



*Engineering and Planning Department  
Community Development Department  
Town Hall - 62 Arlington Street  
Dracut, MA 01826*

## **RULES AND REGULATIONS GOVERNING THE GRANTING OF SITE PLAN REVIEW**

**Town of Dracut Planning Board**

**Public Hearing and Adoption: December 6, 2017**

### **I. PURPOSE OF THE REGULATIONS**

These Rules and Regulations establish a standard procedure for Planning Board review of those uses and/or activities described in Section 1.16.30 Site Plan Review of the Town of Dracut Zoning Bylaw ("Bylaw").

### **II. AUTHORITY**

Under the authority vested in the Planning Board of the Town of Dracut ("Board"), in accordance with the provisions of M.G.L. Chapter 40A, Section 11 as amended, and subject to the applicable conditions set forth in the Bylaw, the Board may, for those certain uses, structures, or conditions so designated in Section 1.16.31 of the Bylaw, approve or deny an application for Site Plan Review.

### **III. STANDARDS**

The Board shall consider Site Plan Review applications in accordance with the General Standards described in Section 1.16.32 of the Bylaw. The Board shall determine if the site plan application provides reasonably adequate provisions for: traffic circulation loading; emergency vehicle access; public utilities; storm water drainage; water supply and surface water protection; natural feature preservation; and preservation of historic features unique to Dracut. In making this determination for each general standard, the Board shall consider the guidelines enumerated below, as well as the advice of applicable boards, committees and commissions with expertise in a specific area. The guidelines are intended to provide guidance to the Applicant in the

preparation of plans, as well as guidance to the Board during its review. They are not intended to be exhaustive, and specific additional guidelines may be applied for a project, if the Board determines they are necessary. The guidelines are intended to encourage exemplary projects and good design, without discouraging creative and/or innovative solutions to problems of a site. The issues and concerns represented by the guidelines must be addressed to the satisfaction of the Board in the final site plan.

## **1. Traffic circulation and access/pedestrian safety and access**

With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives and parking, special attention shall be given to:

- location and number of access points to streets (especially in relationship to existing traffic controls)
- width of interior drives and access points
- general interior circulation
- separation of vehicular and pedestrian traffic
- access to community facilities.

For projects which involve both residential and commercial uses, the circulation system should be designed so as to minimize the impact of commercial vehicles on residential uses.

Depending on the size of the proposed project, the Board may require an assessment by a registered traffic engineer of the impact of the project's estimated traffic generation on surrounding streets and intersections, and, if appropriate, on major vehicular routes in Dracut. As a result of this assessment, the Board may impose conditions on its site plan approval to minimize traffic conflicts and safety problems. Special attention should be given to the materials, proportions, and details of circulation elements to harmonize with the nature of the site.

New circulation shall minimize impact to existing systems, minimize vehicular and pedestrian conflicts, and provide for safe accommodation of horse, bike, pedestrian and vehicular traffic.

## **2. Off-Street parking, loading and snow storage**

Parking shall be designed to:

- Be safe and convenient
- Reduce visual impact from adjacent buildings (both existing and proposed), open spaces, vistas, streets, and neighboring properties
- Provide visual relief from large areas of unbroken pavement by including landscaped areas within the parking area(s)

Parking areas shall be provided with suitable bumper guards, rails, islands, and crosswalks. Speed control bumps and similar devices may be required when deemed necessary by the Board. All parking spaces, maneuvering areas, entrances and exits shall be clearly identified. Loading areas shall be screened from adjacent residential uses by plantings, berms and/or fencing. Snow storage shall be located to keep the traffic flow and parking spaces fully functional, while minimizing impacts to wetlands and water resources.

In addition to complying with the above guidelines, all parking and loading areas shall conform to the requirements of Section 3.10.00 of the Bylaw.

### **3. Emergency vehicle access**

All open and enclosed spaces shall be designed to facilitate evacuation and provide adequate accessibility by fire, police, and other emergency personnel and equipment in accordance with local bylaws and state statutes and regulations.

### **4. Stormwater Systems**

The stormwater drainage proposed for the site shall conform to the best management storm water practices described in the Commonwealth's Stormwater Management Standards, and in accordance with the Town of Dracut Stormwater Management General Bylaw, Chapter 24, adopted June 5, 2017 (hereafter "Stormwater Bylaw").

#### **a. Applicability.**

Except as provided in paragraph c. below, stormwater runoff from all projects requiring site plan review approval from the Board (including site preparation, construction, and additions/expansions) that result in a land disturbance exceeding an area of 2,000 square feet or an area of more than 30% of a parcel or lot, whichever is less, within a two year period, shall comply with the Site Plan Bylaw. In the case of a single land alteration project, whether phased or not, involving more than one contiguous parcel or lot whether or not under common ownership, the entire area of the project shall be considered a lot or parcel under this Section III.4.

Compliance with the Site Plan Review Bylaw requires the Applicant to obtain approval from the Board for any land disturbance as described in the preceding paragraph or noted in Section 1.16.31 of the Dracut Zoning Bylaw. In applying the requirements of the Site Plan Review Bylaw, the Board adopts and applies the Massachusetts Stormwater Management Standards as set forth in 310 CMR 10.05 (6)(k)-(q) and the Water Quality Certification Regulations, 314 CMR 9.06 (6) (a), except that within the jurisdiction of

the Board as is now established or may be amended by the Rules and Regulations Governing the Granting of Site Plan Review.

**b. Definitions**

The Board adopts, to the extent they are applicable, the definitions appearing as “Section II. Definitions” of the Stormwater and Erosion Control Bylaw of the Town of Dracut.

**c. Monitoring**

To insure that the permitted stormwater and erosion control improvements are performed in accordance with the approved plans, the Board may require Applicants, as a condition of approval and at their own expense, to retain a Board-approved consultant to monitor the progress of the work and submit periodic reports. The consultant shall be a qualified environmental professional and shall prepare and submit certified reports on a schedule established by the Board. If, during construction, unexpected site conditions require modifications to the approved plans, the consultant shall immediately notify the Board and request the Board’s approval of any requested modifications. No work shall be performed without the prior approval of the Board.

**5. Water supply and sewage disposal adequate to support the intended use**

Unless it is infeasible, all projects requiring site plan approval shall connect to the public water distribution system. Projects should be designed so as to maximize ground water recharge and water quality protection. When appropriate, the Board will encourage the use of techniques to maximize ground water recharge, such as the installation of perforated drain-pipes, pervious pavement, reduction of paved areas, or reduction of building coverage. The Board also encourages the use of methodologies which reduce water consumption, enhance the conservation of water, and promote water reuse. Where ground water elevation is near the surface, extra site grading precautions may be required. Proposed developments shall not adversely affect ground or surface waters, either fresh or salt, other than incidental short-term impacts anticipated under normal development and minimized by standard mitigating measures.

The proposed method of sanitary sewage disposal and solid waste disposal for all buildings on the site shall be described in the application and shown on the plans. It shall meet the applicable Town regulations for sewage disposal systems, whether they are on-site or connected to the public sewer system.

**6. Screening, including the use of natural land features, plantings, and erosion control**

The proposed site plan shall satisfy the screening requirements set forth in 1.16.41 (Site Landscaping) and 3.14.00 of the Dracut Zoning Bylaw. Perimeter landscaping shall provide reasonable screening when the Board determines that there is a need to shield neighboring properties from any adverse effects of a development or to shield a development from the negative impacts of adjacent uses.

The required landscape plan shall create a total pattern for the site, integrating the various elements of each site's design, and creating a pleasant site character. Buffering elements in the form of architectural design and landscape design that provide a logical transition to adjoining existing or permitted uses shall be provided. Using natural land features and vegetation to provide adequate buffers is encouraged. Landscaped areas approved by the Board shall be reasonably maintained by the owner or the lessee of the property as to pruning, trimming, watering or other requirements to preserve an attractive appearance for the development.

Insofar as possible, natural drainage courses, drainage impounding areas, and swales properly stabilized with plant material (or, when necessary, paving), shall be utilized to dispose of water on the site through natural percolation, at a rate equivalent to the pre-development condition. In addition, appropriate control measures shall be employed, including the implementation of slope stabilization measures such as seeding of exposed areas to replace vegetative cover.

## **7. Protection and preservation of existing natural features and vistas**

Finished site contours shall approximate the character of the natural site; in designing the proposed development, every effort shall be made to reduce the:

- volume of cut and fill
- number of removed trees
- pollutants reaching the water table or surface waters
- area of wetland vegetation displaced
- amount of soil erosion
- area of impervious surface
- amount of stormwater runoff from the site.

Proposed buildings shall be related harmoniously to the terrain and to the use, scale, and siting of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. All buildings and other structures shall be sited to minimize disruption of the topography. Strict attention shall be paid to proper functional, visual and spatial relationship of all structures, landscape elements, and paved areas.

## **8. Erosion of soil and sedimentation of watercourses and water bodies**

Efforts shall be taken to minimize erosion and sedimentation of water courses and water bodies by employing the following best management practices:

- stripping of vegetation, soil removal, and regrading or other development shall be accomplished in such a way as to minimize erosion;
- the duration of exposure of the disturbed area shall be kept to a practical minimum;
- temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;
- permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable after construction ends;
- until a disturbed area is stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Board;
- the top of a cut or bottom of a fill section shall not be closer than ten (10) feet to an adjoining property, unless otherwise specified by the Board;
- during grading operations, methods of dust control shall be employed wherever practicable.

## **9. Exterior lighting and signage**

All signs and advertising features shall be reviewed as an integral element in the design and planning of the proposed use and site. All signs shall comply with the requirements of Section 3.11 of the Dracut Zoning Bylaw.

Outdoor lighting should have sufficient foot-candles to illuminate parking areas, building entrances, road and/or driveway intersections, and any other areas which will receive active nighttime use. Care shall be taken, however, to direct lighting down and away from adjacent uses and streets. Where appropriate, motion detector lights will be allowed as an alternative to standard lighting.

## **10. Visual impact of parking, storage and other outdoor service areas**

Parking areas, heating and cooling systems, generators, dumpsters, and recycling and trash removal containers should be located where impact to abutting properties is minimized and screened from view with plantings and/or fences. Egress to dumpsters and trash removal and

recycling service areas shall provide for efficient removal with a minimum of backing required by the service vehicles.

**11. Energy, water and resource efficient design, through appropriate building orientation, landscaping and through the use of resource efficient materials and energy- and water-efficient systems**

New buildings should be sited to take advantage of the existing terrain, wind breaks and solar gain. Existing mature trees shall be retained and protected whenever possible. Landscaping shall be chosen based on the conditions of the site; for instance, if a site is sunny and dry, drought tolerant plants shall be specified. Native trees, shrubs and herbaceous plantings are the preferred types of plantings. Use of rain barrels or other systems that retain and reuse stormwater for irrigation are strongly encouraged. Building materials should be carefully chosen to provide balance between natural resource efficiency, durability, and aesthetics. The preferred method of achieving energy-efficiency is through a holistic approach to design, siting and landscaping.

**IV. APPLICATION**

A. Application Requirements Application for Site Plan Review shall be made on a form entitled Planning Board Application for Site Plan Review. All Applicants must submit a completed application form. If Applicants are not the owner of the subject property, they must either submit written authorization from the owner along with the application, or have the owner sign the application.

All Applicants must submit to the Engineering and Planning Office, three hard copies of the completed application form, ten copies of the site plan, and any other materials as identified in the application form, as well as electronic (PDF) files of the same. The Engineering and Planning Office shall then review the application for completeness and shall file one complete copy with the Town Clerk's Office, or inform the Applicant that the application is incomplete, within five business days of its receipt. The time frame for the Board issuing a decision begins when applications are filed with the Town Clerk.

B. Site Plan Requirements Plans shall be prepared in accordance with the Site Plan Review Checklist. All plans shall be prepared by a registered professional engineer and/or land surveyor and, where applicable, by an architect and/or registered landscape architect or certified landscape designer. Upon request, the Board may allow the landscape plan to be prepared by a non-registered landscape architect or non-certified landscape designer, or by a registered civil engineer, based on the scope of the landscape plan.

## **V. FEES**

A fee in the amount of Three Hundred Dollars (\$300.00) per site plan review application shall be submitted to cover staff review. In addition, the fee for advertisement of the public hearing shall be paid by the applicant directly to the advertising newspaper. (If the costs for advertisement are not paid by the time of the public hearing, this may be cause for the Board to condition the approval and/or postpone the hearing).

## **VI. AMENDMENTS AND RELATED FEES**

Amendments to the Site Plan Review shall be considered as new applications, requiring a new fee to be submitted to cover staff review. If a use requires both a Planning Board Special Permit and Site Plan Approval, the fee for the higher amount shall apply.

## **VII. PUBLIC HEARING**

### **A. Hearing**

In accordance with the provisions of Section 11 of Chapter 40A of the Massachusetts General Laws (M.G.L.), as amended, the Board is required to hold a public hearing on each Site Plan Review application B. Time Frames

### **B. Time Frame.**

The Board has sixty (60) calendar days to hold a hearing and file its decision on said application. The sixty (60) calendar day time period commences when a completed application is filed and date stamped with the Town Clerk of the Town of Dracut.

### **C. Vote**

In accordance with the M.G.L. Chapter 40A, three members of a five member board - a majority - are required to vote in the affirmative for a site plan application to be approved. Board members must be present throughout the entire public hearing (or use the Mullin Rule, which allows a member one missed public hearing provided they subsequently listen to a tape of the proceedings) and deliberation process to be eligible to vote on an application.



#### **D. Recording of the Decision.**

All Applicants are required to record the Board's decision and referenced plan set at the Northern Middlesex Registry of Deeds. Proof of such recording shall be provided to the Building Inspector prior to the issuance of a building permit.

### **VIII. REVIEW AND INSPECTIONS**

#### **A..Engineering/Consultant Fees**

The Board reserves the right to engage the services of a technical consultant(s) to review any plan if the Board believes that professional review is necessary to accomplish the purposes of these rules and regulations. The costs for any professional review shall be borne by the Applicant and may be imposed in accordance with M.G.L. Chapter 44, Section 53G, and as duly adopted by the Board in accordance with said law. Cost estimates for review shall be provided to the Applicant before review is authorized, and funds shall be provided by the Applicant prior to any work being undertaken by any consultant.

#### **B. Site Inspection Fees**

The Board reserves the right to require site inspection(s), similar to those required in the Rules and Regulations Governing the Subdivision of Land. The costs for such inspections shall be borne by the Applicant and may be imposed in accordance with the M.G.L. Chapter 44, Section 53G, and as adopted by the Board in accordance with said law. An estimate for engineering and site inspection services shall be provided to the Applicant and no inspections shall be completed, including pre-construction meetings, unless and until funds have been submitted by the Applicant to cover the costs of inspections.

#### **C. As-Built Plans**

As-built plans shall be provided upon completion of the project and prior to the receipt of an occupancy permit. As-built plans shall be repaired in accordance with requirements of the Rules and Regulations Governing the Subdivision of Land in Dracut, MA, as amended.

## **IX. WAIVERS**

The Board may waive, by an affirmative vote of three (3) out of five (5) members, any of the preceding requirements, if it believes that the strict compliance with these rules and regulations will, because of the size or special nature of the proposed development, create an undue hardship on the Applicant and not be in the public interest. Any waiver(s) requested by the Applicant shall be submitted in writing by the Applicant with the submission of the Site Plan Application.