exit from a parking space. Traffic flow through the site shall be designed to minimize

conflicts with pedestrians and other vehicles. Paved sidewalks a minimum of ~~four~~ five feet in width shall be provided along the site frontage. A sidewalk system at the building and parking area shall be constructed and connection shall be made to the sidewalk along the site frontage.

The site shall be laid out in such a manner that emergency fire access is provided around the entire building.

Loading areas shall be provided for the size of the appropriate vehicle that will be servicing the proposed use. Loading areas shall not interfere with the proposed parking or access to the building.

Section 4.03 Landscaping

It shall be demonstrated to the Planning Board that effort was made to minimize: (i) the removal of trees of 6" or more in diameter at breast height; (ii) the length of stone walls to be removed; (iii) the area of woodland vegetation to be displaced, and (iv) the removal of native or non-invasive vegetation.

Landscaping shall be provided on all sides of the building except for areas used for access or loading. Landscape strips shall be located within twenty five (25) feet of each building and shall be at least ten (10) feet in width if facing the front lot line and five (5) feet in width if facing the side and rear lot lines. Landscaping shall consist of native species, except has may be specifically approved by the Planning Board.

Where a commercial development abuts a residential use, the Planning Board and the applicant may arrive at the need for additional measures to minimize disturbance to residential areas.

All parking areas shall be adequately screened from the abutting properties within the parking setback with a dense screen of planting not less than six (6) feet in height at the time of occupancy. All parking areas having twenty (20) spaces or greater shall incorporate at least 5% of the total impervious area due to pavement within the parking area in the form of curbed landscaped islands including trees, shrubs and groundcover in an area with a minimum width of 5 ft.

All loading areas and refuse disposal facilities shall be adequately screened from all abutting residential zones and uses and from all public uses. The screening shall consist of dense landscaping, earth berms, fencing, or a combination of methods. The majority of the landscaping design shall be based on native species of plants. Due consideration shall be given to the species, location on the site, resistance to deicing chemicals, maintenance effort, and general viability in the proposed location.

Where the proposed new or renovated building proposed has a gross floor area greater than 10,000 sq. ft., a Landscape Plan shall be stamped & signed by a Registered Landscape Architect.

All plant materials specified on any site plan approved by the Planning Board shall be annually inspected by the owner or owner's agent. Any required plant materials found to be dead or diseased shall be replaced in kind. Failure to complete this requirement may result in a violation of site plan approval.

Section 4.04 Lighting

All exterior lighting shall be designed, located, installed, and directed in such a manner as to prevent objectionable light at, and glare across the property line. Spill light or light trespass shall not exceed 0.5 foot-candles at 25 feet from the property line. Spill light into the night sky shall be minimized. All parking area lighting shall be equipped with full cut-off type fixtures. Fixtures that direct the light in an upward direction shall not be permitted. The fixtures shall be shielded to direct the illumination on the target area and prevent direct glare and light trespass. No direct light source shall be visible at the property line. All non-essential lighting shall be turned off after business hours; only site security lighting may be utilized after business hours.

Illumination, in foot-candles, provided at ground level shall conform to the following:

| Land use | Ave. | Min. | U. Ratio* |
|--|------|------|-----------|
| Cultural, civic or recreational events, office areas, | 2.4 | 0.6 | 4:1 |
| Neighborhood shopping areas, employee, educational, church parking areas | 0.8 | 0.2 | 4:1 |

*Uniformity ratio, the average level of illumination in relation to the lowest level in given area.

In addition, the following maximum levels of illumination in foot-candles shall apply

| | |
|---|-----|
| Active building entrances | 5 |
| Inactive, infrequently used entrances | 1 |
| Gas station approach & driveway | 1.5 |
| Gas station pump island | 20 |
| Gas station service areas | 3 |
| Storage yard & loading areas, - active | 20 |
| Storage yard & loading areas – inactive | 1 |

Article V. PUBLIC HEARINGS

Section 5.01 Timing

A public hearing shall be held on each application no sooner than thirty-five (35) days and no later than sixty-five (65) days from the time the Board voted to accept the application unless responses have been received from all referrals.

Section 5.02 Notice

Notice of the public hearing shall be advertised as required by Massachusetts General Laws, Chapter 40A, Section 11. In addition the Board shall notify the Parties in Interest by certified, return receipt requested, United States mail, postage prepaid, not less than fourteen (14) days before the date of the public hearing.

Such notice shall contain:

- (a) The name of the applicant
- (b) A description of the area or premises and street address, if any
- (c) The date, time, and place of the public hearing
- (d) The subject matter and action or relief requested if the Site Plan is being filed in support of a Special Permit application, the notice under the Special Permit application will be used.

Section 5.03 Reviews

The Planning Board shall forward copies of the application package to the Board of Health, Conservation Commission, Town Engineer, Board of Road Commissioners, Board of Water Commissioners, Building Inspector and other boards and departments as may be appropriate for review and comments. Review comments shall be returned to the Planning Board within thirty-five (35) days from the date of distribution. Failure of any board or department to submit specific concerns or comments within the thirty-five (35) day period shall be interpreted as approval by that entity.

Section 5.04 Representation

The hearing shall be open to the public. No person shall be excluded from speaking or attendance unless he/she is considered by the chairman to be a "serious hindrance" to the hearing process. An applicant may appear on his/her own behalf or be represented by an agent. Such agent shall present to the Board written authorization from the applicant to act as agent. If the applicant is not the owner of record of the property, the applicant shall submit to the Board written authorization from the owner to submit the application.

Article VI. BOARD ACTION

The Board shall act on the application within ninety (90) days of the opening of the public hearing, or within any time extension requested in writing by the

applicant and granted by the Board. The Board shall immediately file a copy of the extension with the Town Clerk.

The Board may; approve the application as submitted, approve the application with conditions and/or modifications or disapprove the application. The Board shall file a *Notice of Decision* with the Town Clerk within fourteen (14) days of the action by the Board. The notice shall include the name and address of the owner, an identification of the land involved, compliance with the statutory requirements for each permit requested, and certifying that copies of the decision and all plans referred to in the decision are on file in the office of the Planning Board and Town Clerk. The decision shall include the action taken by the Board, the reason(s) for the action and any modifications to the plans and /or any conditions attached to the action.

No action by the Board shall take effect until the town clerk certifies that twenty (20) days have passed since the filing of the decision by the Board and that no appeal has been filed or if an appeal has been filed, it has been dismissed or denied and such certification and decision is recorded in the Middlesex North District Registry of Deeds and indexed in the grantor index under the owners name, or if registered land, listed on the owner's certificate of title. A copy of the certification shall also be sent to the applicant and the owner if different from the applicant, building inspector and those interested parties that requested a copy at the public hearing.

If the Board does not act on the application within the specified time, the town clerk shall issue a certification that the approval is by way of the Board's failure to act within the specified time.

If the plan is approved with conditions or modifications, the plans shall be revised to conform to the modifications or conditions before endorsement by the Board. The final plans shall also be submitted in digital form on compact disc. The files shall be compatible with AutoCAD 2004.