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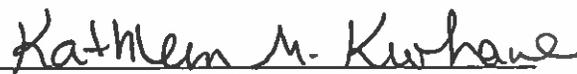
RULES AND REGULATIONS  
GOVERNING  
SPECIAL PERMITS & SITE PLAN REVIEW  
IN  
SHREWSBURY, MASSACHUSETTS

ADOPTED BY THE SHREWSBURY PLANNING BOARD

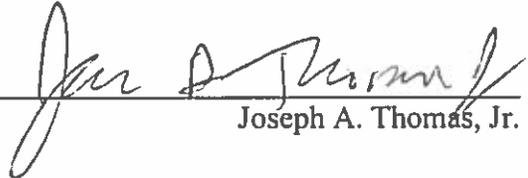
ON SEPTEMBER 7, 2017

  
\_\_\_\_\_  
Melvin P. Gordon, Chairman

  
\_\_\_\_\_  
Stephan M. Rodolakis, Vice Chairman

  
\_\_\_\_\_  
Kathleen M. Keohane, Clerk

  
\_\_\_\_\_  
Steven Bofay

  
\_\_\_\_\_  
Joseph A. Thomas, Jr.



A TRUE COPY ATTEST:

  
\_\_\_\_\_  
Shawn M. Thomas  
Assist TOWN CLERK

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Rules and Regulations  
Governing the Special Permits and Site Plan Review in  
Shrewsbury, Massachusetts

**Purpose**

In accordance with the General Laws of Massachusetts, Chapter 40A, Section 9, the following Rules and Regulations were adopted by unanimous vote of the Town of Shrewsbury Planning Board on April 7, 2011.

Applicant should also refer to Section VII.F and Section IX of the Shrewsbury Zoning Bylaw. These sections list general requirements, procedures, approval criteria, public hearing and final action requirements.

**Article I-Definitions**

**Abutters** - The owners of land located directly adjacent to a property for which an application has been filed, including owners of land directly opposite on any public or private street or way, as well as any owners of land not located directly adjacent to a property, but within three hundred (300) feet of the property line of the Applicant as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town. The Shrewsbury Assessor's Office shall certify the names and addresses of abutters and such certification shall be conclusive for all purposes. For purposes of special permit public hearing and decision notices, an abutter is a "party in interest" as defined below.

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

**Building Inspector** – The Building Inspector of the Town of Shrewsbury.

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

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**Engineer** - A registered professional engineer qualified to practice civil engineering in the Commonwealth of Massachusetts.

**Lot** - A continuous parcel of land with legally definable boundaries.

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

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

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

**Project** - The proposed buildings, parking, roads, and so forth that are the subject of the special permit application.

**Site** - The entire tract on which a proposed use or development is located.

**Surveyor** - A registered land surveyor qualified to practice surveying in the Commonwealth of Massachusetts.

**Town Engineer** – The Shrewsbury Town Engineer.

**Town Planner** – The Shrewsbury Town Planner.

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

**Wetland** - Land subject to the provisions of M.G.L. c. 131, § 40.

**Zoning Enforcement Officer** – The Town of Shrewsbury Building Inspector.

## **Article II-Organization**

### **Section 1- Officers**

The Planning Board (Board) shall annually elect the following officers from among its regular members: Chair, vice-Chair, and Clerk. A majority of all regularly appointed members must vote favorably to elect each officer. Associate Board members shall not be eligible to hold office and shall not participate in the vote of officers. All terms shall expire on June 30 of each year. Vacancies for unexpired terms shall be filled in the same manner as in the case of original election.

### **Section 2 – Powers and Duties of Officers and Town Employees**

- a. Chair – Meetings of the Board shall be held at the call of the Chair. Unless overruled by a majority of the Board in session at the time of meeting, the Chair shall decide all points of order. In cooperation with Town employees assigned to the Board by the Town Manager, the Chair of the Board shall transact the official business of the Board, supervise the work of the Clerk, request necessary professional assistance, and exercise general supervisory powers over the day-to-day functions of the Board. The Chair may represent the Board before other Town boards, commissions, and officials. When speaking for the Board, the Chair shall only express official opinions on business that has come before the Board and for which a formal vote has been taken.
- b. Vice-Chair – The vice-Chair shall act as the Chair or the Clerk in the event the Chair or Clerk is absent or otherwise unable to perform his or her duties.
- c. Clerk – Subject to the direction of the Board and its Chair, the Clerk shall supervise all of the clerical work of the Board. Clerical work shall include but not be limited to review of all correspondence, notification of all abutters required by law, review of applications for compliance with the rules of the Board, preparation of meeting minutes, posting of agendas, filing of decisions, compiling required records, maintaining necessary files and any other functions permissible by Town Bylaws and Massachusetts Law.
- d. Town Employees – The Town Manager is responsible for assigning employees to provide necessary technical and professional assistance for the Board. In cooperation with the Chair and Clerk of the Board, Town Employees shall be responsible for carrying out the day-to-day functions of the Board. Employees shall perform clerical work under the supervision of the Board Clerk. Staff shall be responsible for determining those parcels of land requiring notification in accordance with applicable provisions in Chapter 40A of the Massachusetts General Laws. Subject to compliance with these regulations, staff shall prepare the application forms, checklists, instructions and draft decisions.

### **Section 3 – Alternate Members**

The Town Manager shall designate an alternate member to sit on the Board for Special Permits only in the event of absence, inability to act, or conflict of interest on the part of

any regular Board member. In the event of a vacancy on the Board for Site Plan Approval matters, the vacancy will be filled as quickly as possible by the Town Manager.

**Section 4 – Quorum**

A quorum of four (4) Board members for Special Permit, regular or associate, and three (3) Board members for Site Plan, regular only, shall be present at all public hearings. The associate member of the Planning Board would be the last alternate considered in case of absence, inability to act, or conflict of interest on the part of all other Board members.

**Section 5 – Hearings and Meetings**

All public hearings called by the Chair of the Board shall be advertised at a time no later than 9:00 PM to convene in the evening hours. Special meetings may be called by the Chair or at the request of two regular members. Written notice thereof shall be given to each member at least 48 hours before the time set, except that announcement at any meeting attended by all members shall be sufficient notice of such meeting. Notices of all meetings shall be posted in accordance with current requirements of the Open Meeting Law. Meetings shall adjourn no later than 10:30PM. If the Board wishes to extend the meeting past 10:30PM, they must vote to do so no later than 10:29PM.

**Section 6 – Site Visits**

The Board or its members may conduct a site visit of the property that is the subject of a petition, application or appeal. No deliberations or decisions shall be made by the Board on such site visit that would be in conflict with the Open Meeting Law.

**Section 7 – Open Meeting Law**

All meetings and site visits of the Board shall be subject and comply with current Open Meeting Law.

**Article III Submittal Procedures**

**Section 1 - Completeness of Application**

The applicant shall consult the Zoning Bylaw and the Rules and Regulations for Special Permit and Site Plan review to ensure that the required submittal documents are included within the permit submission package. The applicant is also encouraged to schedule one or more pre-submittal meetings with the Engineering and Planning Departments and review the proposal and application for Special Permit and/or Site Plan Review before it is submitted.

**Section 2 - Application Submittal**

In accordance with the Zoning Bylaw, the completed application and appropriate filing fee shall be filed with the Town Clerk.

**Section 3 – Concurrent Submissions**

- a. If approval under M.G.L. c. 41, §§ 81K-81GG (Subdivision Control Law) or any other special permits are required from the Planning Board for the proposed project, it is

strongly advised that the Applicant submit the applications for these additional permits concurrently.

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

#### **Section 4 - Site Plan Waiver**

The Planning Board may, in any particular case where such action is in the public interest and not inconsistent with the intent and purpose of Rules and Regulations, waive strict compliance with its Rules and Regulations and with the requirements herein.

The request for a waiver shall be included within the submission requirements (Form K) with a detailed description of why the waiver has been requested and if it is granted, how it would not cause a detriment to the neighborhood or the Town.

#### **Section 5 - Extension**

An applicant may request an extension to the statutory limits for the Planning Board to take action on an application in order to provide additional time to discuss issues related to an application filed pursuant to these Rules and Regulations. The request shall be made in writing on Form IV giving a description of the application and plan, the date of filing, the statutory deadline for action, any previously approved extensions, the length of the requested extension and the proposed date for final action.

A copy of the request for an extension together with the Board's approval for the extension shall be filed with the Town Clerk.

**Section 6 - Filing Fees**

All applications shall be accompanied by a check payable to the Town of Shrewsbury in accordance with the Shrewsbury Planning Board Filing Fees last updated August 5, 2010 amended from time to time.

**Section 7 - Review by Consultants-53G /Project Review Fees**

- a. **Applicability** - In addition to an application fee, the Planning Board may impose a project review fee on those applications which require, in the judgment of the Board, review by outside consultants due to the size, scale, or complexity of a proposed project, the project's potential impacts, or because the Town lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, bylaws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulation, or inspecting a project during construction or implementation.
- b. **Submittal** - The Board shall inform the applicant at the pre-submittal meeting that a project review fee will be required. Project Review Fees shall be submitted to the Planning Board at the time of application to the Town Clerk and shall be deposited in an account established pursuant to M.G.L. c. 44, s. 53G (53G Account). If an applicant fails to submit the required fee, the application shall be deemed incomplete and may be considered adequate grounds to deny an application. No review work by a consultant shall commence until the fee has been paid in full.
- c. **Project Review Fees** - The project review fees are outlined in the Shrewsbury Planning Board Filing Fees and are amended from time to time by the Planning Board.
- d. **Replenishment** - When the balance in an applicant's 53G Account falls below twenty-five percent (25%) of the initial Project Review Fee, the applicant shall pay an additional Project Review Fee to replenish the account. The Planning Board or its staff representative shall notify the applicant of the requirement to pay an additional fee and payment shall be made within thirty (30) days.
- e. **Administration of Project Review Fees** – The Project Review Fee shall be deposited into a special account in accordance with M.G.L. c. 44, s. 53G.
  - 1) Project Review Fees shall be turned over to the Town Treasurer for deposit into a 53G Account.
  - 2) A copy of the latest statement for 53G Account(s) shall be forwarded from the Treasurer to the Board each month.
  - 3) The Town Accountant shall prepare a report on activity in the 53G Account on an annual basis. The report shall be submitted to the Selectmen for their review. This report shall be printed in the Annual Report for the Town.

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- 4) An applicant may request a statement of his or her 53G Account including a statement of current principal and interest and a report of all deposits and payments credited to the account.
  - 5) An applicant may request an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.
- f. Excess fees in the 53G Account, including accumulated interest, shall be returned to the applicant or the applicant's successor in interest, at the conclusion of the review process, as defined below. For the purpose of this section, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest:
- 1) With the disapproval of an application before the Board.
  - 2) For approved projects, upon final inspection certifying completion of the project in accordance with the Zoning Bylaw and all conditions of approval.
- g. W-9 Form –Submission of this tax form to the Planning Department decreases the time required for the technical review fee refund process.
- h. Appeal
- 1) The choice of a consultant selected by the Planning Board for the review of an application may be appealed in writing to the Board of Selectman by the applicant, providing such appeal is initiated within two weeks of the initial selection.
  - 2) The Selectmen shall convene a formal hearing within twenty (20) days of receiving a written appeal by an applicant.
  - 3) In accordance with M.G.L. Chapter 44, Section 53G, “conflict of interest” and “lack of minimum required qualifications” are the only two (2) circumstances by which a consultant may be disqualified.
  - 4) The required time limits for action upon an application by a municipal permit granting board shall be extended by the duration of the administrative appeal.
  - 5) In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Planning Board shall stand.
  - 6) Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section.
- i. Delinquent Accounts
- 1) All fees past due by one month from the date of invoice shall be subject to a monthly interest charge equivalent to the current rate for delinquent tax accounts.
  - 2) All costs incurred by the Town of Shrewsbury associated with collection of past due accounts shall be paid by the applicant.

## **Article IV-Submission Requirements**

### **Section 1 – Special Permit and/or Site Plan Review Submittal**

The following should be filed with the Town Clerk:

- a. Two (2) copies of executed Site Plan/Special Permit Application.
- b. Two (2) copies of executed Certificate of Ownership.
- c. Fees for Filing Fee and Peer Review Fee in two (2) separate checks made payable to the Town of Shrewsbury.
- d. Two (2) copies of the drainage calculations and supplement plans (if applicable).
- e. 300-Foot Certified Abutters List and map.
- f. Cover letters and/or supporting narrative
- g. Site Plans - Five (5) copies of the full size site plan and eight (8) copies of reduced 11”x17” size site plan, including:
  - 1) Prepared and stamped by a professional engineer and professional land surveyor and shall be prepared utilizing the most current release of AutoCAD or another Town-approved drawing package. The AutoCAD and pdf or tif design shall be submitted to the Planning Board on a disk or via a method approved by the Engineering Department. Supplemental plans may be prepared by a professional architect or landscape architect.
  - 2) Prepared with an appropriate scale indicated on each sheet. Datum shall be the Massachusetts Coordinate System, North American Datum 1983, with units of U.S. Survey Feet. The vertical datum shall be North American Vertical Datum 1988.
  - 3) The location and boundaries of the site including a delineation of On-Site Disturbed Area (where it is not otherwise noted, the “disturbed area” shall be considered the proposed “limit of work ”), proposed tree line and street address if applicable.
  - 4) Locus, including abutting land use(s) and zoning district(s).
  - 5) A legend or “key” describing the symbols and graphics used on each sheet.
  - 6) Existing and proposed land and buildings uses.
  - 7) Information regarding the ownership of adjacent land including street address if applicable.
  - 8) Existing and proposed topography and proposed grading for the entire site. This shall include earth removal as defined in Section VII (H) of the Zoning Bylaw.
  - 9) Existing and proposed utilities in adjacent streets.

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- 10) Existing and proposed on-site structures and all buildings within two hundred (200) feet of the property lines.
  - 11) Existing and proposed driveways and driveway openings.
  - 12) Existing and proposed parking and loading spaces.
  - 13) Delineation of wetlands or other areas potentially subject to the Wetlands and Rivers Protection Act.
  - 14) Delineation of areas included in any Flood Plain District and areas included in the Aquifer Protection Overlay District.
  - 15) The location of any proposed structures, streets, ways, walls, hydrants, fences, outdoor lighting, open space areas, recreation areas, egresses, service entries, facilities for waste disposal or storage, snow storage area and parking with individual spaces identified.
  - 16) The location, size and sketch of all proposed signs.
  - 17) A Landscape Plan showing and labeling all proposed exterior landscape features, including trees, shrubs, ground cover, lawn areas, signage, utility boxes, decks, fences, hardscape (sidewalks, patios etc.), site lighting, topsoil stockpile, and any other features as requested by the Planning Board. The plan will also show and label existing features (mature trees, walls, rock outcroppings, significant planted features etc.) that are to remain or to be removed. Removal, demolition or elimination of any site feature labeled to remain, even if unintentional, on an approved plan will require a Planning Board determination to ascertain if said-action requires submittal of a Site Plan Modification or a De-minimis change.
  - 18) On-site existing and proposed water, drainage and sewerage systems.
  - 19) Sufficient data to determine compliance with the Rules and Regulations of the Architectural Barriers Board for handicapped parking, if applicable, as well as parking schedule requirements based on proposed uses.
  - 20) A table showing sufficient data to determine compliance with Table II of the Zoning Bylaw.
  - 21) Data regarding traffic safety and capacity issues sufficient for the Board to make a determination of whether a traffic impact analysis is necessary.
  - 22) A photometric map showing on-site footcandle information.
  - 23) Architectural elevations and floorplans.
  - 24) Impact Reports - Impact Reports for each development will be required to accompany site plans and shall address traffic, public services and fiscal impacts, environmental impacts, community impacts and any effect upon adjoining properties.
- h. Submission requirements for duplexes – Site plan submissions for duplexes shall adhere to all of the submission requirements in Article IV, Section 1 except the following: Section 1.g.(16)(19)(21)(22)(24).

*Traffic, Transportation and Circulation*

Traffic impact: projected total and peak-hour trip generations, capacity and pre- and post-project (buildout) level of service (LOS) of streets and intersections to be affected by the project, existing and proposed traffic controls and sight lines at the intersections of proposed driveways and streets.

Level of service. Level of service shall be analyzed using the procedures described in the most recent edition of the Highway Capacity Manual, published by the Transportation Research Board.

Trip generation. Traffic generated by a proposed use shall be estimated in accordance with the most recent edition of Trip Generation, published by the Institute of Transportation Engineers (ITE).

*Stormwater*

The stormwater management systems shall be designed in accordance with the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy Handbook and Technical Handbook, as most recently amended.

*Public Services and Fiscal Impacts*

Fiscal impact: projections of costs rising from increased demand for public services and infrastructure; projections of benefits from increased tax revenues, employment and infrastructure improvements; and impacts on adjacent property values.

*Environmental Impacts*

Environmental impact: written analysis of the project's potential impacts on the quality of air, surface water and groundwater; flooding potential; increases in impervious surfaces; stormwater management; compliance with Groundwater Protection Overlay District requirements; hazards from radioactive emissions or other hazardous materials; solar access to adjacent properties; and noise and light impacts.

*Community Impacts*

Community impact: analysis of the project's impact on the surrounding neighborhood in terms of architectural character, pedestrian movement and overall character; impacts on nearby historic structures or sites; and an evaluation of the proposed project's consistency and compatibility with existing local and regional plans.

The Planning Board, as applicable, based on a preliminary assessment of the scale and type of development proposed, may waive or modify the requirements for submission of any of the elements provided for Impact Reports. Such waiver shall be issued in writing with supporting reasons.

**Section 2 - Supplement Documentation**

Throughout the Special Permit and/or Site Plan Review process, the applicant may submit supplemental and/or revised materials after the initial submittal. The following quantities shall be submitted:

- a. Full Size Site Plans - 3 sets
- b. 11"x17" Site Plans - 8 sets
- c. Drainage calculations and supplement plans (if applicable)-2 copies
- d. Cover letters and/or supporting narrative outlining the purpose of the supplemental materials and what, if any, changes have been made to the original application. -8 copies

**Section 3 - Modification to an Approved Site Plan**

- a. The Planning Board, where it is not otherwise inconsistent with these provisions or with the Town's Zoning By-Law or with any Special Permit(s) granted in conjunction with the Site Plan Approval, may hear a modification to a previously approved Site Plan.
- b. The applicant shall submit an Application for Site Plan Approval/Modification with the requirements identified in Article IV, Section 1.

**Section 4 - "De-minimis Change" to an Approved Site Plan**

- a. The Planning Board, where it is not otherwise inconsistent with these provisions or with the Town's Zoning By-Law and does not undermine the intent of any Special Permit(s) granted in conjunction with the Site Plan Approval, may approve di-minimis changes to a previously approved Site Plan.
- b. Di-minimis changes may be approved for such changes including, but not limited to:
  1. The total number of parking spaces.
  2. Parking space sizes and alignment.
  3. Drainage (surface/stormwater).
  4. Curb opening dimensions and locations, provided such opening has been approved by the Shrewsbury Highway Department or MassDOT.
  5. Removal of underground storage tanks and other underground utilities.
  6. Minor changes to water and/or sewer.
  7. Changes in hydrant locations.
  8. Changes in site/building elevations, and topographic changes on portions of the site.
  9. Changes in walkways and Handicapped Access Ways.
  10. Changes in the type of screening/rubbish collection areas.

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- c. Procedure and Request for Di-minimis Changes - Requests for approval of di-minimis changes shall be submitted to the Planning Board on the Application for Site Plan Approval/Modification. Such written request shall be accompanied by two (2) full size and ten (10) 11"x17" size redlined plans indicating proposed changes and a statement supporting the basis for granting a di-minimis change.
- d. The Board shall send written notice of its action to the applicant, Inspector of Buildings, Town Engineer, and other affected Departments and Boards of its decision regarding a di-minimis change.

## **Article V-Hearings**

### **Section 1 – Notice**

Notice of all public hearings shall be conducted in accordance with the requirements of Massachusetts General Law Chapter 40A, Section 11. The Planning Board will prepare the legal notice and identify the dates the notice shall be placed in the newspaper of local circulation. The applicant shall be responsible for notifying abutters and surrounding municipalities and organizations and placing the legal notice in a newspaper of local circulation such as the Worcester Telegram and Gazette. The applicant shall provide proof of mailing the notice to abutters by Certified Mail or Certificate of Mailing and shall also provide the newspaper tear sheet before the public hearing.

### **Section 2 – Hearing to be Public**

All hearings shall be open to the public. At the hearing, any party, whether entitled to notice thereof or not, may appear in person or by agent or attorney. No person shall be excluded unless deemed by the Chair to be a serious hindrance to the proceeding of the hearing.

### **Section 3 – Representation and Absence of the Appellant**

An applicant may appear on his own behalf or be represented by an agent or an attorney. The applicant shall authorize such representation by an agent in writing. In the event of absence of the appellant or his representative at a duly scheduled hearing, the Board may render a decision on the application using information submitted or otherwise received.

### **Section 4 – Order of Business**

The public hearing shall be held at the call of the Chair, who shall describe the rules of procedure for the hearing and then read or direct the reading of the public hearing notice to open the public hearing. After the opening of the public hearing, the order of business will generally proceed as follows:

- a. The Clerk shall read the legal notice and the Chair shall present any materials received in response to the application.
- b. Presentation by the applicant, which may be limited at the discretion of the Chair. Each plan or other item used as part of the presentation shall be identified by its proper title and date. Each item shall be identified as either part of the application or a copy shall be provided for the file.
- c. Questions or comments by the members of the Board. At the direction of the Chair, responses shall be made by either Town staff or the applicant.
- d. Questions or comments by staff assigned to the Board, followed by responses by the applicant.
- e. Questions or comments by members of other Town Boards or Town staff. At the direction of the Chair, responses shall be made by either Town staff or the applicant.
- f. Questions by members of the public seeking information. Persons wishing to be heard must be recognized by the Chair and must state their name and address prior to asking a question. At the direction of the Chair, responses shall be made by either Town staff or the applicant.

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- g. Opponent's formal presentation (if applicable), which may be limited at the discretion of the Chair.
- h. Applicant's rebuttal (if applicable), which shall be restricted to matters raised by opponents.
- i. Board members ask for any additional information needed to render a decision.
- j. The Chair, upon majority vote of the Board, continues the public hearing to a date, time and place certain that is announced at the public hearing or closes the public hearing if the Board feels they have received sufficient information to render a decision. Upon the close of a hearing, no additional information received by the Board may be used in the making of its decision. Members of the Board hearing the case may, at any time, direct appropriate questions during the course of the hearing. All questions shall be directed through the Chair.

**Section 5 – Non-Disqualification of Board Member from Voting**

A member of the Planning Board when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

## **Article VI – Disposition by the Board**

### **Section 1 – Voting Requirements**

The concurring vote of four (4) members of the Board must be obtained for the granting of a Special Permit. A majority three (3) members of the Board must be obtained for the granting of Site Plan Approval. The record shall indicate the vote of each member upon each question or, if failing to vote, indicating such fact and setting forth clearly the reason or reasons for its decisions, and of its other official actions, copies of which shall be filed in the office of the Town Clerk.

### **Section 2 – Notice of Decision**

A copy of the Board's decision or notice of said decision shall be mailed to the applicant, owner of the subject property, parties in interest, and those requesting notice. Notice shall be completed in accordance with the requirements of MGL Chapter 40 A, Sections 9, 10 and 11.

### **Section 3 – Withdrawal**

An application may be withdrawn without prejudice at any time prior to the public hearing by notifying the Town Clerk in writing. After the opening of the public hearing but prior to the filing of the decision, an application may be withdrawn by mutual consent of the applicant and a majority of the Board. Notification of the withdrawal after the opening of a public hearing must be filed with the Town Clerk.

### **Section 4 – Reconsideration**

Once a petition has been voted upon and the meeting adjourned, reconsideration of a decision shall be allowed only by affirmative consent of all Board members. In no case shall reconsideration be allowed after seven (7) days of the Board's vote or after the decision has been filed with the Town Clerk.

### **Section 5 – Reapplication**

Only upon consent of the Shrewsbury Planning Board, as regulated by MGL Chapter 40A, Section 16, shall reapplication of an appeal, acted unfavorably upon by the Board, be allowed within a period of two years following the date of filing such unfavorable decision in the office of the Town Clerk.

## **Article VII – Approval**

### **Section 1 – Approval**

If a Site Plan or Special Permit application is approved by the Planning Board, the applicant shall submit the following information after a decision is granted and a minimum of seven (7) days prior to setting up a pre-construction meeting. The Plan set shall contain a note referencing the Planning Board decision.

- a. Complete Plan Set-One (1) Mylar, Two (2) paper copies
- b. Cover sheet and utilities only-Three (3) copies
- c. Cover Sheet, layout and materials only-Five (5) copies
- d. CD-ROM with Auto-CAD, PDF and TIF files of entire plan set

### **Section 2 – Performance Guarantees**

- a. Before approving a special permit, the Planning Board may require that a bond or other performance guarantee be filed by the Applicant in an amount determined by the Board to be sufficient to cover the cost of roadway improvements, parking areas, stormwater management facilities, water quality monitoring programs, landscaping, or other items required by the Board's permit decision and approved as to form and sureties by the Town Treasurer, conditioned upon the satisfactory completion of such improvements within such period of time, if any, as the Board may specify in its decision.
- b. A total or partial release from the performance guarantee may be obtained when the required improvements are complete, in whole or in part, as set forth in the bond or at the Planning Board's discretion.
- c. In the event that the Applicant fails to perform satisfactorily the requirements set forth in the special permit decision or any written agreement regarding the performance guarantee, within the specified period of time, if any, the then outstanding principal amount (penal sum) of the bond shall be payable to the Town as provided by law, to the extent of the reasonable cost to the Town of the completion of the improvements required under the bond. In such case, the Planning Board's approval of the special permit may also be rescinded following the procedures provided by law.

### **Section 3 - Inspection Fees**

- a. The Applicant shall be responsible for all costs associated with inspections, outlined in the Planning Board Fee Schedule as required by the Zoning Bylaw or these Rules and Regulations.
- b. The Planning Board, in consultation with the Town Engineer, shall determine the amount of any additional Inspection Fee funds required, should the initial Inspection Fee approach 10% of the original amount.

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- c. If it is determined that a supplemental Inspection Fee is required, the Planning Board shall notify the Applicant by mail, postage prepaid, within seven (7) days of such decision. The required fee must be received by the Town within fourteen (14) days after the receipt of notification.

## **Article VIII – Amendments and Validity**

### **Section 1 – Amendments**

These Rules and Regulations may be amended or repealed from time to time by holding a public hearing and an affirmative vote of a majority of the Board, provided that such amendments or repeal shall be presented in writing at the hearing

### **Section 2 – Validity**

The invalidity of any section of these rules and regulations shall not invalidate any other section or regulation contained herein.

## **Appendix**

- A. Forms
- B. Fee Schedule



**FORM K-1**  
**SITE PLAN REVIEW WAIVER REQUEST**

\_\_\_\_\_, 20\_\_\_\_

Name of Proposed Project: \_\_\_\_\_

Nature of waiver(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Site Plan Rules and Regulations reference: \_\_\_\_\_  
\_\_\_\_\_

Reason why the waiver is requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Alternatives to granting the waiver(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Impact of waiver denial on the project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reasons why this waiver is in the public interest and not inconsistent with the intent and purpose of the Site Plan Review: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Signature of Engineer

**The Certificate of Ownership Form must be completed and submitted along with this application.**

**FORM E-1  
CERTIFIED LIST OF ABUTTERS**

\_\_\_\_\_, 20\_\_\_\_\_

To the Planning Board of the Town of Shrewsbury, Massachusetts:

The undersigned, being an applicant for approval of a Special Permit/Site Plan of a proposed project entitled \_\_\_\_\_

\_\_\_\_\_  
submits the attached listing of the adjoining property owner's names and addresses including the Assessors' tax plate and plot numbers for each property. This listing includes owners of land separated from the subdivision by a street.

Signature of Applicant \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

To the Planning Board of the Town of Shrewsbury, Massachusetts

This is to certify that at the time of the last assessment for taxation made by the Town of Shrewsbury, the names and addresses of the parties assessed as adjoining owners to the parcel of land shown above were as written, except as follows:

\_\_\_\_\_  
Assessor

**FORM M  
CERTIFICATE OF OWNERSHIP**

I, the undersigned Applicant, do hereby certify to the Town of Shrewsbury, through its Planning Board, that all parties of interest to the below-listed plan are identified in Section B: below.

**Section A:**

Title of Plan: \_\_\_\_\_

Date of Plan: \_\_\_\_\_

Assessor's Tax Plate: \_\_\_\_\_ Plot: \_\_\_\_\_

Prepared By: \_\_\_\_\_

**Section B:**

Name of Record Owner(s)\*: \_\_\_\_\_

Address of Record Owner(s): \_\_\_\_\_

Phone Number and Email of Record Owner(s): \_\_\_\_\_

\* If in the name of a Trust, Corporation or Partnership, list the names and addresses of all Trustee(s), Corporate Officer(s) or Partner(s) on a separate sheet.

\* If in the name of a Trust or Corporation, list the Beneficiary(ies) of the Trust or the Shareholder(s) of the Corporation: \_\_\_\_\_

\* If in the name of a Trust or Corporation, list the date, county, book and page of recording of the Trust Instrument, or the date and State of incorporation:  
\_\_\_\_\_

Does the applicant(s) own or have contractual rights to develop the above-mentioned land? \_\_\_\_\_

Executed as a sealed instrument this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print name of Applicant

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Print name of Owner

**COMMONWEALTH OF MASSACHUSETTS**

Worcester, ss

\_\_\_\_\_ personally appeared before me and provided his/her identification through satisfactory evidence which were \_\_\_\_\_ and acknowledged he/she signed the foregoing instrument voluntarily for its stated purpose on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Signature: \_\_\_\_\_

**FORM J**  
**APPLICATION FOR CLUSTER SUBDIVISION SPECIAL PERMIT**

File two (2) completed forms with the Town Clerk in accordance with the requirements of Section III-C)

\_\_\_\_\_, 20\_\_\_\_\_

To the Planning Board of the Town of Shrewsbury, Massachusetts as Special Permit Granting Authority;

The undersigned, being a petitioner as noted under Chapter 40A, Section 9 for approval of a Preliminary Cluster Subdivision shown on a plan entitled, \_\_\_\_\_

by (engineer) \_\_\_\_\_  
dated \_\_\_\_\_.

Access will be from the following streets(s): \_\_\_\_\_

Total Land Area \_\_\_\_\_ acres; No. of lots \_\_\_\_\_; Feet of Roadway \_\_\_\_\_  
hereby submits said plan as CLUSTER SUBDIVISION PLAN in accordance with the Shrewsbury Zoning Bylaw and makes application to the Board for approval of said plan.

The undersigned's interest in said land is as follows \_\_\_\_\_

The owner's title to said land is by deed dated \_\_\_\_\_  
And recorded in the Worcester District Registry of Deeds Book \_\_\_\_\_, Page \_\_\_\_\_  
And is shown on Assessor's Tax Plate \_\_\_\_\_, Plot \_\_\_\_\_.  
Said plan has/has not evolved from a preliminary plan pursuant to Chapter 41, submitted to the Board on \_\_\_\_\_ and was approved/disapproved, with/without modifications on \_\_\_\_\_.

The undersigned hereby applies for the approval of said Cluster Subdivision plan by the Board, and in furtherance thereof hereby agrees to abide by the Board's decision and/or conditions.

Owner's Name \_\_\_\_\_

Address \_\_\_\_\_

Applicant's Signature \_\_\_\_\_

Applicant's Name, if not owner \_\_\_\_\_

Applicant's Address \_\_\_\_\_