

PLYMOUTH ZONING BOARD OF APPEALS
COMPREHENSIVE PERMIT RULES AND REGULATIONS

Section

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1.00: Purpose and Context

These Rules establish procedures for an application to the Zoning Board of Appeals for comprehensive permits granted under M.G.L. c. 40B, §§ 20-23 and the regulations promulgated thereunder. They are required by M.G.L. c. 40B, § 21 and by 760 CMR 56.00 to facilitate the development of affordable housing in Massachusetts.

These Rules must be read in conjunction with and implemented in a manner consistent with G.L. c. 40B, §§ 20-23. In addition, rules for conduct of hearings under M.G.L. c. 40A apply to comprehensive permit applications.

2.00: Definitions

- (a) *Board* means the Zoning Board of Appeals established under M.G.L. c. 40A, § 12.
- (b) *Local board* means any local board or official, including, but not limited to select board; board of health; planning board; conservation commission; historical commission; water, sewer, or other commission; fire, police, traffic, or other department; building inspector or similar official or board; or other boards that perform functions of locally created boards.
- (c) *Limited Dividend Organization* means any applicant which proposes to sponsor a housing project under M.G.L. c. 40B; and is not a public agency or a non-profit; and is eligible to receive a subsidy from a subsidizing agency and which agrees to comply with the subsidizing agency's requirements as to a reasonable return for building and operating a comprehensive permit project (see Section 3.01(i)).

3.00: Filing the Application

- 3.01: In order to allow review by local officials, the Applicant shall provide the Board with twenty-two copies of the completed application (plans and documents), so that all boards, officials and departments may review the same; and one unbound copy for copying purposes. The Applicant shall provide 18 copies of full-size plans, 4 copies of 11" by 17" plans and an electronic copy of the plans. In addition to the elements of an

application listed in 760 CMR 56.04(2) and 56.05(2), the application for a comprehensive permit shall consist of:

- (a) preliminary site development plans prepared by a Professional Engineer (PE) or landscape engineer, as applicable, showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements and open areas within the site;
- (b) a report and site plan on existing site conditions and a summary of conditions in the surrounding areas, showing the location and nature of existing buildings, existing street elevations, traffic patterns and character of open areas, if any, in the neighborhood;
- (c) preliminary, scaled, architectural drawings for each building (including accessory buildings such as garages, club houses, pool houses, etc.). and shall include typical floor plans, typical elevations, and sections, and shall identify construction type and exterior finish. For projects consisting of five units or more, the drawings shall be signed and stamped by a registered architect;
- (d) a tabulation of proposed buildings by type, size (number of bedrooms, floor area) and ground coverage, and a summary showing the percentage of the site to be occupied by buildings, by parking and other paved vehicular areas, and by open areas;
- (e) where a subdivision of land is involved, a definitive subdivision plan, conforming to all of the requirements of the Planning Board's Rules and Regulations for the Subdivision of Land, and if not conforming to the Planning Board's Subdivision Rules and Regulations, a list of waivers there from;
- (f) a utilities plan showing the proposed location and types of gas, sewage, drainage, and water facilities, including hydrants. Adequate supporting information, including pre-construction and post-construction drainage calculations and soil test results shall be provided to demonstrate that the proposed drainage system shall comply with the Town of Plymouth's "GUIDE FOR THE DESIGN OF STORM DRAINAGE FACILITIES IN THE TOWN OF PLYMOUTH, MASSACHUSETTS";
- (g) a written determination of Project Eligibility issued by the Subsidizing Agency that satisfies all of the requirements of 760 CMR 56.04.
- (h) a copy of the Site Approval letter from the Subsidizing Agency;
- (i) a list of each member of the development team including all contractors and subcontractors, to the extent known at the time of application. The Applicant shall also be required to disclose its relationship to all such entities;
- (j) a list of no less than 5 and up to 10 references from similar prior development projects completed by the Applicant, along with a brief description of each such project;

- (k) a tabulation of the number of market and affordable units, including breakdown by number of bedrooms;
- (l) water and sewage use calculations prepared by a registered professional engineer that calculate water and sewage use in gallons per day and identifies sources (i.e. connecting to public water and sewer or use of private wells and on-site wastewater disposal systems).
- (m) if the development is proposed to be constructed in phases, a preliminary development phasing schedule and plan.
- (n) evidence that the Applicant shall control the site and the means of access thereto. This documentation must adequately demonstrate that the Applicant possesses the necessary control over the site access to develop the project as proposed in the Application;
- (o) existing and proposed topography at two-foot intervals;
- (p) traffic Impact Report (for applications for projects of twenty (20) or more dwelling units) - prepared by a registered professional engineer qualified in the field of traffic engineering, analyzing the proposed project's impact on the congestion, safety and overall convenience of the roadway system, including the roads providing access to and egress from the proposed project and all roads and areas otherwise impacted in any material way or manner by the proposed project, regardless of the level of additional traffic projected and regardless of whether or not the road is under the jurisdiction of the Town of Plymouth or located in an adjacent municipality. Impacts on both vehicular and pedestrian travel must be addressed;
- (q) the project shall comply with all town bylaws including general bylaws regulating activities such as hours of operation and limitations on noise.
- (r) any proposed environmental mitigation components (i.e. water saving devices, solar panel capacity, EV charging stations, low energy use LED lighting, bike storage, proposed Energy Star or LEED certification.
- (s) list of abutters and abutters to abutters within 300 feet of the project site certified by the Assessor's office, including addresses and owners' names of record; and
- (t) waivers - Strict compliance with these Regulations may be waived if the Board finds that granting of waiver or exceptions is in the public interest and is not inconsistent with the intent and purpose of the law and these Regulations, and is otherwise in accordance with G.L. c.40B, s.20-23. All requests by an applicant for waivers and exceptions must

be submitted to the Board in writing as part of the application. Such requests shall identify the specific bylaws or regulations from which these waivers and exceptions are sought and shall include a statement setting forth the reasons why the applicant believes a waiver should be granted.

3.02: The application shall be accompanied by payments for the following fees:

- (a) Filing Fee: \$1000.00 flat fee plus \$50.00 for each additional unit over 20 units, made payable to the Town of Plymouth
- (b) Legal Ad Fee: \$110.00 flat fee made payable to Gatehouse Media
- (c) Abutter Notices Fee: \$2.00 per abutter listed in the Certified Abutters List as described in 3.01(r) made payable to Town of Plymouth
- (d) Review Fee if applicable (as described in Section 4.00: Review Fees) made payable to Town of Plymouth

4.00: Review Fees

4.01: When reviewing an application for, or when conducting inspections in relation to, a comprehensive permit application, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of a project's potential impacts, or because the Town lacks the necessary expertise to perform the work related to the comprehensive permit application. In the event that such sum is insufficient to fund the necessary consulting services, the Board may require additional deposits from the Applicant.

4.02: Review Fees shall adhere to the requirements of Section 4 PROJECT REVIEW FEES of the Zoning Board of Appeals REGULATIONS GOVERNING FEES AND FEE SCHEDULES as amended.

4.03: Failure on the part of the Applicant to pay the consultant review fee within thirty (30) days of the Board's request for such fee shall be a basis for denial of the comprehensive permit.

5.00: Public Hearing and Decision

5.01: Within seven days of filing of the application, the Board shall forward for review and comment to the following boards and departments:

- (a) Planning Board
- (b) Select Board and Town Manager's Office
- (c) Fire Department
- (d) Police Department
- (e) Board of Health
- (f) Engineering Department
- (g) Building Commissioner
- (h) Village Steering Committee (if within one of the five local villages)

- (i) Conservation Commission (if within the buffer zone)
- (j) Historic District Commission (If within the Local Historic District)
- (k) Department of Public Works

5.02: The Board shall open the public hearing on the application within thirty days of its receipt of an application, but opening the hearing shall not waive its right to contest the completeness of the application. To be deemed complete, the application must include all of the information detailed above.

5.03 The Board shall notify the all parties in interest as defined in G.L. c. 40A, Section 11, including abutters and abutters to abutters within 300' of the project site according to the Certified Abutters List by Certified Mail.

5.04: The public hearing shall close within 180 days unless such time period is extended by written agreement of the Board and the applicant. The Board shall render a decision, based on a majority vote of the Board, within forty days after termination of the public hearing, unless such time period is extended by written agreement of the Board and the applicant. The hearing is deemed terminated when all public testimony has been received and all information requested by the Board has been received.

5.05: The Board may dispose of the application in the following manner:

- (a) approve a comprehensive permit on the terms and conditions set forth in the application,
- (b) deny a comprehensive permit as not Consistent with Local Needs if the Board finds there are no conditions that will adequately address a matter of Local Concern; or
- (c) approve a comprehensive permit with conditions that address matters of Local Concern.

6.00 Changes in Application

6.01: In the event that, during the public hearing, the Applicant proposes any change in the Application or project plans that, in the Board's discretion, constitutes a material or substantial change, the Applicant shall forthwith notify its designated subsidizing agency.

6.02: In the event of material or substantial changes, the Board may request, and the Applicant shall provide, any and all revised information specified in Section 3.00 hereof that is deemed by the Board to be necessary to evaluate such changes.

Appendix A

Plan and Submission Standards and Specifications.

1. Site and property plans shall be dated with its initial issuance date and with a revision date audit trail, titled, the name and address of the property owner, and preparer, with all exceptions noted on the plans. Plans shall be drawn at a *scale of 1" = 40'*, except the *Locus Plan, index sheet, detail drawings and profile. All sheets shall be of a standard uniform size and not larger than 24" x 36"*.
2. **Property Line Plans:** *ALL* plans and site plans for property line determinations should be based on an on-the-ground survey prepared by a Professional Land Surveyor, licensed by the Commonwealth of Massachusetts. The licensed professional that prepared the original sheets shall affix a signed and stamped statement thereon, confirming that all surveying conforms to Land Court Standards.
3. If phasing is anticipated, a plan clearly illustrating the proposed phasing sequence and timing shall be provided.
4. **Plan Sheets** for a proposed project shall include the following, as appropriate:
 - a. Title Sheet with latest revision date and accompanying drawing index;
 - b. Existing Conditions Plan noting existing structures, site features, boundaries, and existing topography;
 - c. Proposed Conditions Plan indicating proposed conditions, features, boundaries, and proposed topography;
 - d. Sediment Control/Construction Phasing Plan (site access during construction, material stockpile areas, laydown areas, etc.);
 - e. Grading/Limit of Work Plan;
 - f. Site Layout and Utilities Plan including proposed utilities, services, drainage and other site improvements;
 - g. Landscaping and Site Improvement Plans;
 - h. Site Details;
 - i. Architectural Drawings;
 - j. Building heights; and
 - k. Construction-term Operations and Maintenance Plan and Storm Water Pollution Prevention Plan (SWPPP).
5. **Additional Requested Plan Information.** In addition the application shall include:
 - a. All easements, restrictions, rights-of-way, setbacks, or other constraints;
 - b. Existing conditions of the surrounding area to sufficiently determine the impact of the proposed project to the surrounding area;
 - c. Ownership and use of all abutting lots with Assessors' map identification, including map and parcel numbers;
 - d. Zoning classifications and location of any zoning district boundariesAquifer Protection;

- e. Floodplain designation, wetland resource areas, Areas of Critical Environmental Concern or Priority Habitat areas as designated by the Natural Heritage and Endangered Species Program;
- f. Location of adjacent private water supplies and septic systems within one hundred feet (100') of the project property line;
- g. Proposed buildings and structures showing front, side and rear elevations for each proposed building type;
- h. Location of affordable units;
- i. Location and summary total calculation for all impervious areas (including but not limited to: proposed roadways, driveway openings, loading and parking areas, parking spaces, service areas, walkways and sidewalks with dimensional calculations and materials to be used and the parking and density calculations);
- j. Proposed curbing type, location, and details;
- k. Road profile, plan view and cross sections and materials;
- l. Snow removal storage areas;
- m. Construction and Post-Development Operations and Maintenance Plans;
- n. For all construction disturbing greater than 1 acre of land, a copy of the EPA NPDES permit application and Storm Water Pollution Prevention Plan (SWPPP), including a description of site preparation, erosion and sedimentation control measures, including location and specifications of temporary and permanent measures. A schedule of operations indicating the starting and completion dates for each phase of construction shall accompany each plan);
- o. Proposed treatment of all ground surfaces (paving, gravel, grading, woodland, lawn, turf, etc.);
- p. Location, type, size and age of any underground storage tanks;
- q. All landscape and screening features (such as fences, walls, planting areas and walks; location and spacing of proposed plant material, including tree lines; plant list [including species name, common name, size, and number of plants. (Note: Wherever practicable, native species shall be used)];
- r. Signs, both temporary and permanent, existing and proposed;
- s. Proposed street and site lighting and details, including type of fixture and wattage to conform to Plymouth's Light Prevention Bylaw; and
- t. Open Space uses, existing and proposed, including parking and access areas.

6. Plan Notes

All sediment and erosion control notes shall prohibit the use of hay and hay bales and shall clearly identify the method of temporary and permanent stabilization measures.