



**MANCHESTER BY THE SEA
PLANNING BOARD RULES AND REGULATIONS
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TABLE OF CONTENTS:

ARTICLE I. GENERAL PROVISIONS.....

ARTICLE II. CONDUCT OF PLANNING BOARD MEETINGS.....

ARTICLE III. PROTECTIVE ZONING BYLAW AMENDMENTS.....

ARTICLE IV. SITE PLAN REVIEW.....

THE PROCESS.....

RULES AND REGULATIONS.....

ARTICLE V. SPECIAL PERMIT.....

THE PROCESS.....

RULES AND REGULATIONS.....

ARTICLE VI. GROUNDWATER RECHARGE SPECIAL PERMITS.....

ARTICLE VII. SUBDIVISION RULES AND REGULATIONS.....

APPROVAL NOT REQUIRED PLANS (ANR).....

PRELIMINARY SUBDIVISION.....

DEFINITIVE SUBDIVISION.....

ARTICLE VII. APPENDICES

APPLICATION FEE SCHEDULE

APPLICATION FOR SPECIAL PERMIT

APPLICATION FOR GROUNDWATER PROTECTION

DISTRICT SPECIAL PERMIT

APPLICATION FOR EARTH REMOVAL PERMIT

APPLICATION FOR SITE PLAN REVIEW

SUBDIVISION FORMS

DRIVEWAY ACCESS APPROVAL FORM

OTHER

ARTICLE I: RULES AND REGULATIONS AND GENERAL INFORMATION

A. GENERAL

Section 1. Introduction

The Planning Board of the Town of Manchester by the Sea, Massachusetts, hereby adopts the following Rules and Regulations for the conduct of its business per Massachusetts General Laws (MGL), Chapter 41, Section 81Q and all other matters within its purview. A copy of these Rules and Regulations and all amendments thereto shall be filed with the Town Clerk of said Town. Applicants should also refer to the requirements of the Town's Zoning By-law as well as Massachusetts General Laws Chapter 40A and Chapter 41, §§ 81K through 81GG for matters not covered by these Rules and Regulations. If there are any inconsistencies between these Rules and Regulations and the Town's Zoning By-law, the Zoning By-law shall prevail. If there are any inconsistencies between these Rules and Regulations and the aforementioned Chapters 40A and 41, Massachusetts General Law shall prevail.

Section 2. Powers, Responsibilities, and Authority of the Planning Board

The Planning Board has the following powers, responsibilities, and authority:

- (a) To make careful studies and prepare plans of the resources, possibilities and needs of the Town, per MGL c. 41 §81C.
- (b) To make and adopt a Master or Comprehensive Plan for the Town, per MGL c. 41 §81D, and update such plan periodically.
- (c) To make recommendations to Town Meeting in accordance with MGL c. 40A on proposed zoning amendments submitted as warrant articles.
- (d) To adopt and amend, from time to time, rules and regulations relative to subdivision control in accordance with MGL c. 41 §81Q.
- (e) To review and endorse Approval Not Required (ANR) Plans, in accordance with MGL c. 41 §81P.
- (f) To approve preliminary and definitive subdivision plans in accordance with MGL c. 41 §§81S and 81T and in accordance with the previously adopted and amended Subdivision Regulations for Manchester by the Sea.
- (g) To serve on or attend other Town boards and committees as representatives or liaisons of the Planning Board.
- (h) To make recommendations and propose conditions on applications to build low- or moderate-income housing under MGL c. 40B.

Section 3. Conflict of Interest and Recusals

All Planning Board members shall abide by the Massachusetts Conflict of Interest and Ethics Laws and Guidelines (MGL c. 268A) and shall consult with Town Counsel and/or the State Ethics Commission for guidance. If a member should miss the testimony presented at a public meeting related to an application, that member may recuse him or herself from the discussion and any vote held at a continued meeting on that application.

Section 4. Official Opinion

No member of the Board shall purport to express the official position or opinion of the Board, except in accordance with a specific vote of the Board. Personal opinions or beliefs shall be clearly identified as such.

B. BOARD ORGANIZATION

Section 1. Election.

The Town residents shall elect seven members in three-year staggered terms to serve on the Planning Board in accordance with MGL c. 41 §81A.

Section 2. Elections

Annually, at a meeting scheduled in the month of April, the Planning Board shall elect a Chair and a vice-Chair for a one-year time period (Ware note: or is it more?).

Section 3. Powers and Duties of the Chair

The Chair shall preside over all meetings and hearings of the Board in a fair and open manner in accordance with the rules. Subject to the rules as stated herein, the Chair shall determine the procedures of the meeting and decide all points of order, unless overruled by a majority of the Board in session at the time; shall supervise the work of the Board; arrange for necessary help; and exercise general supervision over the Board's activities.

Section 4. Powers and Duties of the Vice Chair

The Vice Chair shall act as Chair in the event that the Chair is absent, disabled, does not participate in a particular matter or is otherwise unable to perform his or her duties. In the event that neither the Chair nor the Vice-Chair is available for a meeting/hearing on a particular matter, the Chair or Vice-Chair shall, in advance, designate a regular member to act as chair for that meeting.

Section 5. Planning Board Staff

The Planning Board oversees two part-time staff members- a Planning Board Administrator and a Town Planner- who assist the Board in the carrying out of its duties under the MGL and the Manchester by the Sea Protective Zoning Bylaw and General Laws.

5.1 The Planning Board Administrator provides a myriad of professional administrative duties on land use issues including, but not limited to: drafting and posting comprehensive meeting minutes, fielding questions on applications, scheduling and posting meeting agendas, preparing and submitting legal notices for publication, sending out notices to abutters, completing research, responding to requests for information and conducting other tasks to keep the Planning Board business in compliance with MGL. The PB Administrator also provides liaison duties among the Planning Board, their staff and the Zoning Board of Appeals, Conservation Commission and Finance Committee.

5.2 The Town Planner performs professional, administrative, and technical support on land use issues for the Town, primarily through the Planning Board. Manages the Planning Department and provides technical assistance on all planning issues; reviews and coordinates all aspects of site plan review, subdivision review, special permits, and zoning by-law changes. Acts as an inter-board liaison on land use issues to other Town Boards including the Zoning Board of Appeals, Conservation Commission, Community Preservation Committee, Select Board and other Boards and Committees as required.

C. NOTICE FOR PUBLIC MEETINGS AND PUBLIC HEARINGS

Section 1. Introduction

When matters before the Planning Board that require notice to parties in interest appear on a Planning Board agenda, the Planning Administrator or Town Planner shall arrange notice to such parties in interest according to the procedures set forth in this section and in conformance with statutory requirements. The following instructions are for the general information of all appellants, applicants, petitioners, and the general public.

Section 2. Parties in Interest

Depending on the nature of the application before the Planning Board, “parties in interest” may include any combination of the following:

- (a) Parties in interest (as defined under MGL c. 40A §11).

This includes the petitioner, direct abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list. In the case of Public Hearings, if the subject property is within three hundred feet of the town line, parties in interest will also include the Planning Board of all abutting municipalities.

- (b) Interested Individuals.

Interested individuals includes all members of the public who have opted to received “Planning Board” notices through filing a request with the Town Clerk.

Section 3. Types of Notice

Depending on the nature of the application before the Planning Board, one or more of the following types of notice may be provided to the public. Applications below for the types of notice that are provided for each application type.

(a) Notice in Local Paper.

Notice for some public hearings will be published in a newspaper of general circulation in the town, as required, either once in the week prior to the hearing, or once in each of two successive weeks, the first publication not less than 14 days before the hearing date.

(b) Notice to Abutters.

Notice for some public hearings and public meetings will be sent to Parties in interest by mail.

(c) Notice to Interested Individuals.

Interested Individuals will receive notice by mail when a written request is made to the Town Clerk.

D. PUBLIC MEETINGS AND PUBLIC HEARINGS

Section 1. Quorum

A quorum for all of the Planning Board activities shall consist of a majority of the current active Planning Board members.

Section 2. Vote

A valid vote shall be a simple majority of the members present, as long as there is a quorum. A tie vote shall be recorded as such. Votes on Special Permit applications shall require a vote of five (5) or more members of the Board.

Section 3. Scheduling Regular Meetings

Regular meetings of the Board shall be held on the second and fourth Monday of each month at 6:30pm in Town Hall or other location as set forth in the notice for the meeting/hearing. If any meeting/hearing date falls on a holiday or a conflict arises, the

Board may designate an alternate day or time to meet. Special meetings and hearings may be called by the Chair, the Vice-Chair in the Chair's absence, or a majority of the Board. Notice of special meetings/hearings shall be mailed, posted, and published as required by law and these Rules and Regulations.

Section 4. Open Meeting Laws and Public Access to Plans/Documents

All meetings shall be open to the public in accordance with the Open Meeting Law (MGL c. 30A §§18-25). Materials distributed to the Planning Board shall be available to the public on the Town Website and, in order to provide adequate notice about development projects that have applied for Special Permits, Time Extensions and Modifications, the Planning Board shall ensure that agendas for meetings or hearings related to such projects shall include an electronic webpage link to the latest submitted materials relevant to the proposed project as well as a recommendation that anyone interested in securing timely information from the Planning Board and its staff.

Section 5. Record of Meeting Minutes

Recording of all Board meetings shall be taken, posted on the Town website in a timely manner, and made available to the public within a reasonable time upon request.

Section 6. Public Comments and Public Forums

At regular Planning Board meetings, the Planning Board may allot a designated time for the public to speak on an issue. On an as needed basis, Planning Board may hold public forums to which the public is invited to comment on planning issues of interest to the Town.

Section 7. Mullin Rule

In accordance with MGL, Chapter 79 of the Acts of 2006, any member of a municipal board or commission who misses the testimony at one session may examine audio, video or transcript of the missed meeting in order to participate in future proceedings. The Board member shall provide written certification that they have examined the materials or evidence of the missed meeting and that this certification must be included as part of the written record of the hearing. Should multiple members miss the testimony on the same hearing, rules of quorum still apply to each session of the public hearing. Municipalities may continue to impose a stricter standard if chosen, with this process being a local option, which requires town meeting acceptance.

Section 8. Executive Sessions

The Board may meet in executive session, in accordance with the purposes outlined in the Massachusetts General Laws at the suggestion of the Chair following a roll call vote affirming the suggestion by a simple majority in open session.

E. APPLICATIONS – GENERAL INFORMATION

Section 1. Recommendations on Special Permits and Site Plan Approval

The Planning Board is responsible for making decisions with proposing conditions on complete applications for Special Permits and Site Plan Approval, with potential time extensions and modifications.

(a) Notice.

Meetings in which the Planning Board will review and make recommendations on such applications will be noticed. Notice to Abutters, Notice to Town Meeting Members and Others and Notice to Interested Individuals will be provided, as detailed in Section C, “Notice for Public Meetings and Public Hearings.”

(b) Submittal Requirements.

Submittal requirements for Special Permits and Site Plan Approval is set forth in the separate applicable Planning Board Rules and Regulations for Special Permits and Site Plan Approval, which are included in these rules and regulations and also available at the Town Clerk’s Office.

(c.) Conservation Commission Jurisdiction.

When an applicant requires approval of a special permit from the Planning Board and also requires approval from the Conservation Commission, he or she should meet with the Conservation Agent and the Town Planner to discuss the needed relief and coordination of the approval process.

(d) Revised Application Materials.

If an applicant elects to present new or revised materials at a Planning Board meeting/hearing, said applicant is strongly encouraged to email those materials to the Planning staff at least one week in advance of the meeting/hearing. The Planning Board reserves the right to continue a meeting/hearing or recommend denial if an applicant presents materials that, per the discretion of the Planning Board, are different from the last version submitted to the Planning Board in a timely manner as set forth above.

Section 2. Preliminary and Definitive Subdivisions; Approval Not Required (ANR) Plans

The Planning Board reviews and endorses Approval Not Required plans, reviews and approves preliminary and definitive subdivision plans, and adopts and amends rules and regulations relative to subdivision control.

(a) Subdivision Regulations.

Rules and regulations for preliminary and definitive subdivision plans have been adopted by the Planning Board in 1948 and were revised to June 2016, in accordance with MGL c. 41 §81Q.

(b) Notice.

Public hearings in which the Planning Board will review and approve subdivision plans will be noticed and shall include notice in the local newspaper, notice to abutters and notice to interested parties. Individuals will be noticed, as detailed in Section C, “Notice for Public Meetings and Public Hearings” and as required by MGL c. 41 §81T. Meetings in which the Planning Board will review and endorse Approval Not Required plans will not be noticed.

(c) Submittal Requirements.

Submittal requirements for subdivision plans are set forth in the Planning Board’s subdivision rules and regulations, which are a separate document, which is available at the Town Clerk’s Office. The following is required for Planning Board endorsement of an Approval Not Required (ANR) plan in accordance with MGL c. 41 §81T: submission to the Planning staff, with written notice to the Town Clerk that such plan has been submitted; an application and fee; a mylar plan and three copies; and an electronic plan (in PDF format).

(d) Endorsements for ANR plans.

Within 21 days of filing, the Planning Board at a public meeting shall determine whether or not it should endorse the plan as a plan not requiring approval under Subdivision Control Law

Section 3. Zoning Article Submitted to Warrant for Town Meeting

The Planning Board makes recommendations to Town Meeting on proposed zoning amendments.

(a) Notice.

Public hearings in which the Planning Board will discuss zoning articles and solicit public comment will be noticed. Notice in Local Paper and Notice to Interested Individuals will be provided, as detailed in Section C, “Notice for Public Meetings and Public Hearings” and as required by MGL c. 40A §5, when a proposed zoning article would amend the Town’s Zoning By-law.

(b) Notice for Map Changes.

Notice in Local Paper, Notice to Abutters, and Notice to Interested Individuals will be provided, as detailed in Section C, “Notice for Public Meetings and Public Hearings” and as required by MGL c. 40A §5, where a proposed zoning article would amend the Town’s Zoning Map.

F. FEES

Section 1. Application Fees.

Application fees shall be provided in accordance with the fee schedule adopted by the Planning Board (**see separate Application Fee Schedule, to be approved by the SelectBoard**)

Section 2. Employment of Consultants

In accordance with MGL c. 44 §53G, the Planning Board, acting by and through the Planning staff, may require that applicants pay the reasonable cost for employment of outside consultants to review a proposed project.

2.1 Purpose.

As provided by G.L. Ch. 44 §53G, the Manchester by the Sea Planning Board may impose reasonable fees for the employment of outside consultants, engaged by the Planning Board, for specific expert services. Such services shall be deemed necessary by the Planning Board to come to a final decision on an application submitted to the Planning Board pursuant to the requirements of the Manchester by the Sea Zoning Bylaw, or any other state or municipal statute, bylaw or regulation, as they may be amended or enacted from time to time. The Planning Board may also impose fees for other consultant services, related to application review, or permit conditioning or monitoring, under any of the above-referenced laws or regulations.

2.2 Special Account.

Funds received pursuant to these rules shall be deposited with the town treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Planning Board without further appropriation as provided in M.G.L. Ch. 44 §53G. Expenditures from this account shall be made only in connection with a specific project or projects for which a consultant fee has been collected from the applicant. Expenditures of accrued interest may also be made for these purposes.

2.3 Consultant Services.

Specific consultant services may include but are not limited:

1. Analysis of land area values and review of wildlife or similar studies;
2. Hydrogeologic and drainage analysis (particularly in a water supply district);
3. Impacts on municipal conservation lands,
4. Traffic and transportation study review and analysis;

5. Impacts of special energy related projects, such as proposed geothermal and solar installations;
6. Any specific reviews, as designated by the Planning Board, that is beyond the scope or capabilities of the Manchester by the Sea department staff.

Services may also include on-site monitoring during construction, or other services related to the project deemed necessary by the Planning Board. The consultant shall be chosen by, and report only to, the Planning Board and/or its town planner and/or administrator.

2.4 Notice.

The Planning Board shall give written notice to the applicant of the selection of an outside consultant. Such notice shall state the identity of the consultant, the amount of the fee to be charged to the applicant, and a request for payment of said fee in its entirety. Such notice shall be deemed to have been given on the date it is mailed or delivered. No such costs or expenses shall be incurred by the applicant if the application or request is withdrawn within five days of the date notice is given.

2.5 Payment of Fee.

The fee must be received prior to the initiation of consulting services. The Planning Board may request additional consultant fees if necessary review requires a larger expenditure than originally anticipated or new information requires additional consultant services. Failure by the applicant to pay the consultant fee specified by the Planning Board within ten (10) business days of the request for payment, or refusal of payment, shall be cause for the Planning Board to deny the application based on lack of sufficient information to evaluate whether the project meets applicable performance standards in MGL c. 40A or 41 or other applicable law. An appeal stops the clock on the above deadline; the countdown resumes on the first business day after the appeal is either denied or upheld. A denial for lack of information may be based solely on the lack of the third-party consultant review identified as necessary by the Planning Board. The Planning Board shall specify in its denial the nature of the information lacking which its chosen consultant would provide, e.g., the questions it needs answered.

2.6 Appeals.

The applicant may appeal the selection of the outside consultant to the Manchester by the Sea Select Board, who may only disqualify the outside consultant selected on the grounds that the consultant has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist of both an educational degree and three or more years of practice in the field at issue or a related field. Such an appeal must be in writing and received by the Select Board and a copy received by the Planning Board, so as to be received within ten (10) days of the date consultant fees were requested by the Planning Board. The required time limits for action upon the application shall be extended by the duration of the administrative appeal.

2.7 Return of Unspent Fees.

When the Planning Board's review of a project is completed and a special permit, site plan or other permit has been issued, any balance in the special account attributable to that project shall be returned within 30 days. The excess amount, including interest, shall be repaid to the applicant or the applicant's successor in interest.

For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Planning Board with appropriate documentation. A final report of said account shall be made available to the applicant or applicant's successor in interest.

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ARTICLE II: PROCEDURES FOR CONDUCT OF BOARD MEETINGS

The Manchester by the Sea Planning Board is responsible for reviewing applications for subdivision approval, plans for which a subdivision approval is not required, special permits and site plan review. The orderly and efficient conduct of the Planning Board's meetings are in the interest of the Planning Board, the applicants before the Board, and the members of the general public attending the Planning Board meeting. The following protocols shall apply in the operation of a Planning Board meeting or public hearing:

A. Requests to be on the Agenda.

A party wishing to discuss or present a matter or application shall file all documents supporting that matter or application with the Planning Board administrator and Planning Board Chair and shall be placed on the next available agenda, given the required public notice requirements as well as other considerations for scheduling such applications. Absent good cause shown, a matter or application submitted shall be scheduled as expeditiously as possible. Due to the requirements of the Open Meetings Law, the Planning Board cannot consider a matter or application unless it is on the agenda. The Planning Board shall endeavor to advise applicants about applications that are incomplete prior to the meeting at which they are to be considered. Incomplete applications may be denied by the Planning Board without consideration of the underlying merits.

B. Digital Format.

Most application documents are now created digitally. Applicants are strongly encouraged to transmit application materials with the Planning Board Administrator and Town Planner in both electronic and hard copy formats. Transmitting an application electronically to the Administrator or Town Planner does not constitute a filing of the application for purposes of calculating time periods.

C. Order of Business

Except in extraordinary circumstances, the Planning Board shall discuss agenda items in the order in which they are listed on the agenda.

D. Public Comment

Public comment is an important part of the Planning Board meetings. Nevertheless, unrestrained public comment during a meeting is disruptive to the business of the Planning Board and unnecessarily prolongs the meetings. Each regularly scheduled meeting of the Planning Board shall open with a public comment period. Comments during this period do not have to be related to Planning Board business but shall be limited to matters which concern the Planning Board. The public shall not use the comment period to discuss an item for which a public hearing has been scheduled. Each member of the audience may have one, three-minute time period in which to make comments during this initial comment period. Other than these general comment periods, members of the public are only entitled to comment during a public hearing on an application as provided below.

E. Comments during a Public Hearing

An applicant shall have the time the chairman deems adequate to address the particulars of an application. During a public hearing, a member of the public shall be limited to one, three-minute comment period. This time limitation shall also apply to legal counsel representing a member of the public. In his discretion, the Planning Board chairman may extend the comment time given to individuals during the public hearing. During a public hearing, a member of the audience who desires to speak shall identify him or herself and provide a residence or business address. If the speaker is legal counsel, he or she shall identify his or her clients and the address of those clients. Comments during a public hearing shall be addressed only to the Planning Board and concern the pending application. An applicant may rebut or address comments at the conclusion of the public comments. There shall be no public comment once the public hearing is closed.

F. Written Submissions

Written submissions are encouraged. Written submissions submitted by or on behalf of a member for the Planning Board to consider at a public hearing shall be filed with the Planning Board Administrator no fewer than two days before the public hearing. Written submissions to the Planning Board filed during a public hearing will not be considered by the Planning Board at that public hearing.

G. Deliberations

Once an applicant has concluded his or her presentation or after the close of the public hearing on an application, the Planning Board frequently engages in deliberations where Board Members discuss among themselves various aspects of an application prior to being asked to vote. During this deliberation period the applicant shall refrain from making unsolicited comments to the Board.

H. Review of Decisions and Policy Papers

In reviewing decisions, policy papers, and other pertinent documents, the Board shall be required to review the document for at least two readings of the document, in order to ensure Board adopted documents are fully vetted and reviewed for accuracy.

I. Audio or Video Recordings

After notifying the chairman of the Planning Board, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium, subject to the reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. At the beginning of the meeting, the chair shall inform other attendees of any recording.

J. Unauthorized or Disruptive Conduct

As provided by Massachusetts General Law Chapter 30A, Section 20(g), no person shall address a meeting of the Planning Board without permission of the chairman, and all persons shall, at the request of the chairman, be silent. No person shall disrupt the proceedings of a meeting of a public body. If after clear warning from the chairman, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chairman may authorize a constable or other officer to remove the person from the meeting.

ARTICLE III. PROTECTIVE ZONING BYLAW AMENDMENTS

To be added per MGL

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ARTICLE IV. SITE PLAN REVIEW

THE PROCESS

Prior to submittal of this application, it is recommended that applicants do the following:

1. Meet with staff of the Town's Planning Board;
2. Meet with abutters to the project; and
3. Review the Site Plan Review Regulations, Site Plan Review Performance Standards (Section 6.3), Application and Checklist available within this document, on the Town's website and at the Town Clerk's office. Taking these steps will help streamline the review and approval process and avoid delays.

A. Site Plan Review Application Preparation.

The Applicant prepares **three hard copies** of the required forms and plans as specified in the Site Plan Review Permit Rules and Regulations as well as electronic (PDF) copies of same. If a stormwater analysis is required, the Applicant may submit 2 copies. Applicants should submit 3 full-size sets of the site plans and 8 sets on maximum 11x17 inch paper.

B. Application Submission.

The Applicant submits three (3) complete applications and three (3) sets of plans, accompanied by the fee to the Planning Administrator. If required, the Applicant shall also submit 2 copies of stormwater calculations to the Planning Administrator. An electronic (PDF) copy of the entire application, including the plans and any other required materials shall be submitted to the Planning Administrator, either via email or by submittal of media such as a CD. Once the Town Planner has determined the application is complete, 1 copy of the application and 1 set of plans will be filed with the Town Clerk.

C. Scheduling of Hearing and Legal Ad Publication

The Planning Administrator and Town Planner, with advice of the Planning Board Chair, schedules the Applicant for a hearing date and prepares the legal notice for mailing to parties of interest (abutters) and for publication in the local newspaper.

D. Planning Board Public Hearing

Applicants should appear on their own behalf, or be represented by an agent, such as an engineer or architect, authorized to represent their interests. In the absence of an Applicant and/or representative without notification, the Board will typically continue the hearing.

E. Planning Board Decision

Within 60 calendar days from the date of the application submittal, the Board will aim to file a decision with the Town Clerk. There are two (2) exceptions:

- 1) On occasion, the Board and Applicant may consent to an extension and
- 2) If the Applicant also filed a special permit for the project, the site plan review is acted upon within the same time period as the special permit application.

Once filed, the decision will be stamped by the Town Clerk certifying the time and date of filing. A site plan decision is directly appealable to Court, pursuant to G.L. c. 40A, Section 17.

F. Recording Certificate of Vote and Plans

The applicant is responsible for recording certification of the decision and accompanying plans at the South Essex District Registry of Deeds in Salem, Massachusetts and then forwarding a recorded copy to the Planning Administrator upon execution of the document. An electronic (PDF) copy of the recorded decision is preferred.

G. Building Permit

The Applicant is responsible for furnishing the appropriate information to the Building Department to obtain a building permit. However, the Planning Board decision may include conditions the Applicant must meet before a building permit may be issued. Please consult with Planning Board staff if you have questions about a Planning Board decision and any conditions that must be met prior to building permit issuance.

SITE PLAN REVIEW RULES AND REGULATIONS

A. 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 6.3 Performance Standards for Special Permit and Site Plan Review of the Protective Zoning Bylaw (“Bylaw”).

B. AUTHORITY

Under the authority vested in the Planning Board of the Town of Manchester by the Sea (“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 the Bylaw, approve or deny an application for Site Plan Review.

C. STANDARDS

The Board shall consider Site Plan Review applications in accordance with the General Standards 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 Manchester by the Sea. In making this determination for each general standard, the Board shall consider the guidelines enumerated below. 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. and 2. 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:

- (a) location and number of access points to streets (especially in relationship to existing traffic controls);
- (b) width of interior drives and access points;
- (c) general interior circulation;
- (d) separation of vehicular and pedestrian traffic; and
- (e) 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 Manchester by the Sea.

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. Use of historic paving materials may be

allowed in historic areas as an alternative to standard paving practices. When walking trails exist on the site, every effort shall be made to preserve these trails, or to relocate them when preservation of the existing trail is not possible. Proposed plans shall show the impact of the development on existing bikeways, hiking and trail systems, and shall show any deletions, alteration, extensions or enhancements proposed to those systems. New circulation shall minimize impact to existing systems, minimize vehicular and pedestrian conflicts, and provide for safe accommodation of bike, pedestrian and vehicular traffic.

3. Off-Street parking & loading Parking shall be designed to:

(a) Be safe and convenient

(b) Reduce visual impact from adjacent buildings (both existing and proposed), open spaces, vistas, streets, and neighboring properties

(c) 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. In addition to complying with the above guidelines, all parking and loading areas shall conform to the requirements of Section 6.1 of the Bylaw.

4. 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.

5. Storm water drainage, based upon a professional engineering report, utilizing on-site absorption wherever practical 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 referenced by the Town's Stormwater Management General Bylaw (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 10,000 square feet or an area of more than 50% of a parcel or lot, whichever is less, shall comply with the Stormwater 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. Compliance with the

Stormwater Bylaw requires the Applicant to obtain approval from the Board for any land disturbance as described in the preceding paragraph. In applying the requirements of the Stormwater Bylaw, the Board adopts and applies the Massachusetts Stormwater Management Standards as set forth in 310 CMR 10.05 (6)(k)-(q), 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, the application of the Stormwater Management Standards shall not be limited as set forth in 10.05(6)(l) and (m) as may be amended, but shall apply to any development and/or redevelopment project and/or land disturbance activity as set forth in Section 5.A of the Stormwater Bylaw, and is not exempted by other provisions thereof. Planning Board Site Plan Review Regulations for Town of Manchester by the Sea, Massachusetts

(b.) Definitions the Board adopts, to the extent they are applicable, the definitions appearing in Section 2. of the Zoning Bylaw.

(c). Monitoring To ensure that the permitted stormwater 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.

6. 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 drainpipes, 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.

7. Screening, including the use of natural land features, plantings, and erosion control. The proposed site plan shall satisfy the screening requirements set forth in Section 6.3 of the 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.

8. 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: •

- (a) volume of cut and fill;
- (b) number of removed trees;
- (c) pollutants reaching the water table or surface waters;
- (d) area of wetland vegetation displaced;
- (e) amount of soil erosion;
- (f) area of impervious surface; and
- (g) 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. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best management practices:

- (a). stripping of vegetation, soil removal, and regrading or other development shall be accomplished in such a way as to minimize erosion;
- (b). the duration of exposure of the disturbed area shall be kept to a practical minimum;
- (c.). temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;
- (d). permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable after construction ends;
- (e). 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;
- (f). 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;
- (g). 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 6.2 of the Bylaw

Outdoor lighting should have sufficient footcandles 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, 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. Consistency with character and scale with surrounding buildings Proposed buildings should harmonize with and be evocative of the surrounding environment and additions to existing buildings should be reflective of and sympathetic to the original building.

12. 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.

D. 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 Planning Administrator or Town Planner, three hard copies of the completed application form, the site plan, and any other materials as identified in the application form, as well as electronic (PDF) files of the same. The Town Planner 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.

E. FEES

A fee in the amount of **one hundred and fifty dollars (\$150.00)** per site plan review application shall be submitted to cover staff review. 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 larger fee shall be required.

F. 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 the Board has sixty (60) calendar days to hold a hearing and file its decision on said application. The sixty (60) calendar daytime period commences when a completed application is filed and date stamped with the Town Clerk of the Town of Manchester by the Sea. This period may be altered by extension or with the application of a special permit, in which case the special permit time provisions shall apply.

C. Vote In accordance with the M.G.L. Chapter 40A, four members of a seven-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. Amendments. Amendments or changes to the permit shall be treated as a new application - thus requiring new filing fee and new public hearing.

G. 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 (see separate rules and regulations on MGL 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.

H. WAIVERS

The Board may waive, by an affirmative vote of four (4) out of seven (7) 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 Review application.

ARTICLE V. SPECIAL PERMIT

THE PROCESS

Prior to submittal of a Special Permit application, it is recommended that Applicants do the following:

1. Meet with town planning staff.
2. Inform abutters to the project of your plans; and
3. Review the Special Permit Regulations, Application and Checklist available from the Town's website. Taking these steps will help streamline the review and approval process and avoid delays.

A. Special Permit Application Preparation

The Applicant prepares 3 complete hard copies of the required application, plans and other materials as specified in the Special Permit Uses and Activities Application, as well as an electronic (PDF) copy of same. Applicants with site plans should submit 3 full size sets and 8 sets on maximum 11x17 inch paper.

B. Application Submission

The Applicant submits the 8 complete applications and 8 sets of plans, accompanied by the fee to the DPD. If required, the Applicant shall also submit 2 copies of stormwater calculations to the DPD. An electronic (PDF) copy of the entire application, including the plans and any other required materials shall be submitted to the Planning Board Administrator, either via email or by submittal of media such as a CD. Once the Town Planner has determined the application is complete, 1 copy of the application and 1 set of plans will be filed with the Town Clerk.

C. Scheduling of Hearing and Legal Ad Publication and Payment

The Planning Board Administrator and Town Planner, after consulting with the Board Chair, schedules the Applicant for a hearing date, prepares and mails the legal notice to parties of interest (abutters) and submits it for publication in the local newspaper. By statute, the Planning Board (hereafter the "Board") is required to schedule the hearing within 65 days of its receipt of the application. In practice, the Board generally holds its hearing within 30 days of receiving a special permit application.

D. Board Public Hearing

Applicants should appear on their own behalf, or be represented by an agent, such as an engineer or attorney, authorized to represent their interests. In the absence of an Applicant and/or representative, the Board will typically continue the hearing.

E. Planning Board Decision (also known as a Certificate of Vote)

Within 90 calendar days after the date the public hearing is closed, the Board will aim to file a decision with the Town Clerk unless the Board and Applicant consent to an extension of the review period. The Board will file its decision with the Town Clerk within 14 days of voting on the decision. Any appeal of the Board's decision may be made pursuant to Massachusetts General Law Chapter 40A, Section 17, within 20 calendar days after the decision is filed with the Town Clerk. Upon expiration of the appeal period, if no appeal has been filed, the Town Clerk will certify a copy of the decision for filing at the Registry of Deeds. 6. Recording Decision (Certificate of Vote) and Plans

The Applicant is responsible for recording a certified copy of the decision and accompanying plans at the South Essex District Registry of Deeds in Salem, Massachusetts and then forwarding a recorded copy to the Board Administrator and the Building Inspector upon execution of the document. An electronic (PDF) copy of the recorded decision is acceptable.

F. Building Permit

The Applicant is responsible for delivering all required information to the Building Department to obtain a building permit. Please note, the Planning Board decision may include conditions the Applicant must meet before a building permit may be issued. Please consult with Planning board Administrator or Town Planner if you have questions about a Planning Board decision and any conditions that must be met prior to building permit issuance.

(For comparison purposes, these are the existing MBTS special permit Rules and Regulations adopted in accordance with MGL Chapter 40A.

1. Applications for special permits must be submitted to the Town Clerk
 - a. A Public Hearing of the board will be scheduled.
2. Eighteen (18) copies of all applications to the Board shall be filed with the Town Clerk on forms prescribed by the Board and shall state:
 - a. the name and address of the petitioner;
 - b. which section of the Zoning By-law governs the Special Permit;
 - c. the specific provisions of the Zoning By-law involved;

- d. the use for which a Special Permit is sought;
- e. description of the land to be affected;
- f. the name and address of the owner of the land if other than the petitioner;
- g. a declaration of the status or interest of the petitioner if other than the owner of the land;
- h. disclosure as to whether the land to be affected by a Special Permit is contiguous to other land held in common ownership;
- i. a drawing to scale indicating lot dimensions and area, proposed lot lines, location, and dimensions of all structures on the lot; all abutters; front, rear and sideline setbacks; location of public ways, and
- j. in the case of Special Permits which affect the USE of buildings, an adequately detailed, scale floor plan of the building in question will be furnished.

3. All applications shall be accompanied by a filing fee with checks made payable to the Town of Manchester by the Sea. SPECIAL PERMIT \$

- a. Any application not complying with the requirements of paragraphs 2 and 3 shall not be considered properly filed and shall not be assigned for hearing until such time as it is in compliance.

4. In the event that the Board Chairman deems an application inadequate to a proper understanding of the matter or otherwise not properly filed, the applicant shall be advised and given an opportunity to bring the application into compliance.

- a. An application may be dismissed for failure to comply with these rules.
- b. Formal notice of dismissal of any application for non-compliance with these rules shall be filed with the Town Clerk.

5. After assignment of a hearing date, the Planning Board's clerk shall notify the Board of Assessors of the location of the land affected,

- a. The clerk shall also file copies of the application, when applicable, with the Board of Health, Conservation Commission and Board of Selectmen.
- b. The Planning Board shall publish a notice of the hearing of all applications for which a hearing date has been assigned in a newspaper of general circulation in the Town of Manchester-by-the-Sea and shall mail notices to the applicant and all interested parties as determined by the Board in accordance with the provisions of MGL Chapter 40A, Section 11, and all other interested parties who, in the opinion of the Board are deemed to be particularly affected.
- c. Between the date of the first publication and the date of the hearing, there shall be an interval of not less than fourteen (14) days and the notice shall be published twice.

6. Minutes of the proceedings at Public Hearings shall be kept by the clerk to the Board.
7. The Board may, by majority vote, require further submission or waive any provision of these rules for good cause shown, provided that such waiver shall not be inconsistent with any provisions of the Zoning By-laws or the General Laws of the Commonwealth.)

SPECIAL PERMIT RULES AND REGULATIONS

RULES AND REGULATIONS GOVERNING

THE GRANTING OF SPECIAL PERMITS

TOWN OF MANCHESTER BY THE SEA, MA.

I. PURPOSE OF THE REGULATIONS

The purpose of these Rules and Regulations, pursuant to Section 6.3 of the Zoning Bylaw of Manchester by the Sea (herein “Bylaw”) is to establish a standard policy for reviewing and acting upon special permit applications.

II. CRITERIA AND CONDITIONS FOR APPROVAL

A. Standard Criteria

Under the authority vested in the Board through the provisions of Section 9 and 11 of Chapter 40A of the Massachusetts General Laws, and pursuant to Sections 6.3 and 12 of the Bylaw, the Board may, for those uses structures, or conditions designated in the Table of Use regulations or elsewhere in the Bylaw, approve an application for a special permit upon a written determination that :

1. The benefit to the Town outweighs the adverse effects of the proposed use, taking into account the characteristics of the site, neighborhood, and surroundings, and of the proposal in relation to that site; and
2. The Applicant’s application materials include, in the Board’s opinion, sufficiently detailed, definite, and credible information and be presented to the Board illustrating how each criterion is met in accordance with the intent of the Bylaw.

In making this determination, the Board applies the following criteria:

1. Social, economic or community needs which are served by the proposal;
2. Potential fiscal impact, including impact on town services, tax base and employment;
3. Traffic flow and safety, including parking and loading;
4. Adequacy of utilities and other public services;
5. Compatibility with neighborhood character;
6. Impacts on the natural environment.

B. Guidance for Determining if Special Permit Criteria are Met.

When applying the above criteria, the Board shall employ the guidelines enumerated below. These guidelines are intended not only to provide guidance to the Board during its review, but also to the Applicant in the preparation of plans. They are not intended to be exhaustive, and specific additional guidelines may be applied for a project, if the Board determines that 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 associated with the special permit application.

1. Social, economic or community needs which are served by the proposal.

The proposal shall meet one or more needs identified in the current Master Plan, such as stormwater accommodation on-site, compatible building and landscape design, maximization of water conservation in-doors and out, reduction of greenhouse gas emissions, and pedestrian and bicycle safety. For residential proposals, the housing types that are encouraged by the Housing Production Plan and current Master Plan would be preferable.

2. Potential fiscal impact, including impact on town services, tax base and employment;

The proposal makes a case that the financial benefits of the proposal outweigh the additional costs associated with the required Town services, considering such factors as total private capital investment, additional public services needed, purchase of public services resulting in additional revenue to the town and additional costs from alteration of public property (e.g. Installation of utilities in the road).

3. Traffic flow and safety, including parking and loading;

The proposal shall be consistent with the guidelines set forth in the standards of the Planning Board's Special Permit Regulations. (herein "Special permit Standards"): specifically, 1 and 2. Traffic Circulation and Access and Pedestrian Safety and Access; 3. Off-Street Parking and Loading; and 4. Emergency Vehicle Access and as appropriate, include Electric Vehicle charging and accommodations for bicycles.

4. Adequacy of utilities and other public services

The proposed design shall be consistent with the guidelines set forth in Special permit Standards; specifically, 5. Stormwater Drainage.... Utilizing On-Site Drainage wherever practical; 6. Water Supply and Sewage Disposal Adequate to Support the Intended Use. As well as this document: <https://www.mass.gov/doc/ma-2050-decarbonization-roadmap/download>.

5. Compatibility with neighborhood character

For all special permit uses, consider the guidelines set forth in Special permit Standards; specifically, 7. Screening, including the Use of Natural Land Features, Planting, and Erosion Control; and 11. Consistency with Character and Scale with Surrounding Buildings.

For multi-family dwelling units, multi-family residential developments, or mixed residential/business uses also consider the guidelines described in D. below.

6. Impacts on the natural environment.

Consider the guidelines set forth in Special permit Standards; specifically, 8. Protection and preservation of Existing Natural Features and Vistas; 9 Exterior Lighting and Signage; and 12. 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 as well as the extent to which the proposal contributes to the Town's goals of water neutral growth and reducing greenhouse gas emissions.

The guidelines referenced above are provided as Appendix C to these Special Permit Regulations.

C. Additional Criteria for Certain Special Permits

For certain uses, besides meeting the standard criteria in Sections 6.3 and 12 of the Bylaw, the Board may grant special permit approval only if the use also satisfies additional criteria described elsewhere in the Bylaw. These uses and their related criteria are as follows:

1. Uses requiring Special Permit pursuant to Section 10.3 Groundwater Supply

The proposed use shall not adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Resource Overlay Protection Districts. Further, the use shall be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and other water-related natural characteristics of the site to be developed.

2. Uses requiring Special Permit pursuant to Section 8.1 Personal Wireless Telecommunications Service Facilities.

An Applicant proposing a free-standing WTF shall prove to the satisfaction of the Board that the visual, economic and aesthetic impacts of the facility on the community will be minimal. The Applicant must also demonstrate that the facility needs to be located at the proposed site due to the technical, topographical or other unique circumstances. In determining whether to issue a special permit, the Board shall consider the following factors: height of the proposed facility; the nature of uses

adjacent and nearby properties; surrounding topography; surrounding tree coverage and foliage; the visual impact of the facility on the abutting neighborhoods and streets and impact on existing vistas and natural resources.

3. Uses requiring Special Permit pursuant to Section 11 (Energy Regulations-Solar and Wind)

In determining whether to issue a special permit for a Solar Photovoltaic installation or a Wind Energy Conservation Facility pursuant to this subsection, the Board shall consider:

- a. Open Space and Agricultural Impacts
- b. Land Clearing, Soil Erosion and Habitat Impacts
- c. Operation and Maintenance Standards
- d. Site Condition Suitability

D. Guidance for Determining if Special Permit Criteria Have Been Fulfilled for Certain Uses

For certain special permit uses, the Board shall consider the guidance provided below before determining if the special permit application fulfills one or more of the criteria listed in Section 12 of the Zoning Bylaw. These uses and specific criterion or criteria are as follows:

Uses requiring special permit for multi-family dwelling units, multi-family residential developments or mixed residential/business uses.

In considering whether or not to approve special permit applications for multi-family dwelling units, multi-family residential developments or mixed residential/business uses, the Board must determine whether or not a proposed development is compatible with the character of its immediate neighborhood. Existing and proposed density, similar design and special arrangements of the existing and proposed developments, avoidance of parking in the front of buildings, integrated garage spacing, and consideration of topography, existing and proposed easements, wetlands and other development restrictions should all be considered.

III. SUBMITTAL REQUIREMENTS

A. Application Requirements for special permit shall be made on a form entitled Planning Board Application for Special permit. 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 Planning Administrator or Town Planner, **three hard copies of the completed application form, the site plan, and any other materials** as identified in the application

form, as well as electronic (PDF) files of the same. The Town Planner 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.

IV. B. Special Permit Requirements

Plans shall be prepared in accordance with the Special permit 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. V. FEES

A fee in the amount of One Hundred and Seventy-Five (\$175.00) per special permit application shall be submitted to cover staff review. Amendments to the Special permit 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 larger fee shall be required.

VI. 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 Special permit application.

B. Time Frames

C. The Board has sixty (60) calendar days to hold a hearing and file its decision on said application. The sixty (60) calendar daytime period commences when a completed application is filed, and date stamped with the Town Clerk of the Town of Manchester by the Sea.

D. Vote

In accordance with the M.G.L. Chapter 40A, five members of a seven-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.

E. Amendments

Amendments or changes to the permit shall be treated as a new application - thus requiring new filing fee and new public hearing.

VII. 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 (see separate rules and regulations on MGL 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.

VIII. WAIVERS

The Board may waive, by an affirmative vote of five (5) out of seven (7) 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 Special permit application.

ARTICLE VI. GROUNDWATER RECHARGE SPECIAL PERMITS

Taken from Subdivision Rules & Regulations to the Planning Board Rules and Regs

OFFICE OF THE PLANNING BOARD Town Hall, Manchester-by-the-Sea, MA 01944

_____ @ _____ Town Clerk Hearing

Date: _____ Site Viewing: _____ Granted: _____

Denied: _____ Decision Due: _____ Decision filed with the Town Clerk:

_____ (for office use) Nature of Action Requested: Request for Special Permit under Section _____ of the Zoning By-law. Other (Specify)

_____ Name of Owner: _____ Phone/Email _____

Address: _____

Location of lot _____

(No.) (Street) Assessors Map No: _____ Lot No. _____ Zoning district _____ Water

Resource Protection District: _____ Flood Plain: _____ Flood Control District: _____

see <http://host.appgeo.com/manchesterma/Map.aspx> Title of Attached

Plan: _____ Date of Plan: _____

_____ Lot No. on Plan: _____ Dimensions of

Lot: Frontage: _____ feet. Depth: _____ feet

Area: _____

The undersigned owns no other real estate contiguous to land which is subject of this application except as follows: _____

Specific action requested, including use:

Signed: _____ Print

Name: _____

Date: _____ The scheduling of a Public Hearing does not necessarily deem the application to be acceptable to the Planning Board. \$ fee paid

_____ Town Clerk Subdivision Rules and Regulations June 2016 Page 84 Special Permit

(page 2). Rules and Regulations adopted in accordance with MGL Chapter 40A. 1. Applications for special permits must be submitted to the Town Clerk a. A Public Hearing of the board will be scheduled. 2.

Eighteen (18) copies of all applications to the Board shall be filed with the Town Clerk on forms

prescribed by the Board and shall state: a. the name and address of the petitioner; b. which section of

the Zoning By-law governs the Special Permit; c. the specific provisions of the Zoning By-law involved; d.

the use for which a Special Permit is sought; e. description of the land to be affected; f. the name and address of the owner of the land if other than the petitioner; g. a declaration of the status or interest of the petitioner if other than the owner of the land; h. disclosure as to whether the land to be affected by a Special Permit is contiguous to other land held in common ownership; i. a drawing to scale indicating lot dimensions and area, proposed lot lines, location, and dimensions of all structures on the lot; all abutters; front, rear and sideline setbacks; location of public ways, and j. in the case of Special Permits which affect the USE of buildings, an adequately detailed, scale floor plan of the building in question will be furnished. 3. All applications shall be accompanied by a filing fee with checks made payable to the Town of Manchester by the Sea. SPECIAL PERMIT \$ a. Any application not complying with the requirements of paragraphs 2 and 3 shall not be considered properly filed and shall not be assigned for hearing until such time as it is in compliance. 4. In the event that the Board Chairman deems an application inadequate to a proper understanding of the matter or otherwise not properly filed, the applicant shall be advised and given an opportunity to bring the application into compliance. a. An application may be dismissed for failure to comply with these rules. b. Formal notice of dismissal of any application for non-compliance with these rules shall be filed with the Town Clerk. 5. After assignment of a hearing date, the Planning Board's clerk shall notify the Board of Assessors of the location of the land affected, a. The clerk shall also file copies of the application, when applicable, with the Board of Health, Conservation Commission and Board of Selectmen. b. The Planning Board shall publish a notice of the hearing of all applications for which a hearing date has been assigned in a newspaper of general circulation in the Town of Manchester-by-the-Sea and shall mail notices to the applicant and all interested parties as determined by the Board in accordance with the provisions of MGL Chapter 40A, Section 11, and all other interested parties who, in the opinion of the Board are deemed to be particularly affected. c. Between the date of the first publication and the date of the hearing, there shall be an interval of not less than fourteen (14) days and the notice shall be published twice. 6. Minutes of the proceedings at Public Hearings shall be kept by the clerk to the Board. 7. The Board may, by majority vote, require further submission or waive any provision of these rules for good cause shown, provided that such waiver shall not be inconsistent with any provisions of the Zoning By-laws or the General Laws of the Commonwealth

ARTICLE VII. SUBDIVISION RULES AND REGULATIONS
 APPROVAL NOT REQUIRED PLANS (ANR)
 PRELIMINARY SUBDIVISION
 DEFINITIVE SUBDIVISION

(See existing Subdivision Rules and Regulations Document, which will be updated in the future.)

ARTICLE VIII. Manchester-by-the-Sea Regulations for Driveway Entrances

The purpose of these regulations is to promote the safety of the residents of the Town and limit potential areas of traffic conflict while maintaining adequate access for vehicles to be stored conveniently off-street while sustaining the residential character of neighborhoods. All driveway entrances that are in existence or have been approved prior to 2023 are exempted from these regulations.

New Residential, Commercial and Institutional Development: An application for a building permit for a new structure shall require a separate driveway entrance application including a plan at a scale of no greater than 1 inch = 100 feet, showing any proposed entrance onto a publicly travelled roadway and associated driveway location and dimensions, the driveway width at the curb cut, any sidewalks, and the radii at the edge of the roadway pavement. If the entrance is within 50 feet of another driveway or intersection, they must be shown in the site plan. The plan must also show existing and proposed topography at ten-foot or three-meter contour intervals as well as the location of trees, light fixtures, drains, fire hydrants, street signs and any other obstacles. The application using the applicable form with attachments will be submitted to the Building Inspector with a copy sent to the Department of Public Works. If the property has been subdivided in accordance with the Subdivision Control Law, then a copy of the approved plan should be submitted in lieu of an application as evidence of prior approval.

The Building Inspector will not issue a building permit without the approval of the curb cut by the Department of Public Works, the issuance of Special Permit by the Planning Board, or approval under the Subdivision Control Law by the Planning Board. A final occupancy permit will not be issued by the Building Inspector until the driveway has been substantially completed and inspected by the Department of Public Works.

Existing Residences and Commercial Uses: For properties which do not involve the issuance of a building permit, a proposed new driveway entrance or proposed relocation or change in grade of existing driveways, shall require that an application for a new or revised driveway entrance be submitted directly to the Department of Public Works for approval. The application shall be submitted in accordance with the Town's permitting process with the prescribed form and an

application fee of \$100. The Department of Public Works shall consider public safety and drainage of water onto the public way as well as guidelines and criteria in conducting its review which are stated below.

The application shall include:

1. a scaled drawing, prepared by a professional engineer, surveyor, architect or landscape architect, licensed by the Commonwealth of Massachusetts at no less than 1 inch = 100 feet using a current property survey or assessor's map showing any existing curb cuts;
2. features such as poles, hydrants, trees, and drains as well as the proposed new entrance and driveway plan;
3. the proposed driveway width at the edge of street pavement, any sidewalks, and the radii at the curb;
4. If the entrance is within 40 ft of another driveway or intersection, this must be included in the site plan.
5. These requirements may be waived by the Department of Public Works if the Department determines that such detail is unnecessary for its review.

Review of Applications: The Department of Public Works shall conduct a site visit as part of the approval process and shall inspect the completed driveway to ensure compliance with the plan and any conditions of the approval. The Department shall complete its review and approve or deny the permit within 30 days of submission.

Construction of the improvements cannot be initiated without an approved permit.

The Department of Public Works shall not approve an application for a driveway entrance unless all of the following criteria have been met:

- **Design:** All driveways shall be designed in a manner ensuring reasonable and safe access from the public way serving the premises for all vehicles, including, but not limited to emergency, fire, and police vehicles. The angle of entrance shall be 90 degrees unless an exception is granted by the Department of Public Works based on existing conditions. Wherever possible, driveways shall include provisions to allow vehicles to turn and exit the driveway in a forward direction.
- **Number of curb cuts:** Residential lots shall typically be limited to a single curb cut. However, two curb cuts may be allowed if the lot frontage exceeds 200 feet or if the lot has frontage on more than one roadway and both curb cuts meet all other criteria. A permit for a second curb cut may be granted if, upon investigation it is found that construction and maintenance of the driveway will not impair, endanger, or interfere with public safety. When two driveway entrances are permitted on a single roadway, there shall be at least 20 feet between them to create a safety island for pedestrians.

- Width: The minimum width of the entrance along the edge of the roadway pavement is 8 feet. The maximum width for a curb cut for a single driveway is 12 feet (17 feet along the edge of the roadway pavement) unless an exception is granted by the Department of Public Works to accommodate a multi-car garage and the wider curb cut is consistent with neighborhood conditions and character. Where the street has existing curbing, the radius of the curb return at the driveway entrance should be no more than three feet. In cases where there is no curb or sidewalk, the driveway may flare at the intersection of the paved street by between one and four feet as shown in the following diagrams:

ARTICLE VII. APPENDICES

APPLICATION FEE SCHEDULE

**SITE PLAN AND SPECIAL PERMIT APPLICATION FORMS
UNDER THE ZONING BY-LAW, AND
EARTH REMOVAL PERMIT UNDER THE GENERAL BY-LAWS**

APPENDIX I: FEES

A. Application Fees

All applications submitted to the Planning Board under the Zoning By-Law, and the General Bylaws shall be subject to the following fees:

1. Applications for Determination under Section 4.9 of the Zoning By-Law Ground and Surface Water Overlay Protection Districts: \$100
2. Applications for Special Permit under Section 4.9 of the Zoning By-Law Ground and Surface Water Overlay Protection Districts: \$100
3. Applications for Special Permit under Section 4.10 of the Zoning By-Law for a Personal Wireless Telecommunications Facility: \$500
4. Applications for Special Permit under 6.2.8 of the Zoning By-Law for a Common Driveway Special Permit: \$250 per lot served.
5. Applications for Special Permit under Section 6.16 of the Zoning By-Law for a Topographical Changes and Land Clearing Special Permit [Residential Districts]: \$300.
6. Applications for Special Permit under Section 6.17 of the Zoning By-Law for a Wind Energy Conversion Facilities Special Permit: \$2,000
7. Applications for any Special Permit application under the Zoning By-Law not otherwise herein specified: \$175.
8. Applications for Site Plan Review: \$150
9. Applications for Driveway/Curb Cut: \$100
10. Applications for Earth Removal Permit per General By-laws, Article XII – Earth Removal, Section 10: Application Filing Fee \$500/Renewals \$200 per month for permit period after first month.

SITE PLAN REVIEW APPLICATION

Town of Manchester by the Sea Planning Board

Date: _____

Three copies of this application, associated plans and materials as well as an electronic copy of the same, shall be submitted to the Planning Administrator or Town Planner for a determination of completeness.

Section A.

1. Explain why a Site Plan Review is required for the project. Cite all applicable portions of the Zoning Bylaw (attach additional materials if necessary).

2. Street Address of Property: _____

3. Assessor's Map: _____ and Lot _____

4. Which zoning district(s) and other types of districts is the property located in? Check all that apply.

_____ Single Residence District A (SRA)

_____ Single Residence District B (SRB)

_____ Single Residence District C (SRC)

_____ Residence District D1 (RD1)

_____ Residence District D2 (RD2)

_____ Single Residence District E (SRE)

_____ General District (GD)

_____ Limited Commercial District (LCD)

_____ Ground and Surface Resource Overlay Protection District

_____ Floodplain District

5. Name of Applicant: _____

6. Address of Applicant: _____

7. Phone Number of Applicant: _____ Email Address: _____

Section B.

If Applicant is not the owner of the property, fill out section below.

8. If Applicant is not the owner, state interest or status of Applicant in the property below. For example, the Applicant may be leasing the property. (Attach a copy of any option, purchase agreement, power of attorney, and copies of all trust instruments including schedules of beneficiaries or owners, or, if a corporation, copies of documents evidencing corporation existence which may be applicable)

9. Name of Owner: _____

10. Address of Owner _____

11. Telephone Number of Owner: _____ Email Address: _____

Section C.

Describe the existing use of the property (attach separate document if necessary):

Describe the proposed use of the property (attach separate document if necessary):

Section D.

12. Is a variance required from the Zoning Board of Appeals? () yes () no If yes, then specify the type and status of the application below:

13. Is the proposed development served by:

Public Water System () yes () no

Public Sewer System () yes () no

14. Is the property subject to the Wetlands Protection Act or action by the Conservation Commission? () yes () no () don't know If yes or don't know, please contact the Conservation Agent.

15. Is an environmental study or document required for this project under state or federal law? () yes () no If "yes" then specify the type of study and agency requiring study below. If "don't know", please contact Planning staff.

Section E:

Other materials required.

16. Attach a list of abutters to the property the application is being submitted for. An abutters list is a separate form available from the Assessor's Office, the Planning Office or from the Town website. The list must be certified by the Manchester by the Sea Assessor's Office prior to submittal to the Planning staff. Abutters are the owners of property directly opposite on any public or private way or street, and owners of land within 300 feet of the property line, including those properties which may lie within any bordering towns.

17. Submit the \$300 application fee per the Site Plan Review Regulations.

Section F: Waivers

18. The Board may waive, by an affirmative vote of four (4) out of seven (7) 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 will 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 special permit application.

Section G: Engineering Peer Review and Site Inspection Fees

20. Engineering Peer Review or Consulting Fees: The Planning Board reserves the right to engage the services of a technical consultant(s) to review any plan if, or whenever in its sole discretion, 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 shall be imposed in accordance with the M.G.L. Chapter 44, Section 53G, as amended. and as duly adopted by the Manchester by the Sea Planning Board in accordance with said law. (See separate regulations for MGL. Chapter 44, Section 53G, as adopted)

21. Site Inspection Fees: In the event a site plan review is granted to the applicant, the Planning 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 shall be charged at a rate approved by the Planning Board. Inspection fees shall be received by the Town in accordance with the M.G.L. Chapter 44, Section 53G, as amended, and as duly adopted by the Planning Board in accordance with said law. Signature of Owner(s):

SITE PLAN REVIEW CHECKLIST

Town of Manchester by the Sea Planning Board

Section H: Required plans.

All Site Plan Review applications must include a site plan. If the Site Plan Review involves changes to exterior elements of a building or a new building, elevation drawings of the building at a scale sufficient to show the details of the proposed buildings and signs, preferably prepared by a Registered Architect or Engineer, who is licensed in the Commonwealth of Massachusetts, must also be submitted. In addition, any Site Plan Review application which proposes any kind of changes to the site must also submit a landscape plan, preferably prepared by a Registered Landscape Architect or Certified Landscape Designer, clearly showing existing and proposed plantings, exterior lighting, and other site amenities. 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.

Site Plans should contain all elements listed below:

- Names of Owner and Applicant
- Registered Professional Engineer, Architect, or Landscape Architect (all plans must be stamped)
- Date (all plan revisions must be noted and dated)
- Scale (no greater than 1 inch = 40 feet except for the locus map)
- North Arrow
- Locus map
- Zoning District(s)
- Existing and proposed topography of the site in two-foot contours
- Names of adjacent streets
- All existing lot lines and dimensions
- Lot size
- Locations and dimensions of all existing and proposed structures, including additions
- Number of dwelling units • Location and number of parking and loading spaces
- Location of driveways and/or access roads and all sight distances
- Existing and proposed uses of the structures
- Existing and proposed utilities and service areas

- Screening and/or buffer provisions
 - Any proposed open space or park
 - Planning Board signature block, including reference to the special permit and date of approval
- Stormwater management plans and calculations should show:
- Existing and proposed method of handling stormwater run-off
 - Direction of flow of run-off
 - Location, elevation, and size of all catch basins, drywells, drainage ditches, swales retention basins, and storm sewers;
 - Engineering calculations used to determine drainage requirements, based upon a ten (10) year storm frequency. If water is to be retained or detained on site the Planning Board shall require one hundred (100) year storm frequency calculations.
 - Elevation Drawings should include the four sides of the building as well as the following:
 - Names of Owner and Applicant
 - Registered Professional Engineer, Architect
 - Date (all plan revisions must be noted and dated)
 - Scale (no less than 1/8 inch = 1 foot)
 - All details of the building, including dimensions
 - Lighting
 - Signs

Landscape Plans should include all existing and proposed plantings, pathways, location of all exterior lighting, signs, and other amenities as well as the following:

- Names of Owner and Applicant
- Registered Landscape Architect, Certified Landscape Designer
- Date (all plan revisions must be noted and dated)
- Scale (no more than 1 inch = 40 feet)
- Plant, shrub, and tree names, botanical and common, for existing and proposed plantings
- Lighting specifications and photometric plan (can be a separate document)
- Signs (size, shape, materials, and design which can be a separate document)

Lighting: All exterior lighting must be cut-off type fixtures (dark sky compliant) unless the Applicant can demonstrate to the Board’s satisfaction that the proposed light fixtures are acceptable. If the Applicant is requesting approval for the use of non-cutoff type fixtures, the application must also include a written request for the alternative lighting and provide the reason(s) why the lighting is being proposed.

Additional Plans and Materials. Copies of all deeds, easements or other documents related to the property or interests in the property which exist or are proposed shall be submitted with the application. Photographs of the site are always useful.

For large-scale projects the Planning Board may require the above noted submittals as well as other types of documentation such as traffic studies, marketing studies or wildlife inventories.

Please contact the Planning Administrator or Town Planner if you have questions about what to submit. If the project is located wholly or partly on property within the Water Supply Protection Districts, please read the appropriate checklist to ensure a more complete understanding of the requirements.

DRAFT

Signature of Applicant

Date:

Signature of the Owner

Date:



SPECIAL PERMIT APPLICATION FOR USES OR ACTIVITIES

Date: _____

Eight copies of this application associated plans and materials on maximum 11x17 inch paper, plus two full size sets of site plans, as well as an electronic copy of the same, shall be submitted to the Planning Board Administrator and Town Planner for a determination of completeness.

Section A. General Information

1. List each proposed use or activity and cite all applicable provisions of the zoning bylaw which require a special permit(s) from the Planning Board (attach additional materials if necessary).

2. Street Address of Property:

3. Assessor's Map & Lot #:

4. Which zoning district(s) and other types of districts is the property located in? Check all that apply.

____Residence (A) (B) (C) (D-1 or D-2)

____Business (G)

____Business/Industrial (LCD)

5. Name of Applicant:

6. Address of Applicant:

7. Phone Number: _____ Email Address: _____

Section B. If Applicant is the owner of the subject property, skip this section and proceed to Section C.

8. Please state the status or the interest of the Applicant in the property. If the Applicant is not the owner, state Applicant's interest in the subject property below (e.g., Applicant has signed a purchase and sales agreement) and attach evidence of the Applicant's status, such as a copy of option, purchase or lease agreement, power of attorney, and/or copies of all trust instruments, including a certification of trustees.

9. Address of Owner (if other than Applicant)

10. Telephone Number: _____ Email Address: _____

C. Use of Property Describe the existing use of the property (attach additional materials if necessary):

Describe, in detail, the proposed use or activity of the property (attach additional materials if necessary):

Section D. Additional Permitting

11. Is a variance required from the Zoning Board of Appeals? () yes () no () don't know* If "yes", attach a copy of the variance decision to this application. If a variance is required but has not yet been granted, you are strongly advised to discuss the matter with Planning staff before you continue with this application.

12. Is the proposed development served by: Public Water System () yes () no Public Sewer System () yes () no

13. Is the property subject to the Wetlands Protection Act or action by the Conservation Commission? () yes () no () don't know If "yes" or "don't know", please contact the Conservation Agent.

14. Is an environmental study or document required for this project under state or federal law? () yes () no () don't know If "yes" then specify the type of study and agency requiring study below. If "don't know", please contact the Board Administrator or Town Planner.

Section E: Other materials required.

16. Attach the list of abutters to the property for which the application is being submitted. Abutters are the owners of property directly opposite on any public or private way or street, and owners of land within 300 feet of the property line, including those properties which may lie within bordering towns. An abutters list is a separate form available from the Assessor's Office, Planning Office or from the Town website. The list must be certified by the Assessor's Office prior to submittal to the Planning Office.

17. Submit the application fee, per the fee schedule available from the Planning Board rules and regulations and the Town website.

Section F: Waivers

18. The Planning Board may waive, by an affirmative vote of four (5) out of five (7) members, any of the special permit submittal requirements, if it believes that 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 will not be in the public interest. Any waiver(s) requested by the Applicant shall be submitted in writing as part of special permit application.

Section G: Engineering Peer Review and Site Inspection Fees

19. Engineering Peer Review or Consulting Fees: The Planning Board reserves the right to engage the services of a technical consultant(s) to review any aspect of an application if it believes that professional review is necessary to accomplish the purposes of the zoning bylaw and the Board's special permit regulations. The costs for any professional review shall be borne by the Applicant and shall be imposed in accordance with the M.G.L. Chapter 44, Section 53G, as amended, and as duly adopted by the Planning Board in accordance with said law.

20. Site Inspection Fees: If an Applicant obtains a special permit from the Planning Board and proceeds with a project pursuant to that special permit then the Planning Board reserves the right to require site inspection(s) during the project's construction. The costs for such inspections shall be borne by the applicant and shall be charged at a rate approved by the Planning Board. Inspection fees shall be received by the Town in accordance with the M.G.L. Chapter 44, Section 53G, as amended, and as duly adopted by the Planning Board in accordance with said law.

Signature of Applicant:

Signature of Owner(s) (if different from Applicant):

DRAFT

SPECIAL PERMIT CHECKLIST

Town of Manchester by the Sea Planning Board Required Plans

All Special Permits for proposed uses or activities must include a site plan. If the Special Permit involves substantive changes to exterior elements of a building or a new building, elevation drawings of the building at a scale sufficient to show the details of the proposed buildings and signs, preferably prepared by a Registered Architect or Engineer shall also be submitted. In addition, any Special Permit application which proposes site improvements must submit a stormwater management plan including calculations and a landscape plan. The landscape plan must be prepared by a Registered Landscape Architect or Certified Landscape Designer, clearly showing existing and proposed plantings, exterior lighting and other site amenities. 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. Plan requirements are described below.

1. Site Plans should contain the following:
 - (a) Names of Owner and Applicant
 - (b) Registered Professional Engineer, Architect, or Landscape Architect (all plans must be stamped)
 - (c) Date (all plan revisions must be noted and dated)
 - (d) Scale (no greater than 1 inch = 40 feet except for the locus map)
 - (e) North Arrow
 - (f) Locus map
 - (g) Zoning District(s)
 - (h) Existing and proposed topography of the site in two-foot contours
 - (i) Names of adjacent streets
 - (j) All existing lot lines and dimensions
 - (k) Lot size
 - (l) Locations and dimensions of all existing and proposed structures, including additions.
 - (m) Number of dwelling units
 - (n) Location and number of parking and loading spaces.
 - (o) Location of driveways and/or access roads and all sight distances
 - (p) Existing and proposed uses of the structures.
 - (q) Existing and proposed utilities and service areas
 - (r) Screening and/or buffer provisions
 - (s) Any proposed open space or park
 - (t) Planning Board signature block, including reference to the special permit and date of approval

2. Elevation Drawings should include the four sides of the building as well as the following:
 - (a) Names of Owner and Applicant
 - (b) Registered Professional Engineer, Architect

- (c) Date (all plan revisions must be noted and dated)
 - (d) Scale (no less than 1/8 inch = 1 foot)
 - (e) All details of the building, including dimensions
 - (f) Lighting
 - (g) Signs
3. Stormwater management plans and calculations should show:
- (a) Existing and proposed method of handling stormwater run-off
 - (b) Direction of flow of run-off
 - (c) Location, elevation, and size of all catch basins, drywells, drainage ditches, swales retention basins, and storm sewers;
 - (d) Engineering calculations used to determine drainage requirements, based upon a ten (10) year storm frequency. If water is to be retained or detained on site the Planning Board shall require one hundred (100) year storm frequency calculations.
4. Landscape Plans should include all existing and proposed plantings, pathways, location of all exterior lighting, signs and other amenities as well as the following:
- (a) Names of Owner and Applicant
 - (b) Registered Landscape Architect, Certified Landscape Designer
 - (c) Date (all plan revisions must be noted and dated)
 - (d) Scale (no more than 1 inch = 40 feet)
 - (e) Plant, shrub and tree names, botanical and common, for existing and proposed plantings
 - (f) Lighting specifications and photometric plan (can be a separate document)
 - (g) Signs (size, shape, materials and design which can be a separate document)
 - (h) Lighting: All exterior lighting must be cut-off type fixtures (dark sky compliant) unless the Applicant can demonstrate to the Board's satisfaction that the proposed light fixtures are acceptable. If the Applicant is requesting approval for the use of non-cutoff type fixtures, the application must also include a written request for the alternative lighting and provide the reason(s) why the lighting is being proposed.
5. Additional Plans and Materials Copies of all deeds, easements or other documents related to the property or interests in the property which exist or are proposed shall be submitted with the application. Photographs of the site are always useful. For large-scale projects the Planning Board may require the submittal of a General Plan of Land and/or other types of documentation such as traffic studies, marketing studies or wildlife inventories. Please contact the Planning Office if you have questions about what to submit. If the project is located wholly or partly on property within the Water Supply Protection Districts or involves Hazardous Materials subject to Section IX.N of the zoning bylaw, please read the appropriate checklist to ensure a more complete understanding of the requirements. General Plan of Land should include general characteristics of all lands within 200 feet of the site, including the following:

- (a) Names of Owner and Applicant
- (b) Structures
- (c) Parking areas
- (d) Driveways
- (e) Pedestrian ways
- (f) Natural features
- (g) Existing land uses (in color with a color key)

6 ASSESSOR'S CERTIFICATION OF PARTIES OF INTEREST

DRAFT

APPLICATION FOR SPECIAL PERMIT (existing)

OFFICE OF THE PLANNING BOARD Town Hall, Manchester-by-the-Sea, MA 01944

_____ @ _____ m. _____ Town Clerk Hearing

Date: _____ Site Viewing: _____ Granted: _____

Denied: _____ Decision Due: _____ Decision filed with the Town Clerk:

_____ (for office use) Nature of Action Requested: _____ Request for

Special Permit under Section 4.9 of the Zoning By-law. Fee \$175 Name of

Owner: _____ Phone/Email _____

Address: _____

Location of lot _____

(No.) (Street) Assessors Map No: _____ Lot No. _____ Zoning district _____ Water

Resource Protection District: _____ <http://host.appgeo.com/manchesterma/Map.aspx> Flood

Plain: _____ Flood Control District: _____ Title of Attached

Plan: _____ Date of Plan: _____

_____ Lot No. on Plan: _____ Prepared

by: _____

Dimensions of Lot: Frontage: _____ ft. Depth: _____ ft Area:

existing _____ s.f. Proposed impervious _____ s.f. Mitigation measured

proposed (swales, leach pits, etc.) _____ The undersigned

owns no other real estate contiguous to land which is subject of this application except as follows:

_____ Specific

action requested, including use:

Signed: _____ Print

Name: _____

Date: _____

The scheduling of a Public Hearing does not necessarily deem the application to be acceptable to the Planning Board. Fee: **Special Permit under 4.9** \$175 _____. _____ Received by Town Clerk Subdivision Rules and Regulations June 2016 Page 82 (Section 4.9, page 2) Supplemental Information Zoning By-Law Requirements 4.9 Water Resource Overlay Protection District 4.9.5.1(p) Land uses that result in the rendering impervious of more than 15% or 2,500 square feet of any lot, whichever is greater, unless a system for artificial recharge of precipitation is provided, which is satisfactory to the Planning Board, that will not result in the degradation of groundwater quality A special permit is required from the Planning Board for land uses that do not meet the criteria of 4.9.5.1(p); see 4.9.5.2 Special Permit uses in Zones II and III, and A, B, and C. 5.4 Minimum Area and Dimensional Requirements Lot Coverage Requirements Zoning District Maximum % Lot by Structures and Impervious Surfaces A 30% B 35% C 25% D 50% E 25% General District 70% except as noted [See 4.3.11.2 for multiple dwellings]

**APPLICATION FOR GROUNDWATER PROTECTION DISTRICT SPECIAL PERMIT
(existing)**

OFFICE OF THE PLANNING BOARD Town Hall, Manchester-by-the-Sea, MA 01944

_____ @ _____ m. _____ Town Clerk Hearing

Date: _____ Site Viewing: _____ Granted: _____

Denied: _____ Decision Due: _____ Decision filed with the Town Clerk:

_____ (for office use) Nature of Action Requested: _____ Request for

Determination under Section 4.9 of the Zoning By-Law. Fee \$100 Name of

Owner: _____ Phone/Email _____

Address: _____

Location of lot _____

(No.) (Street) Assessors Map No: _____ Lot No. _____ Zoning district _____ Water

Resource Protection District: _____ <http://host.appgeo.com/manchesterma/Map.aspx> Flood

Plain: _____ Flood Control District: _____ Title of Attached

Plan: _____ Date of Plan: _____

_____ Lot No. on Plan: _____ Prepared

by: _____

Dimensions of Lot: Frontage: _____ ft. Depth: _____ ft Area:

existing _____ s.f. Proposed impervious _____ s.f. Mitigation measured

proposed (swales, leach pits, etc.) _____ The undersigned

owns no other real estate contiguous to land which is subject of this application except as follows:

_____ Specific

action requested, including use:

Signed: _____ Print

Name: _____

Date: _____ Fee: Determination under 4.9 \$100 _____

_____. Received by Town Clerk

OFFICE OF THE PLANNING BOARD Town Hall, Manchester-by-the-Sea, MA 01944

_____ @ _____ Town Clerk Hearing

Date: _____ Site Viewing: _____ Granted: _____

Denied: _____ Decision Due: _____ Decision filed with the Town Clerk:

_____ (for office use) Nature of Action Requested: Application for Earth

Removal Permit under the General By-laws, Article XII-Earth Removal Applicant shall submit 18 (eighteen) copies of applications and plans. Filing Fee [due with the application for permit]: \$500 [Also applies to renewal applications.] Permit fee [due prior to issuance to permit]: \$200.00 per month for permit period after first month, and Such other charges as it shall find necessary for clerical, civil engineering and other consultants, legal, and inspection expenses in connection with any application for a permit, its review by the Board and post permit monitoring. The applicant shall deposit funds for such charges with the Town as the Board shall prescribe. The Board may waive fees if and as it deems appropriate. These fees and charges shall apply to all applications for earth removal permits filed after the date of adoption of the above fee schedule, and to all permits issued pursuant thereto Application for Earth Removal Permit under the General By-laws, Article XII-Earth Removal, Section 3(b). Any person wishing to remove more than 250 cubic yards of earth from a property in the Town shall file a formal application with the Planning Board, which application shall include the following specific information and supporting documentation: 1. the location of the proposed excavation; 2. the legal name and address of the owner of the property involved; 3. the legal name and address of the petitioner, which address shall be used by the Board for all correspondence hereunder; 4. property lines, names and address of all abutting property owners, including those across any streets; 5. a detailed plan of the land involved, prepared by a Registered Civil Engineer, or a registered surveyor, and acceptable to the Board, at a scale of 1":20', or as determined appropriate, showing the entire parcel of land based on a perimeter survey and showing existing topography by five (5) foot contours within one hundred (100) feet of, and including, the site of the proposed excavation or to the property line. This contour plan shall show locations of a sufficient number of test borings made to determine the average depth of topsoil before excavation 6. a detailed plan of the land involved, prepared by a Registered Civil Engineer, or a registered surveyor, and acceptable to the Board, showing five (5) foot contours of a site as of the completion of the excavation project, all drawn to a scale acceptable to the Board. The plan shall further show the maximum depth that the applicant intends to excavate, the type of material the applicant intends to extract from the Subdivision Rules and Regulations June 2016 Page 91 land, the manner and depth in which he shall replace the top soil, and thee type of reseeding and planting he proposes to use; 7. natural features such as wetlands, the 100-year flood plain, ground cover and surface and ground water. Water-table elevation shall be determined by test pits and soil borings. A log of soil borings shall be included, taken to the depth of the proposed excavation, congruent with the size and geological makeup of the site; 8. a topographical map showing drainage facilities, final grades, and proposed vegetation and trees; 9. erosion and sediment-control plan; 10. the amount and cost of proposed restoration materials; 11. the location of monitoring wells which have been used to establish the high water table. The highest elevation of the water table shall be determined by observation wells monitored during the months of April and May. The observation wells' location shall be determined by

the Conservation Commission or its agent. The information concerning height of water table shall be gathered before application for a permit is made to the Planning Board; 12. the proposed form of performance security to be used; and 13. copies of the information outlined in the above articles one (1) through twelve (12) shall be filed with the Town Clerk and the Planning Board. 14. Outline of all areas within the Water Resource Overlay Protection District (WROPD)

<http://host.appgeo.com/manchesterma/Map.aspx> Fee: \$500 Received: Town Clerk

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Planning Board
Manchester by the Sea, Ma.
Town Hall – 10 Central Street
Manchester by the Sea, Ma. 01944

SITE PLAN REVIEW APPLICATION
Town of Manchester by the Sea Planning Board

Date: _____

Three copies of this application, associated plans and materials as well as an electronic copy of the same, shall be submitted to the Planning Office for a determination of completeness.

Section A.

1. Explain why a Site Plan Review is required for the project. Cite all applicable portions of the Zoning Bylaw (attach additional materials if necessary).

2. Street Address of Property:
3. Assessor's Map: _____ and Lot _____
4. Which zoning district(s) and other types of districts is the property located in? Check and circle all that apply.
____Residence (A) (B) (C) (D)
____Business (G)
____Business/Industrial (LCD)
5. Name _____ of _____ Applicant:
6. Address _____ of _____ Applicant:
7. Phone _____ Number _____ of _____ Applicant:
8. Email Address of Applicant:
9. Other _____ contact _____ information:

Section B. If Applicant is not the owner of the property, fill out section below.

10. If Applicant is not the owner, state interest or status of Applicant in the property below. For example, the Applicant may be leasing the property. (Attach a copy of any option, purchase agreement, power of attorney, and copies of all trust instruments including schedules of beneficiaries or owners, or, if a corporation, copies of documents evidencing corporation existence which may be applicable to application.)

11. Name of Owner:

12. Address of Owner:

13. Telephone No. of Owner:

14. Email Address of Owner:

Section C. Existing and Proposed Property Use

15. Describe the existing use of the property (attach separate document if necessary):

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16. Describe the proposed use of the property (attach separate document if necessary):

Section D. Other Permitting Relief

17. Is a variance required from the Zoning Board of Appeals? () yes () no

If yes, then specify the type and status of the application below:

18. Is the proposed development served by:

Public Water System () yes () no

Public Sewer System () yes () no

19. Is the property subject to the Wetlands Protection Act or action by the Conservation Commission? () yes () no () don't know.

If yes or don't know, please contact the Conservation Agent.

20. Is an environmental study or document required for this project under state or federal law? () yes () no

If "yes" then specify the type of study and agency requiring study below. If "don't know", please contact Engineering and Planning staff.

Section E: Other materials required.

21. Attach a list of abutters to the property the application is being submitted for. An abutters list is a separate form available from the Assessor's Office and this list must be certified by the Assessor's Office prior to submittal to the Planning Office.

For the purposes of this application, abutters are the owners of property directly opposite on any public or private way or street, and owners of land within 300 feet of the property line, including those properties which may lie within any bordering towns.

22. Submit the application fee per the Site Plan Review Regulations.

Section F: Waivers

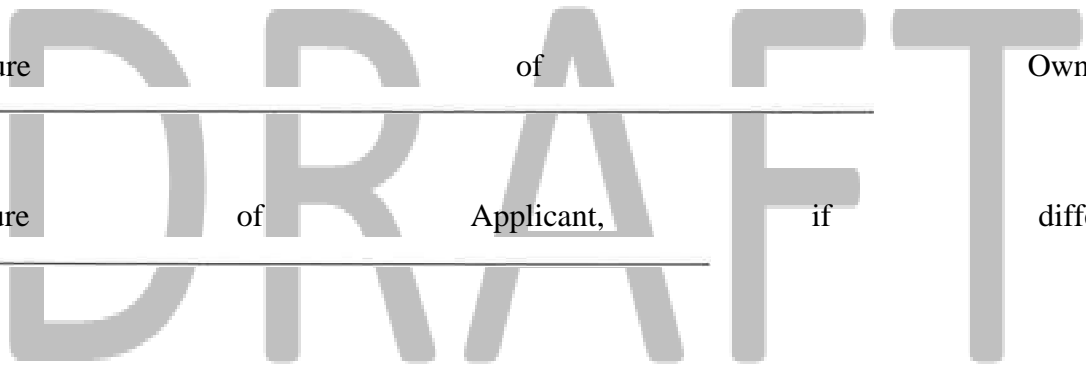
23. The Board may waive, by an affirmative vote of four (4) out of seven (7) members, any of the preceding requirements, if it believes that the strict compliance with these rules and regulations will, because of the size or special nature of the proposed development, create an undue hardship on the applicant and will 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 special permit application.

Section G: Engineering Peer Review and Site Inspection Fees

24. Engineering Peer Review or Consulting Fees: The Planning Board reserves the right to engage the services of a technical consultant(s) to review any plan if, or whenever in its sole discretion, 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 shall be imposed in accordance with the M.G.L. Chapter 44, Section 53G, as amended, and as duly adopted by the Dracut Planning Board in accordance with said law.
25. Site Inspection Fees: In the event a site plan review is granted to the applicant, the Planning 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 shall be charged at a rate approved by the Planning Board. Inspection fees shall be received by the Town in accordance with the M.G.L. Chapter 44, Section 53G, as amended, and as duly adopted by the Planning Board in accordance with said law.

Signature _____ of _____ Owner(s)

Signature _____ of Applicant, _____ if _____ different



SITE PLAN REVIEW CHECKLIST
Town of Manchester by the Sea Planning Board

Section H: Required plans.

All Site Plan Review applications must include a site plan. If the Site Plan Review involves changes to exterior elements of a building or a new building, elevation drawings of the building at a scale sufficient to show the details of the proposed buildings and signs, preferably prepared by a Registered Architect or Engineer must also be submitted. In addition, any Site Plan Review application which proposes any kind of changes to the site must also submit a landscape plan, preferably prepared by a Registered Landscape Architect or Certified Landscape Designer, clearly showing existing and proposed plantings, exterior lighting and other site amenities. 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.

Site Plans should contain all elements listed below:

- Names of Owner and Applicant
- Registered Professional Engineer, Architect, or Landscape Architect (all plans must be stamped)
- Date (all plan revisions must be noted and dated)
- Scale (no greater than 1 inch = 40 feet except for the locus or index map)
- North Arrow
- Locus map
- Zoning District(s)
- Existing and proposed topography of the site in two-foot contours
- Names of adjacent streets
- All existing lot lines and dimensions
- Lot size
- Locations and dimensions of all existing and proposed structures, including additions.
- Number of dwelling units • Location and number of parking and loading spaces
- Location of driveways and/or access roads and all sight distances

- Existing and proposed uses of the structures.
- Existing and proposed utilities and service areas
- Screening and/or buffer provisions
- Any proposed open space or park
- Planning Board signature block, including reference to the special permit and date of approval

Stormwater management plans and calculations should show:

- Existing and proposed method of handling stormwater run-off
- Pre and Post Development drainage maps showing drainage catchment areas, soil type boundaries and direction of surface flow of run-off.
- C] Location, elevation, and size of all catch basins, drywells, drainage ditches, swales retention basins, and storm sewers. Detention pond and subsurface detention systems shall be shown in cross section detail.
- Engineering calculations used to determine drainage requirements, based upon a ten (10) year storm frequency. If water is to be retained or detained on site the Planning Board shall require twenty-five (25), fifty (50) and one hundred (100) year storm frequency calculations. Stormwater piping is to be sized using twenty-five (25) year frequency storm event.

Elevation Drawings should include the four sides of the building as well as the following:

- Names of Owner and Applicant
- Registered Professional Engineer, Architect • Date (all plan revisions must be noted and dated)
- [1 Scale (no less than 1/8 inch I foot)
- All details of the building, including dimensions
 - Lighting
- Signs

Landscape Plans should include all existing and proposed plantings, pathways, location of all exterior lighting, signs and other amenities as well as the following:

- Names of Owner and Applicant
 - Registered Landscape Architect, Certified Landscape Designer • Date (all plan revisions must be noted and dated)
 - Scale (no more than I inch = 40 feet
 - Plant, shrub and tree names, botanical and common, for existing and proposed plantings
- Lighting specifications and photometric plan (can be a separate document

IA Signs (size, shape, materials and design which can be a separate document)
Lighting: All exterior lighting must be cut-off type fixtures (dark sky compliant) unless the Applicant can demonstrate to the Board's satisfaction that the proposed light fixtures are acceptable. If the Applicant is requesting approval for the use of non-cutoff type fixtures, the application must also include a written request for the alternative lighting and provide the reason(s) why the lighting is being proposed.

Snow storage locations

General Plan of Land should include general characteristics of all lands within 200 feet of the site, including the following:

Names of Owner and Applicant

Structures

EI Parking areas

Driveways

Pedestrian ways

C] Natural features

Existing land uses (in color with a color key)

Additional Plans and Materials

EI Copies of all deeds, easements or other documents related to the property or interests in the property which exist or are proposed shall be submitted with the application C] Photographs of the site are always useful.

For large-scale projects the Planning Board may require the submittal of a General Plan of Land and/or other types of documentation such as traffic studies, marketing studies or wildlife inventories.

If the project is located wholly or partly on property within the Water Supply Protection Districts, please consult with the Engineering and Planning Department and/or the Community Development Department to ensure a more complete understanding of the requirements.

SUBDIVISION FORMS

(Use existing, until Rules and Regulations for Subdivision are replaced)

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DRIVEWAY ACCESS APPROVAL FORM (existing)

APPLICATION FOR DRIVEWAYS/ CURB CUTS UNDER MANCHESTER-BY-THE-SEA ZONING BY LAW SECTION 6.2.7

Construction that involves a driveway or entrance from the traveled portion of a street requires a permit from the Planning Board. This application for Driveways/Curb Cuts is to be filed with the Town Clerk with the following:

___ Copy of Assessor's map showing map number, and lot indicated by arrow.

___ Site Plan prepared by Registered Architect, Landscape Architect, or Professional Engineer showing entire lot indicating:

- location of property lines, edge of roadway, front yard setback, 5' side and rear setbacks;
- existing and proposed buildings and structures;
- location and dimension of radius of proposed driveway, parking and/or garage;
- approximate distance to and location of storm sewers, hydrants;
- approximate distance to and location of drains;
- identify any impediments to sign lines, such as utility poles, fences, walls, trees, crests of hill in roadway, etc;
- identify radius of curb cut apron (15' min. recommended);
- describe measures to mitigate run-off or erosion, i.e., gravel or grass swales, catch basins, etc.

Name of Applicant (print: _____

Telephone _____ Email _____ Fax _____

Address of Property: _____

Assessor's Map: _____ Lot: _____ Zoning District: _____

Check if in Overlay District: Flood Plain: _____ Flood Control District: _____ Historic District: _____ Water Resource Overlay Protection District: _____ see

<http://host.appgeo.com/manchesterma/Map.aspx>

For WROPD: Area (s.f.): Lot _____ Impervious surfaces:

Structures _____ Other _____ Proposed new _____

Name and address of owner if other than applicant: _____

Date: _____ Name (signed): _____ Name Printed: _____

1 set of application and attachments to Town Clerk

9 sets of application and attachments to Planning Board Fee:

\$100 Received by Town Clerk _____ on _____

Excerpt from Section 6.2.7 of the Manchester-by-the-Sea Zoning By-law: "The applicant shall: (a), at least seven days prior to filing the application, mail a notice (in the form specified by the Planning Board) to all property owners within one hundred feet of the locus for which a driveway/curb cut is sought as such property is identified in the most recent information available at the Assessor's Office, (b) certify in such application that such notice has been mailed, (c) attach to such application a list of the names and addresses of those notified, and file the application (with the filing fee, as established by the Planning Board) with the Planning Board by submission to the Town Clerk." I hereby certify that I have complied with the requirements of the above paragraph of Section 6.2.7 of the Manchester by the Sea Zoning Bylaw.

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