



Town of Bellingham

DEVELOPMENT HANDBOOK

Acknowledgement of Understanding of Policies and Procedures

Applicant Signature

Date

Planner's Signature

Date

Prepared by:

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AUGUST 2005; Rev. JULY 2006; Rev. May 2007; Rev. December 2007

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INTRODUCTION

This handbook was created to help a developer navigate the permitting process in Bellingham. Part I takes a look at all the departments and boards within Bellingham that impact development—their function within the government system, the types of permits they issue and their interaction with other town boards. Part II goes through the Planning Board review process from pre-application submission meetings with the Town Planner to plan endorsement. It is the hope of the Planning Board that this guide will improve communication between the Town and developers, thus reducing the mystery of the permitting process.

PART I - THE PLAYERS

PLANNING BOARD

Location: Planning Board Office, 2 Mechanic Street; Open Tuesdays and Thursdays from 8:30 AM – 3:30 PM and Fridays from 9:00 AM – 1:00 PM (times subject to change) (508-657-2892).
Meeting Schedule: 2nd and 4th Thursdays monthly at 7 PM in the Municipal Center.

The Bellingham Planning Board primarily deals with new construction of all types and some redevelopment projects. It is an elected board consisting of five members and an alternate. The office is staffed with a Town Planner and Planning Coordinator.

The Planning Board process is usually the first step in a new construction project, unless variances are needed (see Zoning Board of Appeals). When a Notice of Intent is required (see Conservation Commission), the Planning Board and Conservation Commission conduct concurrent reviews. The Planning Board issues the following permits under the authorization of the Subdivision Rules and Regulations and the Zoning By-laws:

Permit Type	Regulation / By-law
• Subdivision – Preliminary and Definitive	Subdivision Rules and Regulations Article III Sections 31 and 32
• Approval Not Required (81P)	Subdivision Rules and Regulations Article II Section 23
• Development Plan Approval for non residential new construction (known as site plan review by other towns)	Zoning By-laws Article I Section 1420
• Site Plan Approval for change-of-use projects or redevelopment projects	Zoning By-laws Article I Section 1430
• Special Permit for Major Residential Development (cluster zoning)	Zoning By-laws Article IV Section 4300
• Special Permit for Major Business Complex	Zoning By-laws Article IV Section 4700
• Special Permit for Drive Thrus	Zoning By-laws Article II Section 2400, Footnote 15
• Special Permit for Water Resource District	Zoning By-laws Article IV Section 4900
• Special Permit for Special Residential Uses (Townhouses, Assisted Elderly Housing)	Zoning By-laws Article IV Section 4400
• Special Permit Mill Reuse Overlay District	Zoning By-laws Article IV Section 5200
• Scenic Roads	Code of By-laws Chapter 15, Article 15.03

BOARD OF SELECTMEN

Location: Municipal Center, 10 Mechanic Street; Monday-Thursday 8:30 AM - 4:30 PM
Meeting Schedule: 1st and 3rd Monday each month in the Municipal Center at 7 PM; summer schedule from June-September is the 3rd Monday of each month (508-657-2800).

The Board of Selectmen is composed of five members who are elected for three-year terms. The Selectmen appoint the Town Administrator, who is responsible for the daily management of the Town, for a three-year term. The Administrator's duties are specified in the Home Rule Charter.

The Selectmen approve streetlights, electric/telephone pole placements, street acceptances, street opening permits, self-serve gasoline stations and fuel storage permits.

The Selectmen also serve as the licensing board responsible for issuing and renewing licenses including common victualler, food vendor, liquor, car dealerships, special events and entertainment.

The Selectmen also issue the warrants for Town Meetings and make recommendations on the warrant articles; initiate legislative policy by inserting articles in Town Meeting Warrants and then implement the votes subsequently adopted. They adopt town policies, review and set fiscal guidelines for the annual operating budget and capital improvements program and make recommendations to Town Meeting on the same.

CONSERVATION COMMISSION

Location: Municipal Center, 10 Mechanic Street; Tuesday-Thursday 8:00 AM - 2:30 PM
Meeting Schedule: 2nd and 4th Wednesdays of every month @ 7:30 PM in the North Bellingham Community Center at 2 Maple Street (508-657-2858).

The Conservation Commission administers Massachusetts General Law, Chapter 131, Section 40, (The Wetlands Protection Act). Any proposed activities or alterations located in a resource area or within one hundred feet of a resource area including Bordering Vegetated Wetland and Land Subject to Flooding (bordering and isolated areas) also known as the flood plain and/or within the two hundred foot Riverfront Area are jurisdictional to the Conservation Commission. Filings with the Commission include completion of one of the following:

- Abbreviated Notice of Resource Area (ANRAD);
- Request for Determination of Applicability (RFDA);
- Notice of Intent (NOI);
- Abbreviated Notice of Intent (ANOI).

BUILDING DEPARTMENT

Location: Municipal Center, 10 Mechanic Street; Monday 7:00AM – 7:00 PM, Tuesday-Thursday 7:00AM -4:30 PM, Friday 7:00 AM-1:00 PM (508-657-2851).

The Bellingham Building Department, also known as Inspectional Services, issues building permits for projects prior to any construction. All projects require a building or other type of permit before beginning work. The Building Inspector will check to ensure that the project has received all the other permits or approvals, if appropriate, prior to the issuance of a building permit. In addition, the Building Inspector will verify that the application meets the requirements of the Zoning By-law. All applications must comply with the State Building Code.

The Building Department reviews the following applications:

- Decks,
- Siding,
- Windows,
- Fences,
- Pools,
- Sheds,

- Renovations,
- New construction.

Applications for building permits have associated fees. The review of applications for the above listed items may take up to 30 days but usually it is ready within 2 weeks.

In addition, plumbing, gas and electrical permits are also issued in this department. These are separate permits with separate fees.

ZONING BOARD OF APPEALS

Location: Municipal Center, 10 Mechanic Street; No regular office hours- please contact Laura Renaud (508-657-2852).

Meeting Schedule: 1st Thursday of each month in the Municipal Center at 7:30 PM.

The Zoning Board of Appeals, which consists of five members and three associate members, are appointed by the Selectmen and guided under Chapters 40A, 40B, and 41 of the Mass General Laws (M.G.L.). The Board of Appeals holds public hearings in accordance with the provisions of the General Laws on all appeals and petitions brought before it. Repetitive petitions for exceptions, appeals and petitions for variances, and applications to the Board of Appeals are limited as provided in M.G.L. Chapter 40A, Section 16.

The Board's powers are as follows:

- To hear and decide applications for Special Permits upon which the Board is empowered to act under this Bylaw, in accordance with Section 1500 Special Permits.
- To hear and decide appeals or petitions for variances from the terms of this Bylaw, including variances for use, with respect to particular land or structures. Such variance shall be granted only in cases where the Board of Appeals finds all of the following:
 - A literal enforcement of the provisions of this Bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.
 - The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.
 - Desirable relief may be granted without either:
 - substantial detriment to the public good; or
 - nullifying or substantially derogating from the intent or purpose of this Bylaw.
- To hear and decide other appeals.

Other appeals will also be heard and decided by the Board of Appeals when taken by:

 - Any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of Ch.40A, G.L.; or by
 - The Metropolitan Area Planning Council; or by
 - Any person including any officer or Board of the Town of Bellingham or of any abutting town, if aggrieved by any order or decision of the Inspector of Buildings or other administrative official, in violation of any provision of Ch.40A, G.L.; or this Bylaw.
- To issue Comprehensive Permits.

Comprehensive Permits for construction may be issued by the Board of Appeals for construction of low- or moderate-income housing by a public agency or limited dividend or non-profit corporation, upon the Board's determination that such construction would be consistent with local needs, whether or not consistent with local zoning, building, health or subdivision requirements, as authorized by Sec. 20-23, Ch.40B, G.L.

- To issue Withheld Building Permits.
Building Permits withheld by the Inspector of Buildings acting under M.G.L. Chapter 41, Section 81Y, as a means of enforcing the Subdivision Control Law may be issued by the Board of Appeals where the Board finds practical difficulty or unnecessary hardship, and if the circumstances of the case do not require that the building be related to a way shown on the subdivision plan in question.

BOARD OF HEALTH

Location: Board of Health Office, 10 Mechanic Street; Monday 7:00 AM to 7:00 PM, Tuesday, Wednesday, Thursday 7:00 AM to 4:30 PM, and Friday 8:30 AM to 1:00 PM (508-657-2860).

Meeting Schedule: 2nd and 4th Monday of each month in the Board of Health Office (excluding holidays).

The Bellingham Board of Health enforces M.G.L. Chapter 111, Public Health Laws. The Board of Health consists of three members and is staffed by a Health Agent.

The Board of Health has the enforcement and regulatory power to issue a number of permits that relate to state and local environmental and health codes. The permits and licenses include, but are not limited to, those issued for septic systems, dumpster placement, public swimming pools, food service establishments and caterers, wells, and the transport of garbage and sewage. Board of Health approval of building permits is required for all new facilities and additions that are connected to underground sewage disposal systems. The health agent can assist in determining whether a project will require Board of Health permits or approvals, explain the procedures for obtaining permits or arrange an appearance before the Board of Health, if necessary. In addition, the Board of Health is required to review and comment on all subdivision projects (Section 326, Subdivision Rules and Regulations).

DEPARTMENT OF PUBLIC WORKS

Location: 26 Blackstone Street; Monday-Friday 7:00 AM to 3:30 PM (508-966-5816).

The DPW issues the following permits:

- Street Opening (any work in a public travel way right of way including curb cuts, new driveways, pipe installation, drain pipe connection to town system, utility pole installation, road widening or improvements, etc.)
- Water System Expansion (any expansion of the water main system on public or private land)
- Water Connection (any connection between a building and the public water supply system for usage or fire protection)
- Sewer Extension (any extension of the sewer system on public or private land)
- Sewer Connection (any connection to the public sewer system)*

* Non Residential Sewer connections must receive Industrial Discharge Permits directly from the receiving treatment works, either Charles River Pollution Control District or Woonsocket Wastewater Treatment Plant. (DPW has a form for the applicant to complete and deliver to the Woonsocket Wastewater Treatment Plant. Applicants must go directly to the Charles River Pollution Control District for a form.)

The DPW issues licenses for drain layers. A drain layers license is needed to install sewer pipes (services or mains).

The DPW reviews and comments on all plan for subdivision or site developments and often utilize specialized professional engineering consultants to review the plan at the proponent's expense. The DPW also reviews and approves the As-Built plans for all projects (see Page 18).

FIRE DEPARTMENT

Location: 28 Blackstone Street; Monday-Friday, 8:00 AM to 12:00 PM (508-966-1112).

Plans for commercial businesses, new home construction and home additions to existing structures will need Fire Department approval before applying for building permit.

All applicants will be required to come into the Bellingham Fire Department with 3 sets of plans. These plans must be complete with fire systems in place. Also, if plans are for an addition to an existing building, a plan of the existing building must accompany plans.

Plans will be dropped off and approved within 10 days (provisions of 789 CMR 4 or 780 CMR 9 or 780 CMR 34). If plans are for commercial structures, or if more time is required to review plans, and extension may be applied. Applicants will be notified if an extension is necessary, or if questions arise regarding submitted plans. A meeting may be required with the approving officer. Commercial plans will need a Fire Protection Engineers Stamp, along with a written description (narrative) of systems.

Plans being dropped off at the station will be looked at briefly for smoke detectors, fire alarm and or sprinkler systems on the plans. If systems are in place, and all necessary plans are included, they may be left for review. If not, plans will be returned until all requirements are attached.

The reviewing officer will then review plans for approval. Applicants will be notified to return to the station with their building permit application. He/she may pick up 2 sets of plans, application will be signed and they may then follow through with other departments in the application process for a building permit. One set of plans will stay with the fire department until final inspection.

Please note that permits to be taken at the Fire Department *must* be pulled prior to work being started. Permits are \$25.00 as follows, except as noted:

- Blasting
- Dumpster
- Fire Alarm
- Fire Suppression
- Flammable/Combustible Storage
- Oil Burner/Tank/Alteration
- (New Installation of Oil Burner and tank is \$ 25.00 each)
- Hood Systems
- Welding
- Propane Storage
- Smoke Detectors
- Sprinkler System (\$ 25.00 per riser)
- Heat Detectors

OTHER GROUPS TO KNOW ABOUT

The following Commissions do not hold regular office hours, but may be requested to participate in the review of a project.

Historical Commission

Location: Municipal Center, 10 Mechanic Street

Meeting Schedule: 1st Monday of each month.

The Bellingham Historical Commission reviews projects for impacts on historic and archaeological resources in Bellingham.

Commission on Disability

Location: Municipal center, 10 Mechanic Street

Meeting Schedule: 3rd Wednesday of each month in the Municipal Center at 7:00 PM.

The Commission on Disability reviews projects for compliance with the Americans with Disabilities Act (ADA) and state regulations.

PART II – THE PLANNING BOARD PROCESS

GETTING STARTED

The first step for any project involves pre-planning and planning.

Pre-planning is when a property owner or developer (“applicant”) is considering doing something with a parcel of land, but has not yet determined a use. The applicant is encouraged to meet with the Town Planner to discuss the current zoning of the parcel and viable options. It is not the intent of the Planning Board to dictate the use of a piece of land to an owner, but to clarify the available uses under the current zoning by-laws.

The applicant can download the Subdivision Rules Regulations, Zoning By-laws and zoning map off the website at www.bellinghamma.org.

Planning begins once a use has been identified. The applicant should meet with the Town Planner again to discuss the detailed requirements of a submission for their particular project and any issues that might arise during the planning and permitting phase. The plans must be prepared by a Registered Land Surveyor or Professional Engineer.

Just prior to the submission of the application, the applicant should bring a draft copy of the application to the Town Planner for a quick review. This ensures that all pertinent information is included in the application and is ready to be delivered and submitted to all boards and departments.

Meeting with the Town Planner during both pre-planning and planning phases is strongly recommended and highly advantageous to the applicant. It fosters an open relationship between the Town and the developer and can save time and money. Past experience has shown that projects that either do not meet with the Town Planner prior to submission or respond to recommendations made during these phases, have a tendency to continue for several months longer than expected.

HOW LONG DOES THE PROCESS TAKE?

There is no set answer to this question. The simplest project, a Site Plan Review, which does not require any notice, could be one month—including a basic review of the application by the Town Planner and one meeting. Site Plan Reviews are required to be submitted at least two weeks before the intended hearing date.

Development Plan Reviews, Subdivisions and Special Permits are required to be submitted 30 calendar days before the intended hearing date. This allows for such things as the newspaper notification, posting at the Town Clerk’s office, abutter notification, pre-hearing meetings (see below), and the initiation of the peer review process, if needed.

The actual hearing/meeting time varies from two to five meetings, over the course of several months. At a minimum (and including the 30-day pre-hearing time), a larger project may only take two months. However, this estimate could easily decrease or increase due to the completeness of the application submitted, the willingness of the applicant to work with the Planning Board / Town Planner and other boards or departments during the process and the responsiveness of the applicant’s engineers when working with the Town’s chosen peer review consultants. Projects with traffic related issues seem to take longer as traffic is a major concern in Bellingham.

SUBMITTING AN APPLICATION

Application Requirements

Application submission requirements are similar for Subdivisions, Development Plan Reviews and Special Permits. Permits that overlap (for instances a Subdivision and a Major Residential Development Special Permit) do not require the submission of two separate application packages with duplicate information, but only the inclusion of the individual application forms for each type of project permit. Site Plan submissions should be discussed with the Town Planner.

A complete application package for Subdivisions, Development Plan Reviews and Special Permits has, but is not limited to, the following information:

- Application Form** for type(s) permits being requested.
- Project Narrative** (Section 1423(c) of the Zoning By-laws describes what should be included in a narrative).
- Project Plans** prepared by a registered engineer. Specifics for the plans are described in the respective regulations and by-laws, but at a minimum should include a cover sheet with locus plan, north arrow, scale, owner information, zoning information, engineer information etc, existing conditions plan, proposed condition plan, topographical plan indicating wetlands.
- Drainage Calculations and Stormwater Management Policies as per the Stormwater Regulation in Section 7.0 of the Planning Board Procedural Rules.**
- Building elevations** and plans, if applicable.
- Signage, lighting and landscaping** plans.
- Certified Abutters List on labels** for mailing of decision notices for Subdivision and Special Permit approvals.
- Completed Form K.** This is the interdepartmental form used in the Town of Bellingham to ensure that all departments/boards receive a copy of the application package. The Form K indicates plan size and additional attachment preferences of the department/board. All departments/boards sign before the Planning Board representative, who signs last.
- Other information** as required in the Subdivision Rules and Regulations, Zoning By-laws and Town Planner.
- Application Fee** as determined by the Town Planner.

****The applicant should meet with the Town Planner to discuss application requirements and then later to review a draft of the application prior to submission to ensure completeness of the application.****

Peer Review Policy and Procedure

Peer review (authorized by M.G.L. Chapter 44, Section 53G) is the process by which the Planning Board procures the services of an outside engineer consultant to review the technical information (usually, but not limited to, traffic and engineering) submitted by the applicant. The peer review consultant acts on behalf of the Planning Board to review the application for compliance with the by-laws and regulations, confirm the applicant's engineer's data and in cases where warranted, suggest mitigation measures. Usually the

Town Planner is able to determine at the time of submission if peer reviews will be needed. In some cases, the Planning Board will determine at the first public hearing if a peer review is needed.

Upon request of the Town Planner, the applicant submits a full application to the peer review consultants. When the peer review consultant receives the application, the consulting firm will submit a scope of services quote to the Planning Board. The Planning Board will forward the scope of services contract to the applicant. This will then be signed by the applicant and submitted with payment for review.

Traffic Issues and Peer Review

Since traffic is one of the biggest issues in Bellingham, some sort of traffic discussion is required for most projects. Traffic regulations are located in the Subdivision Rules and Regulations, but are applicable to all types of projects.

- 25 trips or more per hour:
The applicant automatically submits an application package to the peer review consultants and the application contains a scoping letter as required in the traffic regulations. A scoping meeting is arranged before the first hearing to discuss the requirements of a traffic impact and analysis study. If the applicant wishes, a scoping meeting can be arranged prior to submission.
- Less than 25 trips per hour:
The applicant submits a description of how the project does not meet this threshold. The Town Planner may request a mini peer review of this information to ensure the documentation is correct. This will be a flat fee proposal to be paid at the time of the application submission.

Peer Review Consultant List

Currently the Planning Board uses the following consultants, although this list is subject to change (check with the Town Planner prior to sending any information):

Stormwater & Compliance Review

Graves Engineering
Attn: Steven Sylvan
100 Grove Street
Worcester, MA 01605
Phone: (508) 856-0321 x104
Fax: (508) 856-0357
Email: ssylvan@gravesengineering.com

Water System Hydraulic Modeling*

Dufresne Henry Inc.
Attn: Garry McCarthy
5 LAN Drive - Suite 300
Westford, MA 01866-3597
Phone: (978)-692-1913
Fax: (978)-692-4578
Email: gmccarthy@dufresne-henry.com

Traffic Review

MDM Traffic Consultants Inc.
Attn: Daniel J. Mills
28 Lord Road, Suite 280
Marlborough, MA 01752
Phone: (508) 303-0370
Fax: (508) 303-0371
Email: dmills@mdmtrans.com

Sewer System Expansion Review*

SEA Consultants, Inc.
Attn: Rich Raiche
485 Massachusetts Avenue
Cambridge, MA 02139-4018
Phone: (617)-498-4699
Fax: (617)-498-4630
Email: rich.raiche@seacon.com

*At the discretion of the DPW.

Between the application submission and the first public hearing

Subdivisions, Development Plan Reviews and Special Permits applications are required to be submitted at least 30 days before the intended hearing date. During this time, the project is being actively reviewed as follows:

Advertising and Notice

- The Planning Board follows Massachusetts General Laws (40A Sect. 11 and 41, Sect. 81T) of public notice for Subdivisions, Development Plan Reviews and Special Permits. The notice for a public hearing be advertised no less than 14 and 7 days prior to the date of the public hearing.
- The Planning Board will advertise the public hearing, but the applicant is fully responsible for all fees and costs associated with the advertising in addition to any filing, permit or review fees associated with the application.
- The applicant is responsible for notification to abutters and abutting towns (see Abutter Notification below).
- The Planning Board will fax the legal notice to both The Milford Daily News and the Woonsocket Call, the two local papers the town has chosen to advertise in. After the legal notices have been faxed to the newspapers, the Planning Board will forward the ad notice to the applicant for notification to abutters (see Abutter Notification below).
- After the Planning Board receives the cost of advertising from the newspapers, the Planning Board will contact the applicant with this cost.
- The applicant must pay the cost of the advertising by check (made out to the Town of Bellingham) before or on the night of the scheduled hearing date, prior to the opening of the public hearing. Otherwise the applicant's public hearing will not be opened and will need to be continued or canceled. No Exceptions.

Abutter Notification

The applicant, is responsible for providing notification by mail to abutters, owners of land directly opposite on any public or private street or way, abutters to the abutters within 300 feet of the property line of the property, even if over a town line and the owner of the land on which the project is proposed (if not the petitioner). Abutting cities and towns must also be notified for Special Permits and Development Plan Reviews. An "abutters list" shall be certified by the Tax Assessors listing all "abutters" and their addresses as appearing on the most recent tax list. Proof of mailing shall be documented for the Planning Board through the use of the US Postal Service's Certified Mail with return receipts. The receipts shall be given to the Board before opening of the public hearing.

- At least three weeks before hearing obtain a copy of the legal advertisement from Planning Office.
- Utilizing "Certified Mail Return Receipt" forms send the abutter notifications not less than 14 days prior to the public hearing.

- Provide copies of “Certified Mailing Card ” (green cards) and the receipts to Planning Board at the public hearing.

Signage

Bellingham requires the applicant post a sign on the parcel on which the project is being proposed indicating a public hearing. The sign shall be in place not less than 14 days prior to the public hearing. The applicant shall post the sign prominently on the project site.

The sign shall include:

- Notice of the project, including a description and complete location of the project.
- Date, time and location of the public hearing. If the public hearing is continued, this should be indicated on the sign.

Size and Posting:

- The sign or signs shall be of at least two feet by two feet in size and easily visible from each roadway on which the property has frontage.
- The sign shall be yellow with black lettering, with large text at the top indicating “Public Hearing Notice.” The sign can be of any material as long as it is weatherproof and readable until the close of the public hearing.

All Department Informal Discussion

During the weeks prior to the first public hearing, the Town Planner can arrange an all board/department meeting including the DPW, Conservation Commission, Fire, Safety, Board of Health and Building Department. This meeting is an opportunity for the applicant to discuss the project with all these groups and get their feedback. The applicant can then use this information to make adjustments and corrections to the plans prior to the first public hearing.

This all department meeting is highly beneficial for both the applicant and the Town as it opens up communication between all groups involved with the project.

Initiation of Peer Review

If peer reviews are needed for a project, they will begin in the weeks before the first public hearing. After payment of the peer review fee and authorization to proceed, the peer review consultants review the project information, make site visits and prepare an initial comment memo before the first public hearing. Often, the applicant’s engineer is able to respond and even make adjustments to the plans also before the first public hearing. In some cases, the peer review consultants are even able to review those changes, prepare a final memo and sign off on the peer review all before the first meeting. The turn-around time for this process really depends on the timeliness of the responses between the various engineers.

Concurrent Conservation Commission Review

In the past few years, the Planning Board and the Conservation Commission have worked to create a concurrent review system. This means that a Conservation Commission review should be initiated at the same time as a Planning Board review. The Planning Board expects that the applicant will file with the Conservation Commission prior to the first Planning Board public hearing. The Planning Board will not close a public hearing for a project until the Conservation Commission has completed its review or provided documentation that no Conservation Commission review was needed.

Modifications to project plans by the Conservation Commission after the close of a public hearing by the Planning Board must be resubmitted to the Planning Board for review.

THE REVIEW PROCESS

At the Public Hearing

The public is invited to all the meetings, so it is imperative that the applicant be prepared to fully discuss the project at the first public hearing. The applicant may bring the project engineers or other consultants to help describe the project to the Board. Presentation materials, such as plans attached to boards or other media, may also be used.

All information, plans and documentation for the Planning Board's use at a hearing must be submitted by noon on the Tuesday before the meeting. This is to allow the Planning Board members time before the hearing to review the material. **No new information is to be submitted at the hearing itself.** If there are last minute items for the Board, they must be brought to the Planning Board offices no later than 3 PM on the Thursday of the meeting.

The public is invited to all Planning Board meetings and, after the applicant's presentation and questions from the Board, are invited to ask questions of the Board about the project.

In the course of the review

Throughout the review process (the time from the start of the first public hearing to closing), the Planning Board may make additional requests for changes or information to the applicant. It is expected that the applicant make every reasonable effort to respond to these requests. The Town Planner is available to help with the Planning Board requests.

Peer reviews and a Conservation Commission review (if needed), which hopefully have been initiated prior to the first public hearing, should be concluded during this time. The Planning Board will receive written comments on the project from the DPW, Fire, Safety and Board of Health, which will be forwarded to the applicant. Issues with these departments should also be resolved during this time.

The applicant may be required to revise the plans several times over the course of the review process. These revised plans do not need to be delivered to everyone on the Form K list. However, the Planning Board should get 7 (seven) 11x17 sets of all revisions and the department, board or peer review consultant requesting changes should also get a revised set of plans for a final review.

The length of time for the entire review process depends on the responsiveness of the applicant's engineers to work with everyone to make the requested alterations to the projects. The applicant's engineers may speak directly to the peer review consultants, departments or boards as necessary to facilitate the review process.

ONCE THE BOARD HAS RENDERED A DECISION

Once all the departments, boards and peer review consultants have signed off on the project and all issues have been resolved, the Board will render a decision. Approval decisions often have mitigation requirements or conditions of approval, which have usually been discussed over the course of the review.

The Board will make a motion on the project. If the Board makes a motion to approve the project, it will be in the form of a motion to draft an approval with or without conditions. A draft approval decision is prepared within 14 days by the Town Planner. The Town Planner will provide copies of the draft decisions via email to the applicant, applicant's attorney, Planning Board and other decision makers, such as the DPW, for review and comment. At the next Planning Board meeting, the Board will make a motion to sign the decision. Some last minute questions may still arise at this point, so it is important that the applicant or a representative be present at this meeting.

The decision will be delivered the day after the signing to the Town Clerk's office for filing. An appeal period starts at this point. Special Permits and Subdivisions have a 20-day appeal period and Development Plans have a 30-day appeal period. The Board will be notified by the Town Clerk if the appeal period has expired without any appeals. Site Plan decisions have no appeal period and will be sent to the applicant in letter format via regular mail.

PLAN ENDORSEMENT

After the appeal period, plans are endorsed in the following manner:

- **Subdivisions:**
The applicant brings back a mylar and paper set of the final plans for signing at the next Planning Board meeting. Once the plans have been signed, the applicant is asked to make 5-7 sets of the signed plans from the mylar for distribution to the various town boards and departments. After this is completed, the applicant may take the plans and decision to the Norfolk County Registry of Deeds in Dedham.
- **Development Plan Reviews and Special Permits:**
The applicant brings several sets of plans (to be determined at that time) to the Planning Board office for the Town Planner to stamp as "Approved". The applicant keeps one stamped copy and the rest are distributed to town departments and boards.

AFTER THE PLANNING BOARD PROCESS

After the project has been approved, there is little Planning Board involvement, except to approve completed conditions, review modifications and extension requests, approve security guarantees and release lots.

- **Modifications**

Many modifications that happen during a project can be considered “red-line” changes that the DPW or Building Department can authorize (see “As-built” policy below). However, some changes require a change through modification of the Planning Board decision. Questions on whether or not a change requires a modification should be addressed to the Town Planner.

- **Conditions**

Conditions to approval are expected to be fully complied with. Notification of the completion of conditions should be submitted to the Planning Board in writing.

AS-BUILT POLICY

The Town of Bellingham has established an “As-built” procedure for different times during a project. As-built information shall be provided on the form in the Appendix to the Department of Public Works as follows:

- As-built information shall be provided to the Department of Public Works after installation of all underground utilities (water, sewer, drain, gas, electric, communications, etc.) and site construction (roads, access ways, driveways, parking, landscaping, lighting, etc.) noted on the approved plans or referenced in the decisions or special permits issued by the Planning Board, and prior to issuance of certificate(s) of occupancy.
- As-built information shall consist of both a certification from a registered land surveyor, professional land surveyor, or professional engineer that all construction has been completed in accordance with the approved Development Plan, and a stamped As-Built Plan (Record Drawing) showing the location of all buildings and structures, all utilities, including septic system, leaching area, underground piping, vent pipes, drainage facilities, water wells, well piping, electric, gas, and telecommunications lines showing that all construction has been completed in accordance with the approved Development Plan.

THE FORMS

Form K

Development Plan Application

Site Plan Application

Special Permit Application

As-built Form

Abutting Towns List

BELLINGHAM PLANNING BOARD FORM K

The Subdivision Regulations, Sections 312 and 321 require that when either Preliminary or Definitive Subdivision Plan is submitted to the Planning Board the applicant shall circulate plans and all application material as outlined below. The Planning Board also requires a completed Form K for all Special Permit and Development Plan applications.

Procedure for submitting the Form K: Prior to submission, the Town Planner must check the contents of the application to assure its completeness and mark the checkbox below to indicate compliance.

The Form K is then used for distribution and is returned, fully endorsed, with all the materials for official submission to the Planning Board. The Planning Board will accept the application last and only upon delivery with the completed Form K.

Pre-Submission check (Town Planner signature required) _____ Project Name: _____

<u>Department</u>	<u>#Copies</u>	<u>Size/Other Docs Required</u>	<u>Received by:</u>	<u>Date:</u>
Board of Assessors	1	11x17 plans	_____	_____
Town Clerk	1	11x17 plans	_____	_____
Town Administrator	1	11x17 plans	_____	_____
Disability Commission	1	11x17 plans	<i>Please deliver to Town Administrator's Office</i> _____	_____
Historical Commission	1	11x17 plans	<i>Please deliver to Town Administrator's Office</i> _____	_____
Building Inspector	1	11x17 plans	_____	_____
Conservation Commission	1	Full size / Drainage and Stormwater	_____	_____
Board of Health	1	11x17 plans	_____	_____
DPW Superintendent	1	Full size / Drainage, Stormwater, Traffic	_____	_____
Fire Department	1	Full size plans	_____	_____
Police Safety Officer	1	Full size plans / Traffic	_____	_____
Planning Board	8	See Below	_____	_____
Peer Review Consultants	1 each	See Below	_____	_____

* One (1) full size and seven (7) 11" x 17" size of the plans/drawings are required. Only one (1) copy of drainage report is required, but seven (7) copies of all other written documentation and studies/reports, such as traffic, are required.

** Upon request of the Town Planner, you may be asked to send a full set of the Application documents and plans to the Town's Peer Review Consultants (see Peer Review Procedures).



BELLINGHAM PLANNING BOARD

2 MECHANIC STREET
BELLINGHAM, MASSACHUSETTS 02019
(508) 657-2892; FAX (508) 966-2317
PlanningBoard@bellinghamma.org

APPLICATION FOR DEVELOPMENT PLAN APPROVAL UNDER THE ZONING BYLAW

Date Submitted: _____

1. **Applicant** _____

Address _____

Phone _____

Email _____

2. **Owner(s)** _____

Address _____

Phone _____

Email _____

3. **Engineer** _____

Address _____

Phone _____

Email _____

4. **Plan Title** _____

5. **Date of Plan** _____

6. **Location of Premises (Address, Street Name, or general property description)** _____

7. **Assessors Map/Lot Numbers** _____

8. **Norfolk Registry of Deeds Book/Page** _____

9. **Lot Area (sq. ft & acres)** _____

10. **Zoning District(s)** _____

11. Premises in Overlay District(s)?

- Water Resource District
- Flood Plain
- N/A

12. Proposed Use

13. Square Footage of Proposed Building(s)

14. Impervious Surfaces (sf)

15. Amount of Land Disturbance (sf)

16. Number of Parking Spaces/Handicap spaces

17. Accompaniments

- Fully Executed Form K
- Certified Abutters List (1 copy, 1 label copy)
- Filing Fee (See Procedural Rules)
- Plot plan showing location of existing and Proposed buildings, signs, other structures (number of copies per Form K)
- Recorded (or surveyor endorsed) plan of land (number of copies per Form K)
- Stormwater Management and O&M Plans
- Other materials required by Planning Board or Town Planner (see Procedural Rules and Zoning Bylaws)

Please attach a narrative containing the following information to this application form and review Bellingham Zoning Bylaws for additional supplemental materials required:

- (a) proposed use(s);
- (b) building or addition size proposed, broken down by use, if applicable;
- (c) projected number of employees, hours of operation and description of shifts;
- (d) projected parking spaces required (show calculation based on building usage/employees);
- (e) proposed methods of screening the premises and parking from abutting property and the street;
- (f) a calculation of existing and proposed lot coverage;
- (g) projected Town water and sewer demand, if any;
- (h) a discussion of the status of all other required local, state and federal permits (copies of all permits issued for the project shall be included in the application package);
- (i) a discussion of how the project conforms with the Bellingham Master Plan.

Signature of Applicant

Signature of Owner(s) (if not applicant)

All owners must sign



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PlanningBoard@bellinghamma.org

APPLICATION FOR SITE PLAN APPROVAL UNDER THE ZONING BYLAW

Date Submitted: _____

1. Applicant

Address _____

Phone _____

Email _____

2. Owner(s)

Address _____

Phone _____

Email _____

3. Engineer

Address _____

Phone _____

Email _____

4. Plan Title

5. Date of Plan

**6. Location of Premises (Address,
Street Name, or general property
description)**

7. Assessors Map/Lot Numbers

**8. Norfolk Registry of Deeds
Book/Page**

9. Lot Area (sq. ft & acres)

10. Zoning District(s)

11. Premises in Overlay District(s)?

- Water Resource District
- Flood Plain
- N/A

12. Proposed Use

13. Square Footage of Proposed Building(s)

14. Impervious Surfaces (sf)

15. Amount of Land Disturbance (sf)

16. Number of Parking Spaces/Handicap spaces

17. Accompaniments

- Fully Executed Form K
 - Certified Abutters List (1 copy, 1 label copy)
 - Filing Fee (See Procedural Rules)
 - Plot plan showing location of existing and proposed Buildings, signs, other structures (number of copies per Form K)
 - Recorded (or surveyor endorsed) plan of land (number of copies per Form K)
 - Stormwater Management and O&M Plans
 - Other materials required by Planning Board/Town Planner (see Procedural Rules and Zoning Bylaws)
-

Signature of Applicant

Signature of Owner(s) (if not applicant)
All owners must sign



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APPLICATION FOR SPECIAL PERMIT UNDER THE ZONING BYLAW

1. Name of Applicant _____
Address _____
Phone _____ Email: _____
2. Owner (if different) _____
Address _____
Phone _____ Email: _____
3. The premises affected are at _____ Street
between _____ Street and _____ Street in a Zoning District.
Street Number (if available) _____.
4. Dimensions of lot _____ Area _____
5. Assessors map and lot number _____
6. Registry of Deeds Book _____ Page _____
Land Court Certificate Number _____ Book _____ Page _____
7. Legal description of property _____

8. Application for Special Permit as authorized by Section(s) _____ of the
Zoning Bylaw.
9. State present use of premises _____

10. Describe specifically the nature of your request _____

11. Generally state or append information necessary so that the determinations called for under Section 1530 of the Zoning Bylaw can be made by the Planning Board.

12. Accompaniments

____ Fully executed Form K

____ Recorded (or surveyor endorsed) plan of the land (*number of copies per Planning Board's Form K*)

____ Plot plan showing location of existing and proposed buildings, signs, other structures (*number of copies per Planning Board's Form K*)

____ "Parties in Interest" list (1 copy, 1 copy on labels)

____ Other materials required by the Planning Board/Town Planner (*refer to Procedural Rules*)

____ Stormwater Management and O&M Plans

____ Filing Fee

13. Signature of Applicant _____ Date _____

14. Application received by _____ Date _____

15. Hearing date set for _____ Time _____

AS-BUILT CERTIFICATE
DEVELOPMENT PLAN – SPECIAL PERMIT
PRIVATE ROADWAY OR SUBDIVISION – THREE LOT SUBDIVISION

(This form is to be executed and stamped by a registered land surveyor or professional engineer.)

Project: _____

Street Address: _____ . I, _____

_____ hereby certify that all improvements shown on the approved plan entitled _____, dated _____, 20____, and approved by the Planning Board on _____, 20____ have, in all respects, been completed in accordance with the approved project, and that accurate Record Drawings have been delivered to the Department of Public Works.

Signed and Stamped this _____, 20____

Stamp
Here

By _____

Signed

RLS, PE, PLS Contact Information:

Phone _____ Fax _____

Email _____

***** SHADED AREA TO BE COMPLETED BY DPW ONLY*****

The Bellingham Department of Public Works has received, reviewed and accepted the Record Drawings and this As-Built Certificate.

Name: _____ Title: _____

Signed: _____ Date: _____

The Record Drawings and As-Built Certificate shall be provided to the Department of Public Works (DPW) after installation of all underground utilities (water, sewer, drain, gas, electric, communications, etc.) and site construction (roads, access ways, driveways, parking, landscaping, lighting, etc.) noted on the approved plans or referenced in the decisions or special permits issued by the Planning Board.

The DPW will not sign off on the building card for any new building and therefore no certificate(s) of occupancy will be issued until the Record Drawings and As-Built Certificate have been accepted.



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(508) 657-2892; FAX (508) 966-2317
PlanningBoard@bellinghamma.org

ABUTTING TOWNS

All Development Plan and Special Permit applications require mailing notification to abutting towns.

Blackstone Planning Board
Blackstone Municipal Center
15 St. Paul Street
Blackstone, MA 01504
508-883-1500 x. 211
FAX: 508-883-7043

Franklin Planning Board
355 East Central Street
Franklin, MA 02038
508-520-4907/4908
FAX: 508-520-4903
raltobelli@franklin.ma.us

Hopedale Planning Board
P.O. Box 7
Hopedale, MA 01747
508-634-2203
FAX: 508-634-2200

Medway Planning Board
155 Village Street
Medway, MA 02053
508-533-3291
FAX: 508-533-3287
medwayplanningboard@townofmedway.org

Mendon Planning Board
20 Main Street
Mendon, MA 01756
508-473-2679
FAX: 508-478-8241
planning@mendonma.net

Milford Planning Board
52 Main Street
Milford, MA 01757
508-634-2318
FAX: 508-473-2394
ldunkin@townofmilford.com

Wrentham Planning Board
100 Stone Wall Boulevard
Wrentham, MA 02093
508-384-5441
FAX: 508-384-3174
rcallinan@wrentham.ma.us

Woonsocket Planning Board
169 Main Street
Woonsocket, RI 02895
401-762-6400
FAX: 401-766-9312
kbrynes@woonsocketri.org



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PROCEDURAL RULES

As most recently revised December 13, 2007

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1.0 SECTION ONE: GENERAL PROVISIONS

1.1 Purpose. These Procedural Rules are hereby adopted by the Bellingham Planning Board to establish regulations and requirements for the conduct of the Board's business.

1.2 Authority. Under the authority vested in the Planning Board of the Town of Bellingham the Board hereby adopts these Procedural Rules.

1.3 Applicability. Any development requiring approval by the Planning Board shall comply with the provisions of these Procedural Rules.

1.4 Waivers. A waiver of strict compliance from these Procedural Rules may be granted if the Planning Board determines that such a waiver is in the public interest and not inconsistent with the intent and purpose of these Procedural Rules and the Bellingham Zoning Bylaw. All requests for waivers shall be submitted in writing to the Planning Board. All requests shall identify the provision or provisions of the regulations from which relief is sought. The request shall also include a statement explaining why the applicant thinks that granting a waiver would be in the public interest and not inconsistent with the purpose and intent of these Rules and Regulations and the Zoning Bylaw.

1.5 Amendments. These Procedural Rules may be amended by a majority vote of the Planning Board at a regularly scheduled meeting after a public hearing duly advertised once in a paper of general circulation in the Town of Bellingham no less than seven days prior to the date of the public hearing.

1.6 Effective Date. The effective date of any amendment to Bellingham Planning Board Procedural Rules shall be the date such amendments are filed with the Bellingham Town Clerk.

1.7 Planning Board Officers.

1.7.1 Selection. The Planning Board shall elect a Chairman, Vice-Chairman, and Secretary annually at the first Board meeting having all members in attendance following Town elections. The Board shall at the same organization meeting elect a representative to such other committees or organizations as may call for Planning Board representation.

1.7.2 Duties. The Chairman shall preside at all meetings and hearings, make appointments except as provided above, and supervise the work of the Town Planner, Planning Board Coordinator and consultants. The Vice-Chairman shall serve as Chairman in the absence or disqualification of the Chairman. The Secretary shall serve as Chairman in the absence or disqualification of both the Chairman and Vice-Chairman.

- 1.8 Board Meetings.** The Planning Board normally meets on the second and fourth Thursday of the month; however, special or emergency meetings may be scheduled by vote of the Board or at the discretion of the Planning Board Chairman.
- 1.9 Meeting Agenda.** All persons wishing to meet with the Board shall request appointments through the Planning Board Office no later than noon of the Thursday preceding the meeting, providing information regarding the subject matter to be presented or discussed. Agenda times are subject to availability.
- 1.10 Quorum.** Three members qualified to vote shall constitute a quorum, except four members qualified to vote shall constitute a quorum for a hearing on a Special Permit with the consent of the applicant, or five otherwise. In the absence of a quorum, a scheduled hearing shall be continued to the next regularly scheduled meeting of the Planning Board, or to an earlier date if the Chairman so determines.
- 1.11 Votes.**
- 1.11.1 All members, including the Chairman, shall participate in all votes unless being a “party in interest” on a vote pertaining to a subdivision, endorsement that a plan is not a subdivision, a special permit, a recommendation regarding an action before the Board of Appeals, or a zoning map amendment of one or two contiguous parcels. “Party in interest” shall comprise those included in the definition in Section 11 of Chapter 40A, as well as others with financial involvement in the outcome.
- 1.11.2 A positive vote by the majority of those voting shall be required for approval for all matters, except when otherwise specified by statute, charter, or bylaw. Four votes are required for approval of a special permit and three votes are required for approval of a definitive plan, development and site plan.
- 1.11.3 If the application before the Planning Board is a Special Permit and any member of the Planning Board is unable to vote on the matter, the Alternate Board member shall vote.
- 1.12 Procedural Matters.** In procedural matters not covered by these rules or by Town bylaw or statute, the Board shall be guided by *Roberts Rules of Order*, as most recently revised.
- 2.0 SECTION TWO: ZONING AMENDMENTS**
- 2.1 Initiation.** Section 5 of Ch. 40A, G.L. provides that zoning amendments may be initiated by submittal of proposals to the Selectmen by any of the following:
- the Selectmen themselves
 - the Board of Appeals

- the Planning Board
- M.A.P.C.
- an owner of land affected by the change
- registered voters in a number sufficient to place an article on the warrant, acting under Section 10 of Chapter 39, M.G.L.

The Planning Board will submit amendment proposals to the Selectmen either on behalf of others or on their own initiation, in either case by vote of a majority of those voting.

2.2 Hearing.

- 2.1 The Planning Board will hold a public hearing on all proposed zoning amendments, as provided in Section 5 of Ch. 40A.
- 2.2 Requests for zoning map amendments shall be accompanied by eight prints of a plan to scale, clearly showing the proposed change referenced for location on the Town zoning map, and Town Assessor's maps, and showing relevant district and property bounds, structures and natural features. It is advisable that a Registered Land Surveyor prepare the plan and description. A verbal description of the proposed change, suitable for legal advertisement, plus a filing fee of \$75.00 shall also accompany the request. If the zoning map is to be amended, the proposed article should reference amendment of the town's Zoning Map. All of these materials must be submitted to the Planning Board or to its Chairman not less than five weeks prior to the proposed public hearing date.
- 2.3 Notice of Hearing. Petitioners for re-zoning of land are responsible for providing notification by mail to the owner of the land for which the rezoning is sought (if not the petitioner), abutters, owners of land directly opposite on any public or private street or way, abutters to the abutters within 300 feet of the property line of the property, even if over a town line. An "abutters list" shall be certified by the Tax Assessors listing all "abutters" and their addresses as appearing on the most recent tax list. Proof of mailing shall be documented for the Planning Board through the use of the US Postal Service's "Certificate of Mailing." Said receipts shall be given to the Board prior to opening of the public hearing on the rezoning petition.

3.0 SECTION THREE: GENERAL APPLICATION REVIEW PROCEDURES

- 3.1 Procedural Intent.** The procedures outlined below shall apply to the following Planning Board Reviews, unless otherwise noted: Definitive Subdivision Reviews, Special Permit Reviews and Development / Site Plan Reviews. Procedures specific to the above listed reviews are noted in the corresponding sections of these Procedural Rules and within the

Bellingham Zoning By-laws and the Bellingham Subdivision Rules and Regulations. Applicants are urged to confer with the Town Planner regarding the materials necessary for submittal.

3.2 Filing.

3.2.1 All Application Submittal Packages shall be submitted at least four (4) weeks prior to the anticipated meeting date and shall include the following:

- (A) Application. An application shall be filed for specific review type and include all materials as indicated in the Bellingham Zoning By-laws, the Bellingham Subdivision Rules and Regulations, and/or the Planning Board Procedural Rules.
- (B) Form K. Prior to submission, the Town Planner must check the contents of the application to assure its completeness. The Form K is then used for distribution and is returned, fully endorsed, with all the materials for official submission to the Planning Board. The Planning Board will accept the application last and only upon delivery with the completed Form K.
- (C) Certified Abutter's List. One copy and two copies on labels (one for the Planning Board and one for the Applicant) of the list certified by the Tax Assessors listing all parties in interest and their addresses as appearing on the most recent tax list. "Parties in Interest" as defined in General Laws Chapter 40A, Section 11, as amended, shall mean the petitioner, owner of the land for which the permit is sought (if different than the petitioner), abutters, owners of land directly opposite on any public or private street or way, abutters to the abutters within 300 feet of the property line of the petitioner, even if over a town line, and the Planning Board of each abutting municipality.
- (D) Additional Copies for Board.
 - One full size set of plans
 - One drainage analysis or report
 - Seven (7) 11x17 set of plans for Planning Board
 - Seven (7) copies of traffic studies or other relevant studies

3.3 Filing Fees. Filing fees are listed in the applicable Bellingham Zoning By-laws, Bellingham Subdivision Rules and Regulations and/or applicable sections of these Procedural Rules. Such fees shall be paid at the time of the application submission.

3.4 Review for Application Completeness. All project materials shall be reviewed by the Town Planner within ten days of submission to the Planning Board Office, who shall

forthwith make a determination of whether those materials are complete, and if they are not, shall so notify the Applicant and Building Inspector for information or materials necessary to complete application. If the application is not complete by the close of business on the Tuesday before the scheduled hearing date, the hearing for that project will be canceled.

The Planning Board, in its discretion, may dismiss (without prejudice) any application which fails to comply with the foregoing requirements or may waive any of the submittal requirements it determines unnecessary to the determination being made.

3.5 Peer Review Consultants and Fees.

- 3.5.1 General. When reviewing an application, or when conducting inspections in relation to, the Board may determine that the assistance of outside consultants is warranted. In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, bylaws, and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation. The Applicant will be required to send a complete application submission package to the Peer Review Consultants at the time of submission.
- 3.5.2 Fees. The Applicant may be required to pay the Peer Review Fee at the time of submission or at any time deemed necessary by the Planning Board during the review process. The fee will consist of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of a proposed project. The Board will receive a contract for proposed review work from the Peer Review Consultant and will forward a copy of the contract to the Applicant for the Applicant's signature. The Applicant will return the signed contract and a check made out to the Town of Bellingham for the fees to the Board to be deposited as described below. The Board may require additional review work beyond the initial Peer Review Consultant contract, which will receive another contract to be signed by the Applicant.
- 3.5.3 Funds. Funds received by the Board pursuant to this section shall be deposited with the town treasurer who shall establish a special account for this purpose. Expenditures from this account may be made at the direction of the Board without further appropriation. Expenditure from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the Applicant. Failure of an Applicant to pay a project review fee shall be grounds for denial or revocation of the permit.

At the completion of the Board's review of a project, any excess amount in the account attributable to a specific project shall be repaid to the Applicant or the Applicant's successor in interest. A final report of said account shall be made available to the Applicant or the Applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be the Applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

- 3.5.4 Administrative Appeals. Any Applicant may make an administrative appeal from the selection of outside consultants to the Board of Selectmen. Such appeal must be made in writing and may be taken only within 20 days after the Planning Board has notified the Applicant of the selection either verbally, via mail or hand-delivery. The grounds for such an appeal shall be limited to the claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended during the administrative appeal. In the event that the Board of Selectmen does not render a decision within 30 days following the filing of an appeal, the Planning Board's selection shall stand.

3.6 Notice of Hearing.

- 3.6.1 Newspaper Notification. Notice of hearing will be given by the Planning Board, *at the expense of the applicant*, by advertisement in The Woonsocket Call and The Milford Daily News in each of two successive weeks, the first publication not less than fourteen (14) days before the day of the hearing.

The applicant shall be billed for the cost of the notice by the Bellingham Planning Board. The cost of the notice shall be paid in full by the applicant prior to the final decision.

- 3.6.2 Abutter Notification. *The applicant* shall be responsible for notice, utilizing the US Postal Service's Certified Mail Return Receipt, to all parties of interest as defined by M.G.L. ch. 40A, Section 11 no less than fourteen (14) days prior to the date of the public hearing. Certified Mail green cards and receipts shall be provided to the Planning Board prior to the opening of the public hearing. Additionally, notice of the project, including a description of the project, date, time and location of the public hearing shall be posted prominently on the project site by the applicant. Prominently shall mean with a sign or signs of at least two feet by two feet in size and easily visible from each roadway on which the property has frontage. The sign shall be yellow with black lettering, with large text at the top indicating "Public Hearing Notice."

3.7 Hearings.

3.7.1 An open public hearing will be held in accordance with the appropriate sections of the Bellingham Zoning By-laws or the Bellingham Subdivision Rules and Regulations, as of the date the application was filed with the Planning Board at the time and place specified in the notice of hearing.

3.7.2 The hearing will proceed as follows:

- (A) The Chairman of the Planning Board will call the meeting to order and the Secretary will read the notice of hearing as published.
- (B) The Chairman shall inform those present at the hearing of the time of the requirements under Chapter 40A, Section 17, as amended, for appealing of the decision of the Board.
- (C) The Applicant or his representative shall present the case to the board.
- (D) Parties in interest at the hearing shall be heard.
- (E) Others requesting to do so may be heard.
- (F) The hearing shall be closed, following which point no further evidence shall be heard.

3.8 Decisions.

3.8.1 All decisions of the Planning Board shall be made in writing and shall contain, but not be limited to, the following:

- (A) Date decision rendered.
- (B) Name and address of Applicant
- (C) The place, time and date of the public hearing.
- (D) Findings of fact.
- (E) Decision of the Planning Board.

3.8.2 A copy of the decision shall be filed with the Town Clerk.

3.9 Appeals. See appropriate sections in these Procedural Rules, Bellingham Zoning By-laws and/or the Bellingham Subdivision Rules and Regulations for the appeal period and process.

4.0 SECTION FOUR: SPECIAL PERMIT RULES AND PROCEDURES

4.1 Applications.

4.1.1 General. All Applications for Special Permits to be acted upon by the Planning Board shall be made in writing on forms adopted by the Planning Board and available at the Planning Office or the offices of the Town Clerk. Applicants are required to confer with the Town Planner regarding the material necessary for submittal of a Special Permit.

4.1.2 Additional Required Application Materials. In addition to the information required in Section 3.2.1 of these Procedural Rules all applications at the time of filing shall be accompanied by:

- (A) Prints of the latest recorded plan of the land which will be affected; or in cases where no such plan exists, prints of a plan of the land endorsed by a Registered Land Surveyor.
- (B) Prints of a lot plan showing the locations of existing and proposed buildings, signs, and other structures.
- (C) Such additional information and plans required under the Development Plan Approval provisions of the Zoning Bylaw, or any other applicable provisions of the Zoning Bylaw, as the Planning Board determines necessary for the decisions being made.

4.2 Filing Fees. A filing fee equal to \$350.00 plus the following:

- For Major Commercial Complex (\$4700): \$0.40 per average daily trip generated.
- For Major Residential Development (\$4300) or Back lot division (\$2580): \$25.00 per lot created.
- For Townhouse or other multifamily (\$4400), or for Targeted housing (\$2690): \$10.00 per housing unit.
- For Environmental controls (\$3290) or Water Resource District (\$4940): \$100.00.

4.3 Appeals. There is an appeal period of twenty days for a Special Permit in which a petitioner may appeal the decision rendered by the Planning Board. A decision granting a Special Permit shall be effective after the appeal period of twenty days from the date

filed with the Town Clerk by the Planning Board has expired and an appropriate notice has been filed by the Applicant with the Registry of Deeds, provided no appeals have been made.

- 4.4 Copies.** Duplicate copies of the decision shall be mailed or delivered to the Applicant or his agent or attorney, the owner of the property, the Building Inspector, the Selectmen, Board of Health, and all parties in interest who at the time of the hearing request a copy.

5.0 SECTION FIVE: DEVELOPMENT PLAN AND SITE PLAN REVIEW

- 5.1 Applications.** All Applications for Development and Site Plan Reviews to be acted upon by the Planning Board shall be made in writing on forms adopted by the Planning Board and available at the Planning Office or the offices of the Town Clerk. All Applications shall follow the procedures set forth in Section Three of these Procedural Rules and with the requirements set forth in the Bellingham Zoning By-laws Section 1400.

- 5.2 Filing Fees.** Plans determined by the Building Commissioner to require site or development plan review must be accompanied by a filing fee of \$350.00 for Development Plan Approval, or \$150.00 for Site Plan Review, plus a review fee equal to \$3.00 per new or altered parking space as submitted or as required, whichever is higher. In addition, a deposit may be required to cover the reasonable cost of plan review by an outside consultant (see Section 3.5).

6.0 SECTION SIX: OTHER ISSUES

- 6.1 Street Acceptances.** Plan submissions. In order for them to be referred to the Planning Board in time for field inspection without snow, street layout plans should be submitted to the Selectmen for acceptance procedure not later for December 1 for action at the Annual Town Meeting. A public hearing will be called by the Selectmen, with notice to all abutters. Petitioners prior to that hearing shall have obtained a report from the DPW Director relative to the condition of the road.
- 6.2 Adequacy Determination.** In recommending acceptance or not, the Planning Board will be guided by whether ways created subsequent to April 13, 1956 meet the Subdivision Regulation requirements relative to width, grade, and construction in effect when the way was created, and for older ways by whether the right-of-way is functionally adequate, and by whether equitable means are available for providing any necessary improvements.
- 6.3 Miscellaneous Fees.** The Planning Board shall charge a fee for all procedural efforts of the Board involving Town expense for advertising, clerical effort, or consulting in response to private initiative. That fee shall be as specified in the Subdivision Regulations, or elsewhere in these Procedural Rules, or in other cases, shall be an amount sufficient to compensate all costs, as determined and stated to the applicant at the time of application request. No hearing shall be held prior to receipt of any required fee.

7.0 SECTION SEVEN: STORMWATER MANAGEMENT PLAN FOR NEW DEVELOPMENTS AND REDEVELOPMENTS

- 7.1 Purpose.** Regulation of discharges to the municipal separate storm sewer system (hereinafter MS4) is necessary for the protection of the water bodies and groundwater located in Bellingham, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surfaces are major causes of impairment of water quality in lakes, ponds, streams, rivers, wetlands and groundwater, contamination of drinking water supplies, erosion of stream channels; alteration or destruction of aquatic and wildlife habitat; and flooding.

Therefore, these regulations establish stormwater management standards for the conditions that result from development and redevelopment projects to minimize adverse impacts offsite and downstream which would be borne by abutters, townspeople and the general public.

The objectives of these regulations are:

- To require practices to control the flow of stormwater from new and redeveloped sites into the town storm drainage system in order to prevent flooding and erosion;
- To protect groundwater and surface water from degradation;
- To promote groundwater recharge;
- To prevent pollutants from entering the Bellingham municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4;
- To ensure adequate long-term operation and maintenance of structural stormwater best management practices so that they work as designed;
- To comply with state and federal statutes and regulations relating to stormwater discharges; and
- To establish the town's legal authority to ensure compliance with the provisions of these regulations through inspection, monitoring, and enforcement.

7.2 Definitions

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include: change from distributed runoff to confined, discrete discharge, change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

THE BOARD: Shall be the Bellingham Planning Board.

CLEARING: Any activity that removes the vegetative surface cover.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISTURBANCE OF LAND: Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a public land surveyor (PLS), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during preconstruction and construction related land disturbance activities.

GRADING: Changing the level or shape of the ground surface.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots and driveway, sidewalks, and rooftops.

LOW IMPACT SITE DESIGN: Site design approaches and techniques that can reduce a site's impact on the watershed through the use of nonstructural Stormwater Management practices. Low impact site design includes conserving and protecting natural areas and greenspace, reducing impervious cover, and using natural features for Stormwater Management.

MASSACHUSETTS STORMWATER MANAGEMENT POLICY: The Policy issued by the Department of Environmental Protection, that coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act G.L. c. 131 § 40 and Massachusetts Clean Waters Act G.L. c. 21, §. 23-56. The Policy addresses stormwater impacts through implementation of performance standards to reduce or prevent pollutants from reaching water bodies and control the quantity of runoff from a site.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb,

inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Bellingham.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

OUTFALL: The point at which stormwater flows out from any discernible, confined and discrete conveyance including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged into any Water Resource.

OUTSTANDING RESOURCE WATERS (ORWs): Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00), and the Massachusetts Stormwater Management Standards as it exists at the time these regulations are accepted. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

OWNER: A person with a legal or equitable interest in property.

PERSON: A person, firm, or corporation

PRE-CONSTRUCTION: All activity in preparation for construction.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit. See Section 3307.

STORMWATER: Storm water runoff, snowmelt runoff, and surface water runoff and drainage.

TSS: Total Suspended Solids.

WATER RESOURCE: The MS4 and all public and private receiving surface and ground waters including: all waters within the jurisdiction of the Commonwealth of

Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, costal waters, and groundwater.

7.3 Authority. These regulations are adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

7.4 Applicability.

7.4.1 No person may cause an Alteration of Drainage Characteristics or undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb an area equal to or greater than one acre of land or will disturb less than one acre of land but is part of a larger common plan of development or redevelopment that will ultimately disturb an area equal to or greater than one acre of land draining to the Bellingham MS4 without a permit from the Board. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or the original purpose of the site.

7.4.2 Exemptions

- (A) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04;
- (B) Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
- (C) The construction of fencing that will not substantially alter existing terrain or drainage patterns;
- (D) Construction of utilities other than drainage (gas, water, wastewater, electric, telephone, etc.), which will not alter terrain or drainage patterns.

7.5 Administration

7.5.1 The Board, shall administer, implement and enforce these regulations. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to its employees, representatives, or agents.

7.5.2 Rules and Regulations. The Board may adopt, and periodically amend, these rules and regulations relating to the procedures and administration of these Stormwater Management regulations, by majority vote of the Board, but no less than three members voting in the affirmative. Vote to be taken after conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least seven (7) days prior to the hearing date.

7.6 Permits and Procedures

- 7.6.1 Filing Application. The site owner or his agent shall file with the Board, a completed application package for a Stormwater Management Permit (hereinafter SM Permit) as part of the Development Plan Review, Definitive Subdivision, or any application that is submitted to the Board, which includes the disturbance of one acre of earth. SM Permit issuance is required prior to commencement of any site altering activity. The applicant for a SM Permit must be either the site owner or a representative of the site owner. All projects requiring a Stormwater Permit shall submit a Stormwater Management Plan as specified in this section, and shall meet the Performance Standards in Section 7.7 of these regulations. A Stormwater Management Plan shall include Erosion and Sediment Control Plan and an Operation and Maintenance Plan as specified in this section.
- 7.6.2 Entry. Filing an application for a permit grants the Board, or its agent, permission to enter the site to verify the information in the application and to inspect for compliance with the resulting permit.
- 7.6.3 Fee Structure. Section 3.5 of these Procedural Rules explains the fees and charges.
- 7.6.4 Public Hearing. The Board shall hold a public hearing for the SW Permit concurrent with the required hearing for a Development Plan Review, Definitive Subdivision, or any application that is submitted to the Board, which includes the disturbance of one acre of earth.
- 7.6.5 Actions. The Board's action, rendered in writing, shall consist of either:
- (A) Approval of the Stormwater Management Permit Application based upon determination that the proposed plan meets the Standards in Section 7.7 and will adequately protect the water resources of the community and is in compliance with the requirements set forth in these regulations;
 - (B) Approval of the Stormwater Management Permit Application subject to any conditions, modifications or restrictions required by the Board which will ensure that the project meets the Standards in Section 7.7 and adequately protect water resources, set forth in these regulations;
 - (C) Disapproval of the Stormwater Management Permit Application based upon a determination that the proposed plan, as submitted, does not meet the Standards in Section 7.7 or adequately protect water resources, as set forth in these regulations.
- 7.6.6 Plan Changes. The Applicant must notify the Board in writing of any drainage change or alteration in the system authorized in a SM Permit before any change or

alteration is made. If the Board determines that the change or alteration is significant, based on the Stormwater Management Standards in Section 7.7.2. and accepted construction practices, the Board may require that an amended application be filed and a public hearing held.

- 7.6.7 Project Completion. At completion of the project, the Applicant shall submit to the Board as-built record drawings of all structural stormwater controls and treatment best management practices required for the site. The as-built drawing shall show deviations from the approved plans, if any, and be certified by a Registered Professional Engineer.

7.7 Stormwater Management Plan

- 7.7.1 Erosion and Sediment Control Plan Standards. The Erosion and Sediment Control Plan shall be designed to ensure compliance with the SM Permit, these Regulations. The Board shall make the final decision of what erosion and sediment control option(s) are appropriate in a given situation. The Board will consider natural features, proximity of site to water bodies and wetlands.
- 7.7.2 Stormwater Management Plan Standards. The Stormwater Management Plan shall be designed to ensure compliance with the SM Permit, and these Regulations. The Board will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces proposed, size of the site, and the types of stormwater management structures proposed.
- 7.7.3 Operation and Maintenance Plan Standards. The Operation and Maintenance Plan shall be designed to ensure compliance with the SM Permit, these regulations. The Board shall make the final decision of what maintenance option is appropriate in a given situation. The Board will consider natural features, proximity of site to water bodies and wetlands, extent of impervious surfaces, size of the site, the types of stormwater management structures, and potential need for ongoing maintenance activities when making this decision.

7.8 Plan Specific Requirements and Contents

- 7.8.1 Erosion and Sediment Control Plan. An Erosion and Sediment Control Plan is required at the time of application for all projects. Plan Approval by the Board is required prior to any site altering activity. The Erosion and Sediment Control Plan shall remain on file with the Board.

If a project requires a Stormwater Pollution Prevention Plan (SWPPP) per the NPDES General Permit for Storm Water Discharges from Construction Activities, then the applicant is required to submit a complete copy of the SWPPP (including the signed Notice of Intent and approval letter). If the SWPPP meets the

requirements of Section 3 of the General Permit, it will be considered equivalent to the Erosion and Sediment Control Plan described in this section.

The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed development, pertinent conditions of the site and the adjacent areas, and proposed erosion and sedimentation controls. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design standards and contain the information listed below.

The Erosion and Sediment Control Plan shall contain the following information:

- (A) Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan.
- (B) Title, date, north arrow, names of abutters, scale (1"=20' or 1"=40'), legend, and locus map (1"=800').
- (C) Location and description of natural features including:
 - 1. Watercourses and water bodies, wetland resource areas, riparian zones and all floodplain information, including the 100-year flood elevation based upon the most recent Flood Insurance Rate Map, or as calculated by a professional engineer for areas not assessed on these maps;
 - 2. Existing vegetation of various kinds including tree lines, shrub layer, ground cover and herbaceous vegetation, and trees with a caliper twelve (12) inches or larger, noting specimen trees and forest communities;
 - 3. Habitats mapped by the Massachusetts Natural Heritage & Endangered Species Program as Endangered, Threatened or of Special Concern, Estimated Habitats of Rare Wildlife and Certified Vernal Pools, Potential Vernal Pools, and Priority Habitats of Rare Species within five hundred (500) feet of any construction activity.
- (D) Lines of existing abutting streets showing drainage and driveway locations and curb cuts.
- (E) Existing soils (type, hydrologic group, potential for soil to erode (i.e. Erodibility)) and the volume and nature of imported soil materials.
- (F) Topographical features including existing and proposed contours at intervals no greater than two (2) feet with spot elevations provided when needed.
- (G) Steep slopes for pre-development and post-development conditions, delineated by 0%-15%, 15%-25%, and over 25%.

- (H) Surveyed property lines showing distances and monument locations, all existing and proposed easements, rights-of-way, and other encumbrances, the size of the entire parcel, and the delineation and number of square feet of the land area to be disturbed.
- (I) Drainage patterns, watersheds and sub-watersheds, with calculations of proposed land disturbance within each sub-watershed and areas of soil to be disturbed in each watershed throughout the duration of the proposed land disturbance activity.
- (J) Location and details of erosion and sediment control measures with a narrative of the construction sequence/phasing of the project, including both operation and maintenance for structural and non-structural measures, interim grading, and material stockpiling areas.
- (K) Path and mechanism to divert uncontaminated water around disturbed areas, to the maximum extent practicable.
- (L) Location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other temporary and final stabilization measures.
- (M) A description of construction and waste materials expected to be stored on-site. The Plan shall include a description of controls to reduce pollutants from these materials, including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response.
- (N) A description of provisions for phasing the project where 40,000 square feet of contiguous area or greater is to be altered or disturbed.
- (O) Plans, reports, and calculations must be stamped and certified by a qualified professional engineer (PE) or a professional public land surveyor (PLS).
- (P) Such other information as is required by the Board.

7.8.2 Stormwater Management Plan. The application for a SM Permit shall consist of submittal of a Stormwater Management Plan to the Board. This Stormwater Management Plan shall contain sufficient information for the Board to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the Applicant for reducing adverse impacts from stormwater.

The Stormwater Management Plan shall fully describe the project in drawings, and narrative. It shall include:

- (A) The name, address, and telephone number of the proposed SM System Manager;
- (B) A locus map;

- (C) The existing zoning, and land use at the site;
- (D) The proposed land use;
- (E) The location(s) of existing and proposed easements;
- (F) The location of existing and proposed utilities;
- (G) The site's existing & proposed topography with contours at 2 foot intervals;
- (H) The existing site hydrology;
- (I) A description & delineation of existing stormwater conveyances, impoundments, and wetlands on or adjacent to the site or into which stormwater flows;
- (J) A delineation of 100-year flood plains, if applicable;
- (K) Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration;
- (L) The existing and proposed vegetation and ground surfaces with runoff coefficient for each;
- (M) A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater flow paths;
- (N) A description and drawings of all components of the proposed drainage system including:
 - 1. locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization,
 - 2. all measures for the detention, retention or infiltration of water,
 - 3. all measures for the protection of water quality,
 - 4. the structural details for all components of the proposed drainage systems and stormwater management facilities,
 - 5. notes on drawings specifying materials to be used, construction specifications, and
 - 6. expected hydrology with supporting calculations.
- (O) Proposed improvements including location of buildings or other structures, impervious surfaces, and drainage facilities, if applicable,
- (P) Timing, schedules, and sequence of development including clearing, stripping, rough grading, construction, final grading, and vegetative stabilization,
- (Q) A maintenance schedule for the period of construction, and
- (R) Any other information requested by the Board.

- 7.8.3 Operation and Maintenance Plans. An Operation and Maintenance plan (O&M Plan) is required at the time of application for all projects. The O&M Plan shall remain on file with the Board and shall be an ongoing requirement.

The O&M Plan shall include:

- (A) The name(s) of the owner(s) for all components of the system;
- (B) Maintenance agreements that specify:
 - 1. The name, address, and phone number of the Stormwater Management System Manager;
 - 2. The person(s) responsible for financing maintenance and emergency repairs;
 - 3. A Maintenance Schedule for all drainage structures, including swales and ponds;
 - 4. A list of easements with the purpose and location of each;
 - 5. The signature(s) of the owner(s).
- (C) Stormwater Management Easement(s) – (The purpose of each easement shall be specified in the maintenance agreement signed by the property owner.) Stormwater management easements shall be provided by the property owner(s) as necessary for:
 - 1. Access for facility inspections and maintenance;
 - 2. Preservation of stormwater runoff conveyance, infiltration, and detention areas and facilities, including flood routes for the 100-year storm event;
 - 3. Direct maintenance access by heavy equipment to structures requiring regular cleanout.
- (D) Stormwater management easements granting the Town or the Stormwater Management System Manager sufficient access are required for all areas used for off-site stormwater control, unless the Board grants a waiver.
- (E) Prior to issuance of a Certificate of Completion the Board, easements shall be recorded with the Norfolk County Registry of Deeds.

- 7.8.4 Changes to Operation and Maintenance Plans.

- (A) The Stormwater Management System Manager must notify the Board of changes in ownership or assignment of financial responsibility;

- (B) The maintenance schedule in the Maintenance Agreement may be amended to achieve the purposes of these regulations by mutual agreement of the Board and the Responsible Parties. Amendments must be in writing and signed by all Responsible Parties. Responsible Parties shall include owner(s), persons with financial responsibility, and Stormwater Management System Manager.

7.9 Guarranty. The Board shall utilize whatever means necessary to insure that all construction, maintenance, and operations measures, hereinafter call SW Permit Requirements, approved as part of the SW Permit are fully implemented. In general the guaranty shall be in the following form for various types of projects:

- **Subdivision of Land.** The value of the any SW Permit Requirements shall be include in the routine security and Form J Price Guaranty utilized for subdivision security. The security, and any related covenants, shall be in place prior to the release of lots for construction within a phase of the subdivisions. The Board shall be the sole judge as to what portions of any SW Permit tasks are part of any phase.
- **Site Development.** It is required as a condition of the issuance certificates of occupancy that all SW Permit Requirements be completed. No certificate of occupancy for any building in the project will be issued until a SM Permit Final Acceptance letter is issued to the SW System Manager.
- **Other Project or Redevelopment.** The Board will required the Applicant for any redevelopment project, or other such project for which certificates of occupancy will not be required, to post a surety bond, irrevocable letter of credit, cash, or other acceptable security, before the start of land disturbance or construction activity. Said security shall ensure that the work will be completed in accordance with the SM Permit Requirements. The form of the bond shall be approved by town counsel, and be in an amount deemed sufficient by the Board.
- **Surety Release.** If the project is phased, the Board may release buildings for occupancy or part of the bond as each phase is completed in compliance with the SW Permit but the bond may not be fully released until the Board has received the final inspection report as required by Section 7.10 and issued a SM Permit final acceptance letter.

7.10 Inspections. The Board or its authorized agent(s) shall inspect the project site at the following stages:

- **Initial Site Inspection.** Prior to approval of any plan.

- **Erosion Control Inspection.** Shall be continuously performed during construction operations and to ensure erosion control practices are in accord with the filed plan until construction work is complete to the point that the Stormwater Management and Operations and Maintenance Plans go into effect.
- **Bury Inspection.** Prior to backfilling of any underground drainage or stormwater conveyance structures.
- **Final Inspection.** After the stormwater management system has been constructed and before the surety has been released, the Applicant must submit a record plan detailing the actual stormwater management system as installed. The Board shall inspect the system to confirm its "as-built" features. This inspector shall also evaluate the effectiveness of the system in an actual storm. If the inspector finds the system to be adequate he shall so report to the Board. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the SM Permit, the Applicant shall correct it before the performance guarantee is released. If the Applicant fails to act the Board may use the surety bond to complete the work.

Examples of inadequacy shall be limited to: errors in the infiltrative capability, errors in the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges from basins.

7.11 Waivers. The Board may waive strict compliance with any requirement of their rules and regulations promulgated hereunder, where:

- Such action is allowed by federal, state and local statutes and/or regulations;,
- Is in the public interest, and;
- Is not inconsistent with the purpose and intent of these regulations.

Any Applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of these regulations does not further the purposes or objectives of these regulations.

All waiver requests shall be discussed and voted on at the public hearing for the project.

If in the Board opinion, additional time or information is required for review of a waiver request, the Board may continue a hearing to a date certain announced at the meeting. In the event the Applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

7.12 Construction Completion and Final Acceptance of Stormwater Plan. The Board will issue a SM Permit Final Acceptance letter to the SM System Manager upon completion of the construction, and approval of the final inspection reports and/or upon otherwise determining that all work has been satisfactorily completed in conformance with the SM Permit. SM Permit Final Acceptance letter shall signify acceptance of the O&M Plan. Security noted in Section 7.9, shall not be released until the SM Permit Final Acceptance letter has been issued.

7.13 Enforcement. The Board or an authorized agent of the Board shall enforce these regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

7.13.1 Orders

- (A) The Board may issue a written order to enforce the provisions of these regulations or the regulations there under, which may include requirements to:
1. cease and desist from construction or land disturbing activity until there is compliance with these regulations and the stormwater management permit;
 2. repair, maintain; or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan;
 3. perform monitoring, analyses, and reporting;
 4. remediate adverse impact resulting directly or indirectly from malfunction of the stormwater management system.
- (B) If the Board determines that abatement or remediation of adverse impacts is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Board may, at its option, undertake such work, and the property owner shall reimburse the Board expenses.
- (C) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Board, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board affirming or reducing the costs, or from a final decision of a court of

competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, as it exists at the time these regulations were accepted, after the thirty-first day at which the costs first become due.

- 7.14 APPEALS.** The decisions or orders of the Board shall be final. Further relief shall be to a court of competent jurisdiction.
- 7.15 REMEDIES NOT EXCLUSIVE.** The remedies listed in these regulations are not exclusive of any other remedies available under any applicable federal, state or local law.
- 7.16 SEVERABILITY.** If any provision, paragraph, sentence, or clause of these regulations shall be held invalid for any reason, all other provisions shall continue in full force and effect.