5/5/14 030 (3)

Christine Joyce

From: Roland Bartl
Sent: Monday, April 14, 2014 9:57 AM
To: Steve Ledoux; Kristen Domurad-Guichard; Manager Department
Cc: Janet Adachi
Subject: RE: Follow up on Draft Site Plan Rules and Regulations

Steve:

Would it be possible to put this on an upcoming BoS agenda. We are trying to update the Rules and Regulations one by one to become consistent overall for process, procedures and submittals (electronic). We had started with Planning Board Rules and would like to bring the BoS Site Plan Special Permit Rules
in sync. If those are acceptable to the Board, we will proceed drafting Rules and Regulations for the various Use Special Permits that come through the BoS – there have never been any in existence. When done with BoS Rules, we will move on the ZBA.

Thanks –

Roland Bartl, AICP
Planning Director
Town of Acton
472 Main Street
Acton, MA 01720
978-929-6631

From: Steve Ledoux
Sent: Monday, April 14, 2014 9:37 AM
To: Kristen Domurad-Guichard; Manager Department
Cc: Roland Bartl; Janet Adachi
Subject: RE: Follow up on Draft Site Plan Rules and Regulations

Don't believe it was ever discussed.

Steven L Ledoux
Town Manager
472 Main Street
Acton, MA 01720
Telephone (978) 929-6611

When writing or corresponding, please be aware that the Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential.

From: Kristen Domurad-Guichard
Sent: Monday, April 14, 2014 9:35 AM
To: Manager Department
Cc: Roland Bartl
Subject: Follow up on Draft Site Plan Rules and Regulations

Hello,

Just sending a follow up to see if the attached updated Draft Site Plan Rules and Regulations were considered by the Board of Selectmen and what the status might be.

Thank you,
Kristen

Kristen Guichard
Assistant Town Planner
Town of Acton
472 Main Street
Acton, MA 01720
P: 978-929-6631

Christine Joyce

From: Roland Bartl
Sent: Monday, April 14, 2014 10:02 AM
To: Steve Ledoux; Kristen Domurad-Guichard; Manager Department
Cc: Janet Adachi; Lisa Tomyl
Subject: RE: Follow up on Draft Site Plan Rules and Regulations

Steve:
That's fine. Please let us know a date and time certain.

Kristen:
To help focus the discussion on the changes, would it possible to provide the Board with a redline version that shows the changes. I know the old version is either in really old digital format or in no digital form at all. Please try and see what you can do.

Thanks -

Roland Bartl, AICP
Planning Director
Town of Acton
472 Main Street
Acton, MA 01720
978-929-6631

From: Steve Ledoux
Sent: Monday, April 14, 2014 9:58 AM
To: Roland Bartl; Kristen Domurad-Guichard; Manager Department
Cc: Janet Adachi; Lisa Tomyl
Subject: RE: Follow up on Draft Site Plan Rules and Regulations

It will have to be in May

Steven L Ledoux
Town Manager
472 Main Street
Acton, MA 01720
Telephone (978) 929-6611

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Sent: Monday, April 14, 2014 9:57 AM
To: Steve Ledoux; Kristen Domurad-Guichard; Manager Department
Cc: Janet Adachi
Subject: RE: Follow up on Draft Site Plan Rules and Regulations

Steve:

Janet K. Adachi
jkajeg@msn.com

On Apr 14, 2014, at 1:30 PM, Steve Ledoux wrote:

It will be May 5th. Not sure what time as it will be under Selectmen's Business and not a timed appointment.

Steven L Ledoux
Town Manager
472 Main Street
Acton, MA 01720
Telephone (978) 929-6611

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Sent: Monday, April 14, 2014 9:58 AM
To: Roland Bartl; Kristen Domurad-Guichard; Manager Department
Cc: Janet Adachi; Lisa Tomyl
Subject: RE: Follow up on Draft Site Plan Rules and Regulations

It will have to be in May

Steven L Ledoux

Planning Department

TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720
Telephone (978) 929-6631
Fax (978) 929-6340
planning@acton-ma.gov

MEMORANDUM

To: Board of Selectmen ***Date:*** October 31, 2013

From: Kristen Domurad-Guichard, Assistant Town Planner KDG R B

Subject: **Revised Site Plan Rules and Regulations for BOS Adoption**

The Planning Department respectfully submits a revised draft of the Site Plan Rules and Regulations to the Board of Selectmen for adoption consideration. The Site Plan Rules and Regulations describe application submission requirements and process for site plan applications—they do not establish any zoning standards.

The last revision of the Site Plan Rules and Regulations was in February of 1990. This 2013 revision includes the following major changes:

- An electronic filing requirement;
- Bringing the Design Review Board into the process;
- Reflecting current Zoning Bylaw standards (eg. added requirements for lighting plan)
- Updates to department contact information.

Following this update will be a set of Rules and Regulations for the various use and other special permits that the Board of Selectmen are assigned to by the Zoning Bylaw.

DRAFT

Rules and Regulations

for

Site Plan Special Permits

SITE PLAN

Board of Selectmen

Town Of Acton

$15.00

Last Amended: (month) (day), 2013

Acton Planning Department
472 Main Street
Acton, MA 01720
(978) 929-6631
www.acton-ma.gov

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DRAFT

SECTION 1

GENERAL PROVISIONS

1.1 AUTHORITY

These RULES are adopted by the BOARD of Selectmen as authorized by M.G.L. Chapter 40A and the Acton Zoning BYLAW.

1.2 PURPOSE

The purpose of these RULES is to establish uniform procedures for conducting the business of the BOARD under its jurisdiction as a Special Permit Granting Authority for Site Plan Special Permits.

1.3 APPLICABILITY

Any person applying for a Site Plan 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 RULES.

1.4 DEFINITIONS

The following defined terms are capitalized in these RULES.

APPLICANT	Any person or such person's authorized representative who files an APPLICATION for a PERMIT under the BYLAW.
APPLICATION	All plans, forms, reports, studies or other documents which are submitted to the BOARD under these RULES by an APPLICANT.
BOARD	The BOARD of Selectmen of the TOWN of Acton.
BYLAW	The Zoning BYLAW of the TOWN of Acton, 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 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 Acton Planning Board; and the Planning Board of every abutting city or town.
PERMIT	A Site Plan Special PERMIT under the BYLAW.
RULES	The Site Plan Special PERMIT Rules and Regulations as set forth herein.

TOWN	The TOWN of Acton.
Other Definitions	Refer to the "Authority, Purpose, Definitions and Applicability" and the "GROUNDWATER Protection District" provisions in the BYLAW for additional defined terms which are also capitalized when used in these RULES.

1.5 WAIVER OF RULES

Strict compliance with these RULES 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 RULES.

1.5.1 Any request from an APPLICANT for a waiver of these RULES must be submitted, in writing, to the BOARD at the time of submission of the APPLICATION.

1.5.2 Such requests must clearly identify the provision/s of the RULES 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 RULES.

1.6 PROVISION OF SECURITY

The BOARD may require in its DECISION that security be posted with the TOWN in such form and amount as is required by the BOARD to secure the satisfactory completion of all or any part of the work authorized under a PERMIT. The form of security shall be generally as required in the Performance Guarantee section of the Town of Acton Subdivision Rules and Regulations.

1.7 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.

1.8 AMENDMENTS TO THE RULES

The RULES may be amended by a majority vote of the BOARD after a public meeting.

SECTION 2

PRELIMINARY REVIEW

2.1 PRELIMINARY CONSULTATIONS

Consultations between a prospective APPLICANT and the professional staff of the TOWN prior to the filing of an APPLICATION with the Planning Department are strongly recommended and can prevent serious delays in the processing of the final APPLICATION.

APPLICANTS are also advised to consult with the Acton Design Review Board (DRB) prior to the filing of an APPLICATION. The DRB will review and advise the BOARD on every Site Plan Special Permit application. The DRB is a Town committee that meets in the evenings. For an appointment send e-mail request to DRB@acton-ma.gov.

2.1.1 Any action or communication initiated by the APPLICANT prior to the filing of an APPLICATION with the Town Clerk and the Planning Department shall not constitute a PERMIT APPLICATION. The following rules shall apply to preliminary consultations.

2.2 FORM OF REQUEST

All materials to be reviewed shall be provided in electronic PDF format to the Planning Department along with a letter requesting a review and including the name, address, and phone number of a person who may be contacted concerning the review. All correspondence and communication must be sent through the Planning Department.

2.3 SCOPE OF TOWN STAFF REVIEWS

TOWN staff will review preliminary materials in an attempt to avoid unnecessary technical deficiencies in the final APPLICATION and to promote efficiency in the formal review process.

2.3.1 Staff will limit their review of such materials to technical issues appropriate to their area of expertise and to assessments of whether the project in question adequately addresses anticipated concerns of the TOWN and the neighborhood. In general, staff will complete the preliminary review within 30 days.

2.3.2 The Planning Department may schedule a preliminary review meeting with other TOWN departments and the prospective APPLICANT.

2.3.3 Staff cannot assure the thoroughness, completeness, or correctness of any final APPLICATION. This remains the responsibility of the APPLICANT.

2.3.3 Through the preliminary review process staff will recommend any additional fee deposits that may be appropriate (see section 4.2.1 of these RULES).

2.3.4 If any other Special Permits are required from the BOARD for the project, then these should be discussed with the staff at this time.

SECTION 3

CONTENTS OF AN APPLICATION

An APPLICATION for a PERMIT 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.

Except as otherwise noted, a complete APPLICATION for a PERMIT shall be made in electronic PDF format together with 2 paper copies and shall include the information listed in this section 3 and all its subsections, and, where applicable, the information listed in Section 4.

Changes made during the course of the APPLICATION review process, and requests for amendments of previously issued PERMITS and approved SITE PLAN SPECIAL PERMIT shall be submitted in the same manner as above with changes and amendments clearly identified.

If the SITE PLAN SPECIAL PERMIT requires the filing of a SUBDIVISION plan under the SUBDIVISION CONTROL LAW, certain requirements of this section may be waived in view of equivalent information submitted with the SUBDIVISION plan. Consult with the Planning Department staff during the preliminary review regarding appropriate filing arrangements

A complete APPLICATION for a PERMIT shall include the following items.

3.1 APPLICATION FORM

Any APPLICATION for a PERMIT shall be made in writing and include the completed application form entitled "Application for a Site Plan Special Permit" – see Appendix of these RULES.

3.1.1 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 on this form indicating that the owner has knowledge of and consents to the APPLICATION.

3.1.2 If the APPLICANT is acting in the name of a trust, corporation or company, an authorizing vote shall be attached.

3.2 CERTIFIED ABUTTERS LIST

List of the PARTIES IN INTEREST as defined in these RULES, taken from the most recent tax list of the TOWN and certified by the Town Assessor. The APPLICANT shall pay any charges required by the Town Assessor for the list.

3.3 USE DESCRIPTION

Detailed description of the existing and proposed USES. The APPLICANT shall declare whether or not the facility in question is expected to generate, store, use, or dispose of Hazardous Materials or Wastes. Activities on the site must comply with the TOWN'S Hazardous Materials Control Bylaw.

In the case where the APPLICANT cannot commit to a particular USE at the time that the APPLICATION is filed, the APPLICANT must provide the BOARD with a description of the possible USES to which the facility may be put.

3.4 OTHER PERMITS AND VARIANCES

List and copies of variances, permits, and other special permits previously issued by other TOWN boards or 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, the Conservation Commission, the Board of Appeals, the Planning Board, the State Dept. of Public Works, the Army Corp of Engineers, and the State Dept. of Environmental Protection; and certificates issued by the Secretary of Environmental Affairs under the Massachusetts Environmental Policy Act.

NOTE: If any other site plan special permits are required from the BOARD, the APPLICANT is hereby strongly advised to make the applications for such additional permits concurrently with this PERMIT APPLICATION.

3.5 RECORDED PLANS AND DEEDS

A copy of the most recently recorded plan(s) and deed(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).

3.6 DRAINAGE CALCULATIONS

Storm drainage runoff calculations used for the drainage system design must be prepared by and display the seal of a Registered Professional Engineer and must support the sizing of all drainage structures and pipes. These calculations must be based on a recognized standard method (usually the Rational Formula or Soil Conservation Service Method). 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 or other reference sources to make review possible. The pre- and post-development runoff rates must be provided. If applicable, the methods used to comply with the "Stormwater Runoff" design standards of the BYLAW shall be described. The use of computer generated reports is acceptable; however, the source of the software should be identified. Design of the storm drainage system can generally be based on a 10-year storm event; however, the system design shall not result in serious flood hazards during a 100-year storm. If the site plan includes a "reserve parking" area, the storm drainage system design for this area should be included in these calculations.

3.7 WATER BALANCE CALCULATIONS

The portion of the site in each Groundwater Protection District Zone shall be noted. A yearly hydrologic water balance calculation for pre- and post-development conditions based on annual precipitation that quantifies evapotranspiration, runoff, recharge, and septic flow shall be included. Compliance with applicable portions of Sect. 4.3 of the

BYLAW shall be demonstrated.

3.8 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.

3.9 PLANS

The site plan with the form and contents as set forth below shall be submitted in electronic PDF and scalable CAD formats and registered to the Massachusetts State Plane Coordinate System, plus 2 full size plans printed on 24" x 36" sheets and 11 copies thereof reduced to fit legibly on 11"x17" or 8.5"x11" sheets.

Plans shall be legibly drawn to fully detail and explain the intentions of the APPLICANT. Site plans shall be drawn at a standard scale (1 inch = 20, 40, or 50 feet) except when noted otherwise. All plans shall include a reasonable numbering system for LOTS, BUILDINGS and DWELLING UNITS. Each plan shall feature a north arrow, and 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 on the sheet, a legend identifying any representative symbols use on the sheet in question an appropriate title block in the lower right hand corner, Topography and all elevations 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 additional temporary bench marks on the site.

The plans shall include at least the following information:

3.9.1 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 on the sheet.

3.9.2 Locus Plan - A Locus Plan showing an area a minimum of one mile diameter at a scale of 1" = 1200'. Major STREETS, BUILDINGS, brooks, streams, rivers and other landmarks should be shown on the locus plan with sufficient clarity to be easily discernable.

3.9.3 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, parking, or loading facilities shall be dimensioned on the plan to demonstrate compliance with zoning requirements.
- All zoning district boundaries, including the boundaries of the Flood Plain and Groundwater 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.

3.9.4 Natural Site Characteristics:

- Site features such as, 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 by the Floodplain Bylaw. 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 additional temporary bench marks on the site.
- Location and results of any field tests to determine the MAXIMUM GROUNDWATER ELEVATION.
- All wetlands and wetland buffer area boundaries. Wetlands are defined as those areas subject to the provisions of either the "Wetlands Protection Act", M.G.L., Chapter 131, Section 40, or the "Acton Wetlands Bylaw".

3.9.5 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, OPEN SPACE, UNDISTURBED OPEN SPACE, % wetlands, % flood plain, DEVELOPABLE SITE AREA, front yard/s, side yards, rear yard, any buffers, BUILDING height, minimum distance to groundwater, pre and post development runoff rates and groundwater recharge, NET FLOOR AREA (GROSS FLOOR AREA if in South Acton Village or West Acton Village districts), FLOOR AREA RATIO, and the number of parking spaces (including numbers of Reserve Parking, handicapped, and small car 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 or STRUCTURE with identification and its finished floor elevation. The final disposition of any existing BUILDING or STRUCTURE, whether it is to remain, be removed, or be 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 on the site with the square footage of each such area shown. A separate sheet may be necessary to show these areas adequately.
- Sidewalks with a note on the construction materials to be used.
- 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. The use of common driveways is strongly encouraged. 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. The size of the largest truck expected to use the site shall be noted. 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.

- Intersections and driveway entrances on other LOTs within 75 feet of the site with the distance between driveways dimensioned.
- All parking and loading facilities with proper dimensions. Parking spaces must be identified as either standard size, handicapped, or small-car parking spaces. The location of any signs intended to be used for identification of small car and handicapped parking spaces must be shown and the pavement markings for small car parking spaces shall be yellow.
- Areas intended for open (outdoor) storage with identification label and dimensions.
- Erosion and sedimentation control measures with a brief written description of the methods used.

3.9.6 Phasing - If the project is to be built in phases, a plan or series of plans showing specific limits of construction for each phase and detailing the work to be accomplished in each phase shall be provided. Interim curbing and landscaping shall be shown as needed between phases.

3.9.7 Site Utilities

- Location and type of stormwater drainage facilities including notes on the construction materials of any pipes, culverts, catchbasins or any other system component. Sufficient information relating to placement of the drainage system components (rim and invert elevations, pipe slopes, amount of cover, 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). If the site is to utilize an on-site well, its proposed location must be shown in addition to its setbacks from any BUILDING, STRUCTURE, or sewage disposal system. If public water services are to be utilized, then the water main which will service the site must be shown and identified.
- All fire hydrants on the site or off the site but within 500' of the principal BUILDING on the site. If no fire hydrants are located within 500' of the principal BUILDING on the site, then a note shall appear clearly explaining how the APPLICANT will provide fire protection to the site. The location of any proposed municipal fire alarm boxes or

other warning systems and any proposed fire lanes shall be clearly shown and identified. Any underground conduit for municipal fire alarm connections 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.

3.9.8 Waste Disposal Facilities

- Type and location of any solid waste disposal facilities. Dumpsters shall be screened with a stockade fence.
- Perimeter outline of any existing or proposed on-site sewage disposal systems including any required reserve areas. The type of sewage disposal system shall be identified by a simple notation. Actual design and construction specifications for a sewage disposal system are not required. However, the proposed location of the sewer main running from the BUILDING to the sewage disposal system must be shown. If a sewage system other than an on-site sewage disposal system is to be used, the location of any sewer main to be installed on the property in question must be shown and adequate capacity at the off-site system demonstrated. If the proposed development includes the construction of a sewage treatment plant, then the location of the plant and the sewer main to serve the facility in question must be shown.

3.9.9 Construction Details

- Typical detail of a proposed catch basin, diversion box, emergency slidegate, manhole, headwall, retaining wall, walkway, subdrain, waterway, leaching basin, drainage pond, or other similar structure, if any. In Groundwater Protection Zones 1, 2, and 3, catchbasins must be precast concrete with gas traps (Lebaron l-219, Neenah 3705, or equivalent). Precast catch basins must show gas traps and construction joints sealed with a minimum of 1" butyl-rubber gastight sealant or equivalent caulking material.
- Typical detail of each type of parking space to be used on the site showing the dimensions of the "Parking Stall Length of Line" and the "Width of the Parking Stall" so that compliance with parking area design standards of the BYLAW is evident.

3.9.10 Outdoor Lighting Plan.

- Outdoor Lighting Structures - A Lighting Plan shall be included in all applications for a Site Plan Special Permit that proposes new or replacement lighting installations. For initial developments of land, a major modification (more than 25% of LUMINAIRES being modified or replaced), or a major addition (more than 25% increase in the number of LUMINAIRES), this lighting plan shall be certified to be valid and correct by its designer. The Lighting Plan shall show the location of any existing or proposed outdoor lighting facilities and contain:

  a) On the site plan – the location, height, shielding type of all existing and proposed outdoor LUMINAIRES, and the wattage rating of all LAMPS in each LUMINAIRE, including BUILDING or CANOPY mounted LUMINAIRES. Any existing off-site LUMINAIRES used to illuminate the LOT shall be

included in the Lighting Plan. Activity areas (Section 10.6.3) shall be clearly marked on the Site Plan.

b) Manufacturer's data – For all LUMINAIRES, whose LAMP wattage is greater than Table 1, Column B, the manufacturer's specification data and technical drawings, including the LUMINAIRE LAMP wattage; photometric data showing that the LUMINAIRE is FULLY SHIELDED, including an electronic copy of the IES photometric file, or a reference to the file location on the manufacturer's web site. Manufacturer's photometric specification that the LUMINAIRE is rated IESNA Full Cutoff (FCO) is sufficient to show that it is FULLY SHIELDED. For all LUMINAIRES whose LAMP wattage is less than values shown in Table 1, Column B but greater than values shown in Table 1, Column A, the manufacturer's specification data and technical drawings showing that it meets the definition of SHIELDED LUMINAIRE.

c) The data of previous sections a) and b) shall be organized into a table, with one line per LUMINAIRE.

d) Calculations showing that the maximum LIGHT TRESPASS allowed, Sections 10.6.2.2.c) (Light Trespass) and 10.6.2.4.c) (Outdoor Recreational Facilities), will be satisfied by the design.

e) Calculation of the Allowed Lighting Power for the LOT according to Section 10.6.3 (Total Site Energy [Power] Limits). Activity areas (Section 10.6.3) shall be clearly marked on the Site Plan.

Calculation of the Total Installed Lighting Power from the LUMINAIRES proposed for installation on the Lighting Plan plus any existing LUMINAIRES intended to remain in use, and demonstration that Total Installed Lighting Power does not exceed the Allowed Lighting Power.

3.9.11 Landscape Plan

- Landscaping information must be shown on a separate plan sheet or sheets. In addition to showing landscape treatments 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 parking LOT 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.
- 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 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.
- Perimeter of Trees - The perimeter of any existing wooded areas 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 16" in diameter shall be shown.
- Outdoor Lighting Structures - The location of any existing or proposed outdoor lighting facilities shall be shown.

3.9.12 BUILDING Elevations and Architectural Renderings- The front, sides, and rear elevations of each BUILDING shall be shown at an appropriate scale generally not less than 1/8" = 1' and should include architectural renderings (Adobe Photoshop or equivalent).

3.9.13 Floor Plans - A Floor Plan must be shown 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'.

3.9.14 Plan Notes - Plan Notes shall be provided that:

- forbid the use of fill containing hazardous materials as required by the BYLAW;
- require the marking of the limits of work in the field prior to the start of construction or site clearing;
- require the cleaning of catch basin sumps and storm water basins following construction and annually thereafter;
- restrict the hauling of earth to or from the site to the hours between 9 a.m. and 4 pm on weekdays if earth materials are intended to be removed from or brought to the site;
- describe the materials to be used in the construction of impermeable surfaces such as sidewalks and driveways (as a minimum, the BOARD requires 12" of gravel and 3" of bituminous concrete paving laid in two courses).

3.10 TRAFFIC STUDY

A traffic impact study will be required in all APPLICATIONS where the proposed USES will, in the opinion of the Board, be likely to produce an additional 30 trip ends per peak hour (a.m. or p.m. or weekend, whichever is higher based on average figures) or an average of 400 additional trip ends per weekday based on the most recent edition of the Institute of Transportation Engineers' publication "Trip Generation". If the proposed USES are not listed in said publication, the Planning Department may approve the use of trip generation rates for another listed use that is similar, in terms of traffic generation, to the proposed USES. If no such listed use is sufficiently similar, a detailed traffic generation estimate, along with the methodology used, prepared by a registered professional engineer experienced and qualified in traffic engineering, shall be submitted.

To avoid lengthy delays in the processing of an APPLICATION, consultations should be made by the APPLICANT with the Planning Department during the preliminary review process to determine whether an APPLICATION is likely to require a traffic study. A traffic study shall examine the following:

3.10.1 EXISTING TRAFFIC CONDITIONS including roadway geometries, traffic volumes, safety, delays, and levels of service for streets and intersections (whether in Acton or another town) affected by the proposed USES.

3.10.2 ACCURATE TRAFFIC CONDITIONS GENERATION ESTIMATES of future traffic conditions including trip generation, trip distribution, volume to capacity ratios, and levels of service for existing streets and intersections (whether in Acton or another town) affected by the proposed project at the time of anticipated completion and 5 years beyond anticipated completion. Impacts of other previously approved projects and of projects pending approval shall be taken into consideration (consult the Planning Department for list of such projects) Planning Department. Approach and departure route assignments shall be based on existing traffic patterns, minimum time paths, "time to work" data, market studies, or a combination thereof. All traffic information shall include data for both A.M. and P.M. peak hours, weekend peaks, as well as average total daily data. 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 AASHO 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.

3.10.3 MITIGATION MEASURES that could be taken to reduce the impacts of the proposed USES and their estimated cost. These should include 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 TOWN or the State, and any proposed improvements must be consistent with the TOWN'S Master Plan.

3.11 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 is empowered by the BYLAW to require information in addition to that specifically required by the BYLAW or by these RULES. The BOARD will require the APPLICANT to supply additional information if it finds that such information is necessary to properly act upon the APPLICATION in question.

SECTION 4

FILING PROCEDURES

4.1 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.

4.2 FILING FEES

Any APPLICATION shall be accompanied by a fee in check form and made payable to the "Town of Acton". The filing fee shall be the amount established by the Board of Selectmen in accordance with MGL Ch. 40, S. 22F. The fee schedule is in the Appendix of these RULES. The filing fee is not refundable.

4.2.1 Additional Review Fee Deposits - So that the BOARD may make the findings required under the BYLAW and insure that the public safety will be protected, the BOARD may select and hire qualified traffic, engineering, geotechnical, legal, or planning consultants to review an APPLICATION and advise the BOARD. To cover the cost of these consulting services a review fee deposit may will be required of an APPLICANT at the time of submission or at any appropriate time during the review process. As the scope of study and review will vary according to the size of a particular project, the APPLICANT is hereby strongly advised to consult the Planning Department concerning the scope and cost of any such studies during the preliminary review. 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. In accordance with M.G.L. Ch. 44, § 53G, any amount of such 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.

4.2.2 Appeal from the Selection of the Consultants - The APPLICANT may appeal from the selection of an outside review 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.

4.3 SUBMISSION TO THE TOWN CLERK AND THE BOARD

Two complete copies of the APPLICATION shall be submitted to the office of the Acton Town Clerk. The Clerk will certify the date and time of filing on both copies, keep one of the copies, and return the other to the APPLICANT. The copy returned by the Clerk and

all remaining APPLICATION copies with the required filing fee shall then be filed forthwith by the APPLICANT with the Planning Department during normal business hours. The APPLICANT may request and shall be entitled to a written receipt for the materials submitted.

4.4 REVIEW OF APPLICATION

The Planning Department will transmit a copy of an APPLICATION to various other TOWN departments, boards, committees, agencies, or independent consultants in order to ensure full and qualified review of the APPLICATION. Thirty-five (35) days will be provided for such reviews; failure to submit comments on the APPLICATION shall be deemed an approval by the reviewing party. The Planning Department will make available to the APPLICANT upon request a copy of any comments or recommendations received.

If significant information that was not included in the APPLICATION is presented at a later time or at the public hearing, the hearing may be continued to allow for staff review of the new material. Additional materials shall be submitted to the Planning Department in the same manner and form as the original APPLICATION

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SECTION 5

PUBLIC HEARING & DECISION

5.1 PUBLIC HEARING NOTICE

The BOARD will hold a public hearing within 65 days of the APPLICATION filing date. Pursuant to M.G.L. ch. 40A, s. 11, the BOARD will give notice of the time and place of the public hearing and its subject matter, sufficient for identification, as follows:

5.1.1 By publication of the notice in a newspaper of general circulation in the Town of Acton once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the public hearing. The newspaper will send the bill for the advertisement directly to the Applicant and the Applicant shall pay the bill directly to the newspaper.

5.1.2 By posting the notice in a conspicuous place in the Acton Town Hall or on the official Town of Acton website for a period of not less than fourteen days before the day of the public hearing.

5.1.3 By mailing the notice with Accountable Mail to all PARTIES IN INTEREST.

5.1.3.1 At least 21 days before the day of the public hearing, the APPLICANT shall submit to the Planning Department the Accountable Mail letters containing the notice, addressed to each PARTY IN INTEREST, sender shown as the Town of Acton Planning Board, 472 Main Street, Acton, MA 01720. The envelopes are to be sealed, ready to be mailed, accompanied by one copy of the notice for the BOARD record, and payment to the Town of Acton for the cost of the Accountable Mailings. In addition, submit a duplicate set of empty, open envelopes, standard postage prepaid, addressed to each PARTY IN INTEREST, sender as above, for the mailing of the decision notice.

5.1.3.2 The APPLICANT shall present to the office of the BOARD, one business day prior to the start of the public hearing, the certified mail return receipts as evidence that all PARTIES IN INTEREST have been notified as required by law and copies of the newspaper advertisement of the hearing.

5.1.4 Failure to properly notify PARTIES IN INTEREST and to publish a notice of the hearing could render the public hearing invalid and could cause serious delays in the processing of the APPLICATION.

5.2 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/its agent 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.

5.2.1 Presentation of the APPLICATION by the APPLICANT should not exceed 10 minutes in duration except for good reason. The APPLICANT may be requested to answer questions raised by the BOARD or the public. The BOARD will retain any evidence which has been introduced at the hearing for reference in its deliberations on the case.

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

5.3 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 Sect. 5.1 above. Withdrawal of any APPLICATION thereafter requires BOARD approval. No refund of fees will be provided if an APPLICATION is withdrawn.

5.4 Time Period for Deliberation

The BOARD will act on each APPLICATION for a PERMIT within ninety (90) days after the public hearing, unless such APPLICATION has been withdrawn from consideration as set forth in Section 5.3 above.

5.4.1 Continuation & 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. Such a continuation may not automatically extend the 90-day period within which final action shall be taken by the BOARD unless the extension is agreed upon by both the BOARD and the APPLICANT.

5.5 DECISION

The concurring vote of four (4) of the five (5) members of the BOARD shall be necessary to decide in favor of granting a PERMIT. Only those members of the BOARD who were in attendance at the public hearing may vote on the APPLICATION in question.

5.5.1 The BOARD will file its DECISION with the Town Clerk and send a copy to the APPLICANT by certified mail. 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.

5.6 Recording of DECISION

The recording of a DECISION is required by THE ZONING ACT and the BYLAW.

The APPLICANT shall be responsible for recording a full copy of the DECISION in the Middlesex South District Registry of Deeds in Cambridge or the Land Court and for paying any required recording fees. Verification of the recording including the document number or book/page number, must be submitted to the Zoning Enforcement Officer prior to issuance of a Building Permit or the start of any work. The PERMIT is not effective unless recorded with the deed to the property.

5.7 Submission of Final Approved Plans

Prior to the issuance of a BUILDING permit, the approved plan as amended by the BOARD in its DECISION of approval shall be submitted to the Planning Department for endorsement by the Zoning Enforcement Officer in electronic PDF and scalable CAD formats and registered to the Massachusetts State Plane Coordinate System, plus 1 full size plan printed on 24" x 36" sheets. No BUILDING Permit will be issued until the plan is found to be in compliance with the BOARD'S DECISION and such endorsement has occurred.

5.8 Appeal of DECISION

Any person aggrieved by a DECISION of the BOARD, whether or not previously a party to the proceeding, may appeal such DECISION in accordance with M.G.L., Chapter 40A, Section 17 within 20 days after the filing of the DECISION with the Office of the Town Clerk.

5.9 Time Limit for PERMIT

Any PERMIT granted by the BOARD shall lapse within two years from the date of filing of the BOARD'S 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.

5.9.1 A reasonable extension of said time may be granted by the BOARD where good cause is shown. Any request to the BOARD for an extension of the specified time limitation set forth in the DECISION shall be made in writing to the BOARD at least thirty days prior to the expiration date. The BOARD reserves its rights to grant or to deny such extension if good cause for such extension is not shown. Failure to submit such a request as prescribed above shall be due cause for the BOARD to deny the requested time extension.

5.10 As Built Plan

Upon project completion, the APPLICANT shall provide two copies of the As Built Plan, plus electronic copies in PDF and scalable CADD formats, registered to the Massachusetts State Plan Coordinate System. The As Built Plan shall show:

5.10.1 The entire site including but not limited to the drainage, irrigation, and wastewater disposal systems; final grading and limits of clearing; all driveways and sidewalks; parking LOTS; public and private utilities (above and below grade) including all outdoor lighting; landscaping and BUILDINGS and STRUCTURES as they exist.

5.10.2 All elevations shall refer to the National Geodetic Vertical Datum (NGVD) of 1929.

5.11 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, Acton Water District, 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, the issuance of a Building Permit, or any other appropriate steping the development process. The APPLICANT is hereby encouraged to seek approvals and certificates of compliance from such other governmental bodies prior to or concurrently with the APPLICATION to the BOARD.

5.12 Repetitive Petition

Pursuant to M.G.L., Chapter 40, Sect. 16, no APPLICATION which has been unfavorably and finally acted upon by the BOARD shall be acted favorably upon within two years after the date of final unfavorable action unless four members of the BOARD vote to find that specific and material changes in the conditions upon which the previous unfavorable action was based have occurred and describe such changes in the records of the BOARD'S proceedings, and all but one member of the Planning Board consents to the consideration of the matter. Notice to PARTIES IN INTEREST shall be given of the time and place of the proceedings at which the question of consent will be considered.

5.13 Amending a Site Plan Special PERMIT

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 purpose and intent of the BYLAW. Consultation with the Planning Department is recommended prior to the filing of any request to amend a PERMIT. The fee for minor amendments shall be $250.

SECTION 6

APPENDIX

Appendix A

SITE PLAN SPECIAL PERMITS - FEE SCHEDULE	
Application Filing Fees	
For any STRUCTURE larger than 10,000 gross square feet	$3,500.00
All others	$2,500.00
Minor Modification or Amendment	$250

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Appendix B

TOWN OF ACTON
APPLICATION FOR SITE PLAN SPECIAL PERMIT

For _____
Under Zoning Bylaw Section _____

Refer to the "Rules and Regulations for Site Plan Special Permits" available from the Building Department or the Planning Department for details on the information and fees required for this application. Contact the Planning Department at 978-929-6631 or Building Department at 978-929-6633 with any questions concerning the Rules. Incomplete applications may be denied.

Please type or print your application.

1. Location and Street Address of Site_____

2. Applicant's Name _____
   Address _____
   Telephone _____ Email _____

3. Record Owner's Name _____
   Address_____
   Telephone _____Email_____

4. Town Atlas Map(s)/Parcel Number(s)_____

5. Zoning District (s) of Parcel(s) _____

If any site plans have been filed previously for this site give file numbers: _____

The undersigned hereby apply to the Board of Selectmen for a public hearing and a site plan special permit under Section 10.4 of the Zoning Bylaw approving the attached site plan.

The undersigned hereby certify that the information on this application and plans submitted herewith is correct, and that all applicable provisions of Statutes, Regulations, and Bylaws will be complied with. The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

_____	_____	_____
Date	Signature of Petitioner(s)	Signature of Petitioner(s)

RECORD OWNER'S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the application presented above.

_____	_____	_____
Date	Signature of Record Owner(s)	Signature of Record Owner(s)

Appendix C

ACTON BOARD OF SELECTMEN

NOTICE OF PUBLIC HEARING

In accordance with the provisions of Massachusetts General Laws, Chapter 40 A, Section 9, the Acton Board of Selectmen will hold a public hearing on the petition of:

for a SITE PLAN SPECIAL PERMIT on a parcel located at:

on _____ at _____ P.M.,

at the Town Hall, 472 Main Street, Acton, Massachusetts.

Such permits may be granted by the Board of Selectmen under Massachusetts General Law, Chapter 40A and the Acton Zoning Bylaw in accordance with the "Rules and Regulations for Site Plan Special Permits" all of which are available for review or purchase at the offices of the Board of Selectmen, the Planning Department, Building Department and the Town Clerk. A copy of the application is also available for review at these offices in Town Hall between 8:00 a.m. and 5:00 p.m., Monday through Friday.

The applicant or his/her representative will be at the hearing to present the reason(s) why the permit should be granted.

When the applicant or his/her representative has concluded their presentation, the Chairman of the Board will allow the Board members to speak to the matter under consideration or to raise questions and concerns. Subsequently, the Chairman will give the public the same opportunity to speak to the matter under consideration or to raise questions and concerns.

The Chairman will not allow any member of the public to interrupt anyone else while they are speaking. Each person wishing to speak at the hearing should be as brief as possible and should wait his/her turn. Each person speaking should avoid repeating the comments of those who preceded them. Each person speaking should state their name and address before they make their statement or ask questions.

Any party may appear in person, by agent, or by attorney at any hearing.

When all of the facts have been presented and all persons wishing to speak on the petition have been heard, the Chairman will close the hearing. In no case will the Board allow new evidence to be admitted after the close of the public hearing unless this evidence was requested by the Board prior to the close of the public hearing.