



APPLICATION PACKET

Zoning Board of Appeals Website

Town of Plymouth Zoning Bylaw

OpenGov Online Permitting

Residential Application

Commercial Application

ZBA Filing Fee Schedule

Required Plan Details

Stormwater Regulations Guideline

Project Review Fees

Comprehensive Permits 40B

Inclusionary Housing

Ground Mounted Solar Systems

Wind Energy Facility 207-9

Marijuana Establishments 203-16

Regulation Governing Fees

Retirement Mobile Home Planned Development 203-12

RESIDENTIAL ZBA FILING FEES

Apartments and/or filings for over 5 units are considered Commercial

Online Filing Now Available – Please visit to submit ZBA Filing:

<https://plymouthma.portal.opengov.com/categories/1081/record-types/1006594>

1. **Abutters Fee of \$2.00 per abutter.** A certified listing of abutters needs to be obtained from the Assessor's Office which shall include the owners of land within a 300' radius.
2. **Application Filing Fee** see below chart for type of relief sought.
3. **Legal Ad Fee of \$110.58** for the cost of advertising the petition.
State Law requires that a legal notice be published in a local newspaper once in each of two consecutive weeks, the first publication to be not less than 14 days before the hearing date. You will be notified by mail at least a week prior to the date of your hearing.

Note: All payments can be made on OpenGov by e-check or credit card. Paper checks can be delivered to the Zoning Board of Appeals in the Department of Planning and Development.

All applications, plans and documents will be reviewed and you will be notified when an application is complete or if any further information is required.

Applications will not be clocked in until a completed package is submitted.

Once the application is deemed complete, you will be asked to submit One (1) hardcopy of the complete submission to the Planning Department.

TYPE OF RELIEF SOUGHT	REQUIRED FILING FEE
4. Appeal pursuant to G.L. Chapter 40A, Section 8	\$1,000.00
5. Variance pursuant to G.L. Chapter 40A, Section 10	\$100.00 (Residential)
6. Relief for Combination of two or more Either Special Permit or Variance	\$150.00 (Residential)
7. Special Permit pursuant to G.L. Chapter 40A, Section 9, pursuant to Section 205-03:	\$100.00 (Residential)

REQUIRED INFORMATION FOR ALL ZBA PETITIONS

PLEASE NOTE: *ONCE AN APPLICATION TO THE ZONING BOARD OF APPEALS HAS BEEN FILED IN THE ZONING BOARD OF APPEALS' OFFICE, NO CHANGES MAY BE MADE BY THE APPLICANT TO ANY PLANS ACCOMPANYING SUCH APPLICATION UNLESS THE CHANGES HAVE BEEN REQUESTED OR ALLOWED BY THE ZONING BOARD OF APPEALS DURING THE PUBLIC HEARING.*

Documents Required

Site Plans must be stamped by the appropriate professionals (ie Professional Engineer and/or Registered Land Surveyor) dated within the last two years and should show all pertinent details including building footprints and dimensions, setbacks, contours, and all structures - both existing and proposed. In the case of proposed structures, elevations shall also be required

Professional Engineers and Land Surveyors please visit the Required Plan Details page for information required on Site Plans.

One (1) Hardcopy of full submission including:

- A Zoning Denial Permit from Inspectional Services
- Abutters List and Labels from the Assessor's Office
- One (1) full size (24" x 36") copy of site plans stamped by a Registered Land Surveyor
- One (1) 11" x 17" copy of site plans stamped by a Registered Land Surveyor
- Architectural and Floor Plans
- Narrative of Project
- Photos of Property
- Recorded Deed or Certificate of Title for subject premises
- Recommended to be added to plan, if applicable to project:
 - Landscape Plan
 - Drainage Plan
 - Erosion Control Plan
 - Parking Layout
 - Traffic Flow

2. Additional hardcopies of plans may be required upon request.

3. Stormwater Design/ Drainage Calculations are required for projects over 4 units:

- a. Low impact stormwater design and MassDEP best management practices for stormwater design are strongly encouraged.
- b. Existing Buildings are required to show connections to existing utilities

4. If the project is serviced by Town Water, a Water Balance Program Application is required prior to construction for any new construction or residential single-family home over 3 bedrooms

5. Signage – Residential Projects over two-family or a Variance request

- a. Sign should be of weatherproof material 24" x 18" and consist of black letters on a yellow background and mounted 30" above the ground.
- b. Sign shall be located in a place visible to the public and approved by the Department of Planning and Development
- c. Sign shall be installed one week prior to the first public notice in the local newspaper
- d. Provide proof of installation to the ZBA Administrative Assistant
- e. Failure to document installation may result in a continuance of hearing

The text shall include the following information:

Request for Zoning Approval

Zoning Case No: 39xx

Hearing Date and Time: Month DD, Year at {Time} p.m.

Location: Town Hall, 26 Court Street, Plymouth, Massachusetts 02360

Property Address: # Street Name, Plymouth, MA

Proposal: ?????? – State whatever the proposal is for

Zoning Required: Special Permit or Variance per Bylaw Section xxx

Contact Town Hall for further information on related Public Meetings

Town of Plymouth, 26 Court Street, Plymouth Massachusetts 02360

Zoning Board of Appeals: 508-747-1620 x10138

Planning Department: 508-747-1620 x10141

Website: www.plymouth-ma.gov

- f. The sign shall be removed within 7 days after the public hearing.

8. **Final submission to Building Commissioner.** Upon issuance of a Special Permit an application for a Zoning Permit shall be resubmitted to the Building Commissioner accompanied by the Special Permit, Development Plan as well as any other information submitted by the petitioner.

COMMERCIAL ZBA FILING FEES

Online Filing Now Available – Please visit to submit ZBA Filing:

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1. **Abutters Fee of \$2.00 per abutter.** A certified listing of abutters needs to be obtained from the Assessor's Office which shall include the owners of land within a 300' radius.
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All applications, plans and documents will be reviewed and you will be notified when an application is complete or if any further information is required.

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Once the application is deemed complete, you will be asked to submit One (1) hardcopy of the complete submission to the Planning Department.

TYPE OF RELIEF SOUGHT	REQUIRED FILING FEE
4. Appeal pursuant to G.L. Chapter 40A, Section 8	\$1,000.00
5. Variance pursuant to G.L. Chapter 40A, Section 10	\$800.00 (Commercial)
6. Relief for Combination of two or more Either Special Permit or Variance	\$1,000.00 (Commercial)
7. Special Permit pursuant to G.L. Chapter 40A, Section 9, pursuant to Section 205-03:	\$400.00 (Commercial)
8. Special Permit pursuant to Section 205-25 for non- conformities (Commercial property including apartments) For requests in excess of 5 units, \$50.00 per each additional new residential unit	\$800.00

REQUIRED INFORMATION FOR ALL ZBA PETITIONS

PLEASE NOTE: *ONCE AN APPLICATION TO THE ZONING BOARD OF APPEALS HAS BEEN FILED IN THE ZONING BOARD OF APPEALS' OFFICE, NO CHANGES MAY BE MADE BY THE APPLICANT TO ANY PLANS ACCOMPANYING SUCH APPLICATION UNLESS THE CHANGES HAVE BEEN REQUESTED OR ALLOWED BY THE ZONING BOARD OF APPEALS DURING THE PUBLIC HEARING.*

Documents Required

Site Plans must be stamped by the appropriate professionals (i.e. Professional Engineer and/or Registered Land Surveyor), dated within the last two years and should show all pertinent details including building footprints and dimensions, setbacks, contours, and all structures - both existing and proposed. In the case of proposed structures, elevations shall also be required.

Professional Engineers and Land Surveyors please visit the Required Plan Details page for information required on Site Plans.

1. One (1) Hardcopy of full submission including:

- The Zoning Denial Permit from Inspectional Services
- Abutter List and Labels received from the Assessor's Office
- One (1) full size (24" x 36") copy of site plans stamped by a Registered Land Surveyor
- One (1) 11" x 17" copy of site plans stamped by a Registered Land Surveyor
- Architectural and Floor Plans, minimum 11" x 17"
- Narrative of Project
- Photos of Property
- Recorded Deed or Certificate of Title for subject premises
- Fire Turning Radius
- Traffic Flow
- Parking Layout with dimensions
- Landscape Plan
- Erosion Control Plan
- Service areas, ex. trash, snow, etc
- If applicable to project:
 - a. Lotting Plan
 - b. Gravel Removal CY Count

Note: in some cases, such as the re-use of existing space, all of the above noted information may not be required. In such cases, please consult with the Zoning Board of Appeals at the Department of Planning & Development prior to filing.

2. Additional hardcopies of plans may be required upon request.

3. Stormwater Design/ Drainage Calculations:

- a. Low impact stormwater design and MassDEP best management practices for stormwater design are strongly encouraged.
- b. Stormwater Design per Drainage Guidelines:

<https://www.plymouth-ma.gov/DocumentCenter/View/547/Drainage-Guidelines-LID-PDF>

- c. Existing Buildings are required to show connections to existing utilities
4. If the project is serviced by **Town Water**, a Water Balance Program Application is required prior to construction for any new construction or residential single-family home over 3 bedrooms
 - a. For more information visit:
<https://www.plymouth-ma.gov/DocumentCenter/View/5656/Water-Balance-Program-Application-PDF?bidId=>
5. **Additional Peer Review** may be required at the request of the Special Granting Authority including but not limited to a grading plan, drainage calculations, architectural plans (and the extent of architectural information required), and/or a traffic study.
 - a. Peer Review
 - i. Any project requiring peer review may require additional hard copies to be submitted
 - ii. A Peer Review Fee will be required, and an amount will be advised
6. **Notice of Hearing Signage**
 - a. Sign should be of weatherproof material 24" x 18" and consist of black letters on a yellow background and mounted 30" above the ground.
 - b. Sign shall be located in a place visible to the public and approved by the Planning Department
 - c. Sign shall be installed one week prior to the first public notice in the local newspaper
 - d. Provide proof of installation to the ZBA Administrative Assistant
 - e. Failure to document installation may result in a continuance of hearing

The text shall include the following information:

Request for Zoning Approval

Zoning Case No: 39xx

Hearing Date and Time: Month DD, Year at {Time} p.m.

Location: Town Hall, 26 Court Street, Plymouth, Massachusetts 02360

Property Address: # Street Name, Plymouth, MA

Proposal: ?????? – State whatever the proposal is for

Zoning Required: Special Permit or Variance per Bylaw Section xxx

Contact Town Hall for further information on related Public Meetings

Town of Plymouth, 26 Court Street, Plymouth Massachusetts 02360

Zoning Board of Appeals: 508-747-1620 x10138

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- f. The sign shall be removed within 7 days after the public hearing.

Final submission to Building Commissioner. Upon issuance of a Special Permit an application for a Zoning Permit shall be resubmitted to the Building Commissioner accompanied by the Special Permit, Development Plan as well as any other information submitted by the petitioner.

SECTION 3. ADMINISTRATIVE FEES.

3.1 Applicability. An Administrative Fee shall be assessed to offset the expense of review by the Zoning Board of Appeals and Town employees.

3.2 Submittal. Administrative Fees shall be submitted at the time of the submittal of the application. Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

3.3 Schedule of Administrative Fees. The following schedule applies to the types of applications to the Zoning Board of Appeals set forth below.

Note: All payments can be made on OpenGov by e-check or credit card. Paper checks can be delivered to the Zoning Board of Appeals in the Department of Planning and Development

TYPE OF RELIEF SOUGHT	REQUIRED FILING FEE
1. Appeal pursuant to G.L. Chapter 40A, Section 8	\$1,000.00
2. Variance pursuant to G.L. Chapter 40A, Section 10	\$100.00 (Residential) \$800.00 (Commercial)
3. Relief for Combination of two or more Either Special Permit or Variance	\$150.00 (Residential) \$1,000.00 (Commercial)
4. Special Permit pursuant to G.L. Chapter 40A, Section 9, pursuant to Section 205-03:	\$100.00 (Residential) \$400.00 (Commercial)
5. Special Permit pursuant to Section 205-25 for non- conformities (Commercial property including apartments) For requests in excess of 5 units, \$50.00 per each additional new residential unit	\$800.00
6. Comprehensive Permits per G.L. Chapter 40B Plus \$50.00 for each additional unit over 20 units	\$1,000.00

3.5. Fee Waivers. The Zoning Board of Appeals may waive or reduce any Administrative Fee, if, in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.

3.6 Refund. Once the review process has been commenced, the Zoning Board of Appeals shall not refund Administrative Fees, including the case of withdrawal of the application by the applicant, except as provided in Section 3.5, above.

PLAN DETAILS

1. All petitioners requesting setback variances, special permits and appeals (if applicable) must submit:

- a. Plan submitted shall be drawn to a scale of one inch = 20 feet, one inch = 40 feet or one inch = 100 feet where practical and appropriate to the size of the proposal.
- b. Existing Conditions Plan - An existing conditions site plan submitted at the same scale as the site plan and stamped by a professional surveyor. The plan shall include:
 - the size of the property;
 - the topography at two-foot contour intervals;
 - general soil types;
 - vegetation cover, including accurate locations of wooded areas and major trees;
 - roads, structures or other significant features; and
 - A locus map.

For small sites or projects of a relatively simple nature, this information may be provided on the site plan at the discretion of the Chair of the Board of Appeals.

Photographs of representative portions of the site at a size of eight inches by 10 inches shall also be included.

- c. The projects consisting of 2 acres, 10 units or 20,000 sf of building space the following additional information is needed:
 - General characteristics of all surrounding properties within 200 feet of the proposed development site including topography, structures, parking areas, driveways, pedestrian ways, and natural features.
- d. The site plan and any other documents and drawings necessary shall precisely indicate:
 - the area of the site;
 - the proposed uses of the land;
 - Setbacks and dimensions should also be shown locating all buildings and structures on the lot;
 - the nearest of abutting property owners; street or any other identifying information, and all contemplated changes or additions.
 - The proposed requested relief shall be staked-off on the property wherever applicable.
 - All signage is to be shown on this plan.
 - the vehicular circulation system, including pavement widths, right-of-way, and how the system relates to the surrounding street pattern;
 - all parking;
 - Proposed landscaping and screening;
 - the pedestrian circulation system and other pedestrian facilities and how they relate to surrounding pedestrian circulation;
 - all proposed structures, including their location, floor plans, building elevations, height, materials, elevations, and other necessary design information;
 - the number and type of dwelling units, if any, and their density or land use intensity within specific clusters and over the entire site;

- service access and facilities for all structures or uses, including garbage and trash disposal facilities;
 - the location of all open space, including its intended use, natural trees and foliage to be maintained, specific new planting by size and location, finish contours of the topography and other precautions to stabilize all slopes; all site drainage, including natural courses and storm drains; significant site appurtenances such as walls, light poles, recreation areas and facilities; and any other items reasonably requested by the Board of Appeals.
- e. Where appropriate there shall also be submitted any drawings or documents necessary to establish the feasibility of proposals for water supply, waste and storm water disposition, the feasibility of planting proposals, and all easements or restrictions to be proposed for open space, utilities or other purposes.

Stormwater Rules/Regulations

Stormwater Drainage Guidelines:

<https://www.plymouth-ma.gov/DocumentCenter/View/547/Drainage-Guidelines-LID-PDF>

Applicability:

Except as expressly provided herein, stormwater runoff from all industrial, commercial, institutional, office, residential and transportation projects including site preparation, construction and redevelopment, and all point source stormwater discharges from said projects shall be managed according to the Stormwater Management Standards.

The Stormwater Management Standards shall not apply to:

1. A single-family house;
2. Housing development and redevelopment projects comprised of detached single-family dwellings on four or fewer lots provided that there are no stormwater discharges that may potentially affect a critical area;
3. Multi-family housing development and redevelopment projects with four or fewer units, including condominiums, cooperatives, apartment buildings and townhouses, provided that there are no stormwater discharges that may potentially affect a critical area; and
4. Emergency repairs to roads or their drainage systems.

The Stormwater Management Standards shall apply to the maximum extent practicable to the following:

1. Housing development and redevelopment projects comprised of detached single-family dwellings on four or fewer lots that have a stormwater discharge that may potentially affect a critical area;
2. Multi-family housing development and redevelopment projects, with four or fewer units, including condominiums, cooperatives, apartment buildings, and townhouses, that have a stormwater discharge that may potentially affect a critical area;
3. Housing development and redevelopment projects comprised of detached single-family dwellings on five to nine lots, provided there is no stormwater discharge that may potentially affect a critical area;
4. Multi-family housing development and redevelopment projects with five to nine units, including condominiums, cooperatives, apartment buildings, and townhouses, provided there is no stormwater discharge that may potentially affect a critical area;
5. Marinas and boat yards, provided that the hull maintenance, painting and service areas are protected from exposure to rain, snow, snow melt, and stormwater runoff; and
6. Footpaths, bikepaths and other paths for pedestrian and/or nonmotorized vehicle access.

SECTION 4. PROJECT REVIEW FEES.

4.1 Applicability. In addition to an Administrative Fee, the Zoning Board of Appeals shall impose a Project Review Fee on those applications which require, in the judgment of the Zoning Board of Appeals, 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, by-laws 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 regulations, or inspecting a project during construction or implementation.

4.2 Submittal. Project Review Fees shall be submitted at the time of the submittal of the application for deposit in an account established pursuant to G.L. c. 44, s. 53G (53G Account). Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

4.3 Schedule of Project Peer Review Fees. The following schedule applies to the types of applications to the Zoning Board of Appeals set forth below. This schedule supersedes all previous schedules as they may have appeared in the Zoning By-Laws and any listings which may have been compiled from time to time for the benefit of applicants. Where more than one type of application has been submitted for Zoning Board of Appeals for action, only the largest of the applicable Project Review Fees shall be collected for deposit into the 53G Account, and not the sum of those fees.

A. Original Special Permit, Variance, or Comprehensive Permit or Modification thereof:

<u>Project Size</u>	<u>Fee</u>
5 - 15 Lots/Units	\$4,000.00
16 - 20 Lots/Units	\$6,000.00
21 - 25 Lots/Units	\$10,000.00
More than 25 Lots/Units	\$20,000.00

OR

40,001 – 100,000 sf building size	\$6,000.00
100,000 +	\$15,000.00

OR

Twenty or fewer Parking Spaces	\$2,500.00
Twenty-One or more Spaces	\$5,000.00
Wireless Communications Facility	\$3,000.00

B.	Administrative Appeal of a Decision of the Building Commissioner	\$1,000.00
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4.4. Fee Waivers. The Zoning Board of Appeals may waive or reduce any Project Review Fee, if, in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.

4.5 Replenishment. When the balance in an applicant's 53G Account falls below twenty-five percent (25%) of the initial Project Review Fee, as imposed above, the Zoning Board of Appeals shall consider whether to require a supplemental Project Review Fee to cover the cost of the remaining project review.

4.6 Inspection Phase. After the granting of a Special Permit, Variance, or Comprehensive Permit, the Zoning Board of Appeals may require a Supplemental Project Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

4.7 Handling of Project Review Fees. The Project Review Fee is to be deposited into a special account as set forth in G.L. c. 44, s. 53G.

- A.** Outside consultants retained by the Zoning Board of Appeals to assist in the review of an application shall be paid from this account.
- B.** Project Review Fees shall be turned over to the Town Treasurer by the Zoning Board of Appeals for deposit into a 53G Account.
- C.** A copy of the latest statement from the banking institution handling the 53G Account shall be forwarded from the office of the Town Treasurer to the office of the Zoning Board of Appeals as soon as it is received for timely and accurate accounting.
- D.** An accounting of an applicant's funds held in the 53G Account may be requested by the applicant at any time.
 - 1.** The Zoning Board of Appeals shall respond to the request in a timely fashion.
 - 2.** This accounting shall include the following information:
 - a.** The latest statement from the banking institution handling the account, which should include an accurate accumulated interest portion to the closing date of the statement if such statements are subdivided into individual applicants' accounts. Otherwise, a statement of principal and interest, prepared by the office of the Zoning Board of Appeals, based on the latest statement from the banking institution.
 - b.** A report of all checks authorized for issuance since that last banking statement.
- E.** 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 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 filing of a decision with the Town Clerk denying or awarding a Special Permit, Variance, or Comprehensive Permit.
 2. With the filing of a decision with the Town Clerk regarding an Administrative Appeal.

REGULATIONS GOVERNING FEES AND FEE SCHEDULES

SECTION 1. INTRODUCTION.

1.1 Procedural History. Pursuant to G.L. c. 40A, ss. 9 and 12, the Zoning Board of Appeals has adopted regulations governing fees and a new schedule of fees for review conducted by the Zoning Board of Appeals and its consultants on the various types of applications which come before it.

SECTION 2. FEE STRUCTURES AND REGULATIONS.

2.1 General. The Zoning Board of Appeals shall impose reasonable fees for the review of applications which come before it. The Zoning Board of Appeals may impose Administrative Fees and Project Review Fees as may be applicable to the types of applications set forth below.

2.2 Form of Payment. All payments can be made on OpenGov by e-check or credit card. Paper checks can be delivered to the Zoning Board of Appeals in the Department of Planning and Development.

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SECTION 3. ADMINISTRATIVE FEES.

3.1 Applicability. An Administrative Fee shall be assessed to offset the expense of review by the Zoning Board of Appeals and Town employees.

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| 6. Comprehensive Permits per G.L. Chapter 40B
Plus \$50.00 for each additional unit over 20 units | \$1,000.00 |

3.5. Fee Waivers. The Zoning Board of Appeals may waive or reduce any Administrative Fee, if, in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.

3.6 Refund. Once the review process has been commenced, the Zoning Board of Appeals shall not refund Administrative Fees, including the case of withdrawal of the application by the applicant, except as provided in Section 3.5, above.

SECTION 4. PROJECT REVIEW FEES.

4.1 Applicability. In addition to an Administrative Fee, the Zoning Board of Appeals shall impose a Project Review Fee on those applications which require, in the judgment of the Zoning Board of Appeals, 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, by-laws 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 regulations, or inspecting a project during construction or implementation.

4.2 Submittal. Project Review Fees shall be submitted at the time of the submittal of the application for deposit in an account established pursuant to G.L. c. 44, s. 53G (53G Account). Any application filed without this fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

4.3 Schedule of Project Peer Review Fees. The following schedule applies to the types of applications to the Zoning Board of Appeals set forth below. This schedule supersedes all previous schedules as they may have appeared in the Zoning By-Laws and any listings which may have been compiled from time to time for the benefit of applicants. Where more than one type of application has been submitted for Zoning Board of Appeals for action, only the largest of the applicable Project Review Fees shall be collected for deposit into the 53G Account, and not the sum of those fees.

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<u>Project Size</u>	<u>Fee</u>
5 - 15 Lots/Units	\$4,000.00

16 - 20 Lots/Units	\$6,000.00
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More than 25 Lots/Units	\$20,000.00

OR

40,001 – 100,000 sf building size	\$6,000.00
100,000 +	\$15,000.00

OR

Twenty or fewer Parking Spaces	\$2,500.00
Twenty-One or more Spaces	\$5,000.00
Wireless Communications Facility	\$3,000.00

B.	Administrative Appeal of a Decision of the Building Commissioner	\$1,000.00
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4.4. Fee Waivers. The Zoning Board of Appeals may waive or reduce any Project Review Fee, if, in the opinion of the Board, unusual circumstances exist regarding the subject property or the applicant.

4.5 Replenishment. When the balance in an applicant's 53G Account falls below twenty-five percent (25%) of the initial Project Review Fee, as imposed above, the Zoning Board of Appeals shall consider whether to require a supplemental Project Review Fee to cover the cost of the remaining project review.

4.6 Inspection Phase. After the granting of a Special Permit, Variance, or Comprehensive Permit, the Zoning Board of Appeals may require a Supplemental Project Review Fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

4.7 Handling of Project Review Fees. The Project Review Fee is to be deposited into a special account as set forth in G.L. c. 44, s. 53G.

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 2. This accounting shall include the following information:
 - a. The latest statement from the banking institution handling the account, which should include an accurate accumulated interest portion to the closing date of the statement if such statements are subdivided into individual applicants' accounts. Otherwise, a statement of principal and interest, prepared by the office of the Zoning Board of Appeals, based on the latest statement from the banking institution.
 - b. A report of all checks authorized for issuance since that last banking statement.
- E.** 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, 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 filing of a decision with the Town Clerk denying or awarding a Special Permit, Variance, or Comprehensive Permit.
 2. With the filing of a decision with the Town Clerk regarding an Administrative Appeal.

SECTION 5. DELINQUENT ACCOUNTS. The following rules apply to fees owed to the Zoning Board of Appeals by applicants:

5.1 Monthly Interest Charge. All fees past due by one month from the date of invoice shall be subject to a monthly interest charge based upon an annual interest rate of 14%.

5.2 Costs of Collection. All costs of collection associated with past due accounts shall be borne by the applicant.

5.3 Current Delinquents. All applicants owing fees to the Zoning Board of Appeals at the time of any amendment to these provisions of the regulations shall be sent the following:

- A. A duplicate notice of the amount past due.
- B. A copy of the applicable sections of these regulations with all amendments clearly indicated.
- C. Notice of a 30-day grace period before the commencement of any changes in interest rates or charges.

SECTION 6. REVISION OF FEE SCHEDULES AND REGULATIONS GOVERNING FEES.

6.1 Amendment. The Zoning Board of Appeals may review and revise its regulations and fee schedules, from time to time, as it sees fit.

- A. Amendments shall be preceded by a public hearing.
- B. Any new regulations or alterations to the fee schedule shall take effect upon filing a copy of the amendments with the Town Clerk.

COMPREHENSIVE 40B PERMITS ZBA FILING FEES

Online Filing Now Available – Please visit to submit ZBA Filing:

<https://plymouthma.portal.opengov.com/categories/1081/record-types/1006594>

1. **Abutters Fee of \$2.00 per abutter.** A certified listing of abutters needs to be obtained from the Assessor's Office which shall include the owners of land within a 300' radius.
2. **Application Filing Fee** see below chart for type of relief sought.
3. **Legal Ad Fee of \$110.58** for the cost of advertising the petition.
State Law requires that a legal notice be published in a local newspaper once in each of two consecutive weeks, the first publication to be not less than 14 days before the hearing date. You will be notified by mail at least a week prior to the date of your hearing.

Note: All payments can be made on OpenGov by e-check or credit card. Paper checks can be delivered to the Zoning Board of Appeals in the Department of Planning and Development.

All applications, plans and documents will be reviewed and you will be notified when an application is complete or if any further information is required.

Applications will not be clocked in until a completed package is submitted.

Once the application is deemed complete, you will be asked to submit One (1) hardcopy of the complete submission to the Planning Department.

TYPE OF RELIEF SOUGHT

REQUIRED FILING FEE

Comprehensive Permits per G.L. Chapter 40B
Plus \$50.00 for each additional unit over 20 units

\$1,000.00

REQUIRED INFORMATION FOR ALL ZBA PETITIONS

PLEASE NOTE: *ONCE AN APPLICATION TO THE ZONING BOARD OF APPEALS HAS BEEN FILED IN THE ZONING BOARD OF APPEALS' OFFICE, NO CHANGES MAY BE MADE BY THE APPLICANT TO ANY PLANS ACCOMPANYING SUCH APPLICATION UNLESS THE CHANGES HAVE BEEN REQUESTED OR ALLOWED BY THE ZONING BOARD OF APPEALS DURING THE PUBLIC HEARING.*

Documents Required

Site Plans must be stamped by the appropriate professionals (i.e. **Professional Engineer and/or Registered Land Surveyor**), dated within the last two years and should show all pertinent details including building footprints and dimensions, setbacks, contours, and all structures - both existing and proposed. In the case of proposed structures, elevations shall also be required.

Professional Engineers and Land Surveyors please visit the Required Plan Details page for information required on Site Plans.

1. One (1) Hardcopy of full submission including:

- The Zoning Denial Permit from Inspectional Services
- Abutter List and Labels received from the Assessor's Office.
- One (1) full size (24" x 36") copy of site plans stamped by a Registered Land Surveyor
- One (1) 11" x 17" copy of site plans stamped by a Registered Land Surveyor
- Architectural and Floor Plans, minimum 11" x 17"
- Narrative of Project
- Photos of Property
- Recorded Deed or Certificate of Title for subject premises
- Lotting Plan
- Fire Turning Radius
- Traffic Flow
- Parking Layout with dimensions
- Gravel Removal CY Count, if applicable
- Landscape Plan
- Erosion Control Plan
- Service areas, ex. trash, snow, etc.

2. Additional hardcopies of plans may be required upon request.

3. Stormwater Design/ Drainage Calculations:

- a. Low impact stormwater design and MassDEP best management practices for stormwater design are strongly encouraged.
- b. Stormwater Design per Drainage Guidelines:
<https://www.plymouth-ma.gov/DocumentCenter/View/547/Drainage-Guidelines-LID-PDF>
- c. Existing Buildings are required to show connections to existing utilities

4. If the project is serviced by **Town Water**, a Water Balance Program Application is required prior to construction for any new construction or residential single-family home over 3 bedrooms
 - a. For more information visit:
<https://www.plymouth-ma.gov/DocumentCenter/View/5656/Water-Balance-Program-Application-PDF?bidId=>
5. **Additional Peer Review** may be required at the request of the Special Granting Authority including but not limited to a grading plan, drainage calculations, architectural plans (and the extent of architectural information required), and/or a traffic study.
 - a. Peer Review
 - i. Any project requiring peer review may require additional hard copies to be submitted
 - ii. A Peer Review Fee will be required, and an amount will be advised
6. **Notice of Hearing Signage required for Comprehensive Permit Applications**
 - a. Sign should be of weatherproof material 24" x 18" and consist of black letters on a yellow background and mounted 30" above the ground.
 - b. Sign shall be located in a place visible to the public and approved by the Planning Department
 - c. Sign shall be installed one week prior to the first public notice in the local newspaper
 - d. Provide proof of installation to the ZBA Administrative Assistant
 - e. Failure to document installation may result in a continuance of hearing

The text shall include the following information:

Request for Zoning Approval

Zoning Case No: 39xx

Hearing Date and Time: Month DD, Year at {Time} p.m.

Location: Town Hall, 26 Court Street, Plymouth, Massachusetts 02360

Property Address: # Street Name, Plymouth, MA

Proposal: ?????? – State whatever the proposal is for

Zoning Required: Special Permit or Variance per Bylaw Section xxx

Contact Town Hall for further information on related Public Meetings

Town of Plymouth, 26 Court Street, Plymouth Massachusetts 02360

Zoning Board of Appeals: 508-747-1620 x10138

Planning Department: 508-747-1620 x10141

Website: www.plymouth-ma.gov

- f. The sign shall be removed within 7 days after the public hearing.

Final submission to Building Commissioner. Upon issuance of a Comprehensive Permit an application for a Zoning Permit shall be resubmitted to the Building Commissioner accompanied by the Special Permit, Development Plan as well as any other information submitted by the petitioner.

Inclusionary Housing § 207-7

1. ONE of the following is required, in order of preference:

- a. The Memorandum of Understanding (MOU) between the Developer and the Plymouth Office of Community Development as described in the Town of Plymouth's Developing Affordable Housing in Plymouth guide including:
- b. In the case of on-site units or off-site units
 - a. The location, structure, proposed tenure (rental or ownership) and size of the proposed Market Rate and Affordable Units;
 - b. The calculations used to determine the number of required Affordable Units;
 - c. A floor plan or site plan depicting the location of the Affordable Units;
 - d. The income level targets for each Affordable Unit;
 - e. The mechanisms that will be used to assure that the Affordable Units remain affordable for the required term;
 - f. for phased developments, a phasing plan;
 - g. a description of any requested incentives as allowed in Paragraph C(8); and
 - h. a marketing plan for the process by which qualified households will be reviewed and selected to either purchase or rent affordable units, consistent with the Local Initiative Plan requirements of the Massachusetts Department of Housing and Community Development
- c. In the case of a proposed payment in lieu
- d. A written request for waivers of this requirement stating the reasons for this request,
OR
- e. A written explanation of reasons Petitioner seeks confirmation of exemption from said requirements

§ 207-11. Ground-Mounted Solar Photovoltaic Systems [Amended 10-23-2018 FTM by Article 22; Amended 4-8-19 SATM by Article 22, Amended 4-6-2024 ATM by Article 21]

A. Intent. The intent of this bylaw is to promote, by-right, subject to Site Plan Review, in all Districts, the generation of solar energy and to minimize the impacts of solar facilities on the character of neighborhoods, on property values, on the scenic, historic and environmental resources of the Town; and to protect health and safety, while allowing solar energy technologies to be utilized.

B. Location and Area Requirements.

Except as otherwise provided herein, GMSPS are allowed by- right in all Districts subject to Site Plan Review under §203-15. Site Plan Review.

1. Site Plan Review is not required for a GMSPS that:

- a. Actively occupies 1,500 square feet or less of land and has a total GMSPS height of less than 8 feet from final grade, subject to Section C.2.e.; or
- b. is located on agricultural land, and used primarily for the accessory generation of energy for the operation of agricultural use; or
- c. is located on a Development Site consisting primarily of Disturbed Area and, if located within any of the following Districts or areas, provided a minimum 200-foot Bufferisin place along each Lot line that abuts a Residential District:

- I. Airport (AP)
- II. Arterial Commercial (AC)
- III. General Commercial (GC)
- IV. Highway Commercial (HC)
- V. Light Industrial (LI)
- VI. Light Industrial/Waterfront (LI/WF)
- VII. Mixed Commerce (MC)
- VIII. Parking Lots

IX. Power Line Utility Easements

d. GMSPS, up to 15 acres in size, are allowed on landfills located within the Rural Residential (RR) Zone and Cedarville Village Enterprise District (CVED).

2. Prohibited:

- a. A GMSPS that actively occupies more than five acres in area in any Residential District.
- b. GMSPS are prohibited on any parcel that include Estimated Habitats of Rare Wildlife or Priority Habitats of Rare Species as identified by the Commonwealth of Massachusetts Natural Heritage and Endangered Species Program or that are located within a State designated Area of Critical Environmental Concern (ACEC).
- c. GMSPS are not allowed on parcels in R20-SL, R20-MF, R25, R40 and RR zones that have been previously disturbed (i.e. cleared or substantially cleared of natural vegetation by other than natural forces such as fire or flood) for a period of five years from the date of disturbance

C. Standards. The following standards apply to all GMSPS:

1. Setback: A GMSPS site and construction thereon shall conform to the dimensional and intensity requirements set forth in Dimensional Table of the Zoning Bylaw.

2. Design:

- a. Lighting.** High efficiency lighting, such as LED, or equivalent, shall be limited to that required for safety and operational purposes, and shall comply with the requirements of §207-4. Prevention of Light Pollution.
- b. Utility Connections.** Cabling and utility connections within the GMSPS shall be placed underground.
- c. Security.** The GMSPS must be physically secured by measures including, but not limited to, appropriate fence material, construction, locking devices and

surveillance equipment.

e. Signage:

- i. Required: A Sign complying with Signs. §203-3 shall identify the owner and operator, if not the same, and provide the following information: business name for any company or other entity owning and/or operating the installation, with the business address and name of a contact person for each; electric utility or other safety warnings and a 24-hour emergency contact phone number.
- ii. Prohibited: Any advertising display.

f. All emergency vehicle accessways shall conform to dimensional requirements of the Plymouth Fire Department.

g. Screening, as defined in §201-3, shall be installed to shield residences from a GMSPS.

h. Buffers as defined in §201-3 are required as follows:

- i. A minimum of 150 feet for 1 to 2 MW DC systems.
- ii. A minimum of 200 feet for systems greater than 2 MW DC.

3. Land Clearing, Soil Erosion and Habitat Impacts.

a. Clearing of native vegetation on any undeveloped or land in its natural state shall be limited to that necessary for the construction, operation and maintenance of the GMSPS. Effective internal storm water management and erosion control features shall be maintained at all times during and post-construction. Installed fencing shall maintain a minimum distance of 8 inches from final grade for small wildlife passage.

b. Stormwater management controls shall comply with Plymouth's Stormwater Design Guidelines. Percolation tests will be required if no stormwater system controls are provided.

c. Management of all vegetated areas within the GMSPS shall be maintained throughout the life of the project through mechanical means and without the use of chemical herbicides.

d. Native plant species and seed mix installation/management practices that provide benefits to gamebirds, songbirds, and pollinators shall be used, as described in the Massachusetts Pollinator Protection Plan, Best Management Practices and Actions to Benefit Pollinators (p.13-22).

4. Information Required with Zoning Permit for all GMSPS.

a. Landscape Plan. A landscape plan prepared by a Registered Landscape Architect is required and shall include location of existing significant trees, shrubs and grasses to remain and all proposed additions, identified by specimen size and species at installation. Low growth vegetation shall be planted and maintained in areas under GMSPS rack equipment.

b. Materials. Manufacturer's specifications for a proposed GMSPS shall be provided for all equipment and attendant facilities and include documentation of the major system components to be used, including panels, mounting system, rated name plate capacity, colors, inverter and interconnection details

c. Safety. The GMSPS Owner or Operator shall submit a copy of the project summary, electrical schematic, and Development Site plan to the Building Commissioner, with a copy for review by the Fire Chief. Instructions to deenergize the system shall be made available to public safety personnel. The owner or operator shall identify a responsible person for public inquiries throughout the life of the GMSPS.

d. Financial Surety. Except for a municipally owned GMSPS, or a GMSPS designed to cover a parking lot, any project designed at, or in excess of, 4-acres (174,240 sq./ft/) of ground mounted coverage shall require a performance guarantee in the form of a cash bond in an amount approved by the Building Commissioner to cover the cost of GMSPS removal in the event the town must remove the installation and stabilize the Development Site with loam and seed.

5. Other Requirements.

a. Notification. When site plan review is required, at least fourteen days prior to site plan review by the Planning Board, notice of the time and place of said review shall be sent by mail by the GMSPS Owner/Operator, postage prepaid to abutting owners of land within three hundred feet of the property line of the parcel or parcels upon which the GMPS proposes to be situated, as said abutters appear on

the most recent applicable tax list. The assessors maintaining any applicable tax list shall certify the names and addresses of parties in interest and such certification shall be conclusive for all purposes. At least 60 business days prior to the commencement of work on a project, the GMSPS Owner/Operator shall notify abutters within 300 feet of when work will commence and that site plans are available for public review at Town Hall. In order to minimize impacts, as is in part the intent of this bylaw, the Town encourages the notification by the GMSPS Owner/Operator to any residential neighbors for whom a proposed GMSPS installation that creates an undue impact upon the character of the neighborhood, on property values, or on scenic, historic, and environmental resources.

b. Modification. A substantial modification to a GMSPS shown on an approved Site Plan shall require Site Plan modification in compliance with the standards and procedures applicable to the original application.

c. Segmentation. Adjacent parcels in the same ownership or control shall be deemed to be one parcel for purpose of calculating the area limitation of §B.2 above.

d. Abandonment. A GMSPS shall be deemed abandoned when its operations are discontinued for more than one year without the written consent of the Building Commissioner; or if the Building Commissioner has determined that the installation is a hazard to public safety and the conditions have not been corrected within three months. A GMSPS must be removed by its owner and the site restored when it has been abandoned as provided herein.

e. Site Restoration. A GMSPS must be removed by its owner within 150 days from the date of discontinuation of operations. The owner or operator shall notify the Building Commissioner by certified mail of the proposed date of discontinuation and provide detailed plans and schedule for GMSPS removal and restoration of the site to a function approved by the Building Commissioner or to a natural vegetative state.

f. Exemption. This §207-11 shall not apply to a GMSPS for which a zoning permit was issued and was still in effect as of July 20, 2016 [the first publication date of

notice of the August 8, 2016 Planning Board public hearing], but the record owner of the land shall have the right to waive this exemption, in which case this § 207-11 shall apply.

g. When site plan review is required, exempting the municipality, owner occupied residential, or a GMSPS proposal designed to cover a parking lot, the following SHALL apply:

- i. An applicant SHALL present to the town FOR PLANNING BOARD REVIEW and RECOMMENDATION a stamped, engineered plan which includes screening, as defined in §201-3 of the Bylaw, which accomplishes the goal of largely minimizing the impacts of solar facilities on surrounding RESIDENTIAL properties.
- ii. As determined by the Planning Board following the input of Inspectional Services, said RESIDENTIAL properties SHALL be defined as those MORE LIKELY THAN NOT to be impacted with regard to the character of neighborhoods, on property values, and on the scenic, historic, and environmental resources of the Town.
- iii. The Planning Board MAY waive this provision for a particular abutting property IF the applicant obtains the notarized, written permission of said property's LANDOWNERS.
- iv. As per § 207-11-C-2-g, the Planning Board SHALL make a recommendation for screening which largely accomplishes the goal of adequately and sufficiently reducing the impacts of the GMSPS.

h. Severability: If any section, provision, or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

§203-16. Marijuana Establishments.

Marijuana Establishments. Marijuana Establishments as defined in § 205-3 of the Zoning Bylaw, and Medical Marijuana Treatment Centers, as defined in Chapter 369 of the Acts of 2012, are allowed by Special Permit in the Light Industrial (LI) Districts. Marijuana Establishments and Medical Marijuana Treatment Centers are prohibited in all other zoning districts. Marijuana Establishments and Medical Marijuana Treatment Centers must comply with the dimensional, intensity, and setback requirements of the underlying district and the following requirements:

1. A minimum separation of 2,000 feet is required between Marijuana Retailers, not including Marijuana Treatment Centers.
2. A minimum setback of 500 feet is required from any public or private school (with Kindergarten through Grade 12 students).
3. Adequate provisions for security must be provided.
4. Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such buildings or premises.
5. Only one historic identification sign as defined by § 203-3 of the Zoning Bylaw is allowed. All other identification signs are prohibited.

1. Additional Information Required For Retirement Mobile Home Planned Unit Development§203-12.

- i. Depiction of the entire Development Site, including all abutting land or land within 1,000 feet of the proposed RMHPUD owned by or subject to an option to purchase agreement with the applicant; and
- ii. A phased construction plan.

1. Wind Energy Facility §207-9.

- a. A locus plan at a scale of 1" = 200' which shall show all property lines, the exact location of the proposed structure(s), street landscape features, dwellings and other structures within one-hundred (100) feet of the property line.
- b. A one-inch-equals-40 feet vicinity plan, signed and sealed by a Registered Professional Engineer or Licensed Surveyor showing the following:
 - i. Property lines for the subject property and all properties adjacent to the subject property within 300 feet.
 - ii. Outline of all existing buildings, including purpose (e.g., residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet. Distances, at grade, from the proposed Wind Facility to each building on the vicinity plan shall be shown.
 - iii. Proposed location of the Wind Facility, including all turbines, fencing, associated ground equipment, transmission infrastructure and access roads.
 - iv. Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the Wind Facility.
 - v. Representations, dimensioned and to scale, of the proposed facility, including cable locations, parking areas and any other construction or development attendant to the Wind Facility.
 - vi. Tree cover and average height of trees on the subject property and adjacent properties within 300 feet.
 - vii. Contours at each two feet Above Mean Sea Level (AMSL) for the subject property and adjacent properties within 300 feet.
- c. Representation of location of viewpoint for the sight-line diagram referenced below.
- d. Sight lines and photographs.
 - i. Sight-line representation. A sight-line representation shall be drawn from representative locations that show the lowest point of the turbine tower visible from each location. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and buildings. There shall be at least two sight line representations illustrating the visibility of the facility from surrounding areas such as the closest habitable structures or nearby public roads or areas.
 - ii. Existing (pre-development) photographs. A color photograph of the current view shall be submitted from at least two locations to show the existing situation.
 - iii. Proposed (post development). Each of the existing-condition photographs shall have the proposed wind facility superimposed on it to accurately

simulate the proposed wind facility when built and illustrate its total height, width and breadth.

- e. Elevations. Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed wind facility.
- f. Materials.
 - i. Manufacturer's specifications for the proposed wind facility shall be provided for all equipment and attendant facilities.
 - ii. Component materials of the proposed wind facility specified by type and specific treatment.
 - iii. Colors of the proposed wind facility represented by a color board showing actual colors proposed.
- g. Landscape plan. A Landscape plan including existing trees and shrubs and those proposed to be added or removed, identified by size of specimen at installation and species.
- h. Other requirements.
 - i. Confirmation that the wind facility complies with all applicable Federal and State standards.
 - ii. If applicable, a written statement that the proposed wind facility complies with or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.
 - iii. Within 30 days of the pre-application conference, or within 21 days of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of proposed facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the town at least 14 days, but not more than 21 days prior to the test.