



**Rules and Regulations**  
**For the Review and Approval**  
**of Site Plans and Site Development**  
**In**  
**Winchendon, Massachusetts**

**January 15, 2008**  
**Winchendon, Planning Board**

# SITE PLANS AND SITE DEVELOPMENT

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## **Section 1. General, Definitions**

### **Section 1.1.1 Authority**

These Rules and Regulations are adopted by the Planning Board as authorized by M. G. L. Chapter 40A and the Winchendon Zoning Bylaw, as amended. [Adopted Nov. 19, 1998]

### **Section 1.1.2 Purpose**

The purpose of these Rules and Regulations is to establish uniform procedures for the Site Plan Approval Process. [Adopted Nov. 19, 1998]

### **Section 1.1.3 Applicability**

Any applicant for Site Plan Review under article 12 of the Winchendon Zoning Bylaw shall comply with the provisions of these Rules and Regulations. [Adopted Nov. 19, 1998]

### **Section 1.1.4 Scope of Planning Board Review**

Since any development will have impacts on the total environment and particularly on the neighborhood and the community, site plan review seeks to prevent or to minimize adverse impacts that may occur as an owner seeks to develop his or her property. The process intends that projects will conform to the spirit of the zoning bylaw. It establishes criteria for the layout, scale, appearance, safety, and environmental impacts of developments in an attempt to integrate those projects into the community. Therefore, in reviewing a site plan, the Planning Board will consider the effects of the proposal as listed in section 12.6 of the zoning bylaw:

A. Adequacy of Traffic Access. Curb cuts should be so arranged and limited in number as to reduce congestion and improve traffic safety. Proper sight triangles and sufficient turnarounds for vehicles should be provided to reduce the potential for accidents at points of egress;

B. Adequacy of Traffic Circulation and Parking. Plans should maximize pedestrian and vehicular convenience and safety both within the site and in relation to adjacent ways. Internal and external traffic circulation, and pedestrian and bicycle access should be adequately provided. Potential traffic impacts both on and off the site, should be mitigated as may be prescribed by the Board, including, but not limited to, measures designed to reduce automobile trip generation, especially on roadways with demonstrated deficiencies in capacity. There should be sufficient parking as required in Article 8 laid out in a manner to provide ease in maneuvering of vehicles and so as not to be detrimental to the surrounding properties or to create an undesirable visual effect from the street. Sufficient area for loading and unloading may be required if the need for such loading zone is found to be necessary;

C. Provide efficient and effective circulation. With respect to vehicular and pedestrian circulation, special attention shall be given to the location and number of access points to public streets and sidewalks, to the separation of vehicles and pedestrians, to the arrangement of parking areas and to service and loading areas, and to the location of accessible routes and ramps for the disabled;

D. Adequacy of Landscaping and Screening. There shall be a sufficient amount of landscaping and screening, as may be reasonably determined by the board, to insure protection of and to enhance the quality of the project in question and the adjacent properties. Plans should minimize the visibility of parking, storage or other outdoor service areas as viewed from public ways or premises residentially used or zoned;

E. Exterior and parking lot lighting should be adequate to provide for security and public safety

F. Plans should minimize light pollution and lighting intrusion onto other properties and public ways with proper arrangement and shielding, and minimize glare from headlights through plantings or other screening.

G. Adequacy of Protecting the Use of Renewable Energy Resources. Where appropriate and feasible, the site plan shall be so designed as to not unreasonably deter the actual or potential use by the subject property or adjacent properties of energy available for collection or conversion from direct sunlight, wind, running water, or organically derived fuels.

H. Relate development to its environment. The proposed development shall relate appropriately to its context. It shall relate harmoniously to the terrain and to the use, scale and architecture of existing buildings in the vicinity that have a functional or visual relationship to the proposed structure(s). Proposals that deviate substantially from established neighborhood patterns are discouraged;

I. Preserve the landscape. The landscape, existing terrain, and any significant trees and vegetation shall be preserved in its natural state insofar as practicable. Tree and soil removal shall be minimized and any grade changes shall be in keeping with the general appearance of neighboring developed areas. If natural features and existing landscaping are proposed to be removed, special attention shall be accorded to plans to replace such features and landscaping;

J. Provide open space. All open space shall be designed to be visually and physically accessible to the extent feasible. Open space shall add to the visual amenities of the vicinity by maximizing its visibility for persons passing or overlooking the site from neighboring properties. If open space is intended for active use, it shall be so designed as to maximize its accessibility for all individuals, including the disabled, encourage social interaction, and facilitate ease of maintenance;

K. Provide for nature's events. Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. Plans should allow no net increase in the rate of flow of stormwater runoff (calculated using a 100-year storm event) from the project site consistent with the Massachusetts Stormwater Handbook. Attention shall also be accorded to design features which address the affects of rain, snow and ice at building entrances and to provisions for snow and ice removal from circulation areas;

L. Make advertising features understandable. The size, location, design, texture, lighting, and materials of all exterior signs and advertising features shall not detract from the use and enjoyment of proposed buildings or surrounding properties. Signs and similar features shall be appropriately sized and located in a manner that does not detract from nor disrupt the immediate visual environment.

M. Integrate special features with the design. Exposed storage areas, machinery and equipment installation, service areas, truck loading areas, utility connections, meters and structures, mail-boxes, lighting, and similar accessory structures shall be subject to such setbacks, screen planting or other mitigation or screening methods as shall reasonably be required to prevent their being incongruous with or offensive to existing or proposed structures and surrounding properties. Special features, which are essential to a structure's function, shall be incorporated into the original structure design, not added as an afterthought;

N. Make spaces secure and safe. With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation, maximize accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure visibility for persons using and observing such spaces;

O. Protect Winchendon's heritage. The removal or disruption of historic, traditional or significant, uses, structures or architectural features or neighborhood patterns shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties. Significant structures and/or structures with important architectural features shall be identified by the Winchendon Historical Society. New structures, additions, and alterations shall be sympathetic to and complement the scale and design of surrounding historic structures and locally significant buildings of architectural merit; and

P. Consider the microclimate. A developer who proposes new structures, additional lot coverage, or the installation of machinery or equipment which emits heat, vapor, fumes, or noise shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on the noise and temperature levels of the immediate environment.

Q. Consider Winchendon's Resources. The applicant should be prepared to adequately describe the likely demands on local infrastructure, schools and municipal services and offer proposals to mitigate such demands on the Town's ability to provide such services to the project.

R. Achieve design excellence. Endeavors to achieve design excellence in all new structures are encouraged. Where the existing character and quality merit change, the design of new structures shall be directed towards a specific design objective. In every case the structure shall be made compatible with the character of Winchendon by means of the following factors:

1. A silhouette harmonious with the natural landforms and building patterns produced by height limits;
2. Maintenance of an overall height similar to that of surrounding buildings, or a sensitive transition, where appropriate, to development of a dissimilar character; and
3. Use of materials, colors and scales similar to or harmonizing with those of nearby structures and neighborhoods. — *Winchendon Zoning Bylaw, May 22, 2006* [Section added Jan. 15, 2008]

### **Section 1.1.5 Decisions, Determinations and Findings**

Unless such authority is clearly assigned to another entity by these regulations, all decisions, determinations or findings made under these regulations shall be made by the Board. The Board may, however, assign that authority to others in special instances. Such decisions, determinations and findings will be made in accordance with the intent of these regulations, the town bylaws, and the laws. The recommendations of town staff and board consultants will be carefully considered by the Board in making such decisions. Unless a super majority vote is required, such decisions will be made by a majority vote of the Board members. [Section added Jan. 15, 2008]

### **Section 1.2 Definitions**

In construing the meanings of these regulations, the definitions in Section 81L, of Chapter 41 of the general laws and the Winchendon zoning bylaw shall apply unless a contrary intention clearly appears. Words and meanings subject to question but not addressed herein, in the zoning bylaw, or in Section 81L of Chapter 41 of the MGL will be defined by the Board.

**Abutter** Owner of property contiguous to the lot(s) being developed under the site plan review rules and regulations. [Section added Jan. 15, 2008]

**Applicant** The person(s) who applies for approval or endorsement of a plan. An applicant, other than a natural person or persons, must submit evidence that the person actually signing the application is authorized to sign on behalf of the applicant. If the applicant is not the owner of the site being developed, the owner must also sign the application indicating his/her/its consent to the work. See also *Developer*.

**Approval** After receiving submitted plans, the Board may vote to approve them. Such action by the Board requires a simple majority vote of those present at a meeting, unless specified otherwise in the general laws. In the case of final approval on a site plan, only those board members present at the public hearing or otherwise fully conversant with the plan and the information gathered at the hearing may vote. [Note: Board members who have missed one session of a hearing may vote on that matter pursuant to section 23D of chapter 39 of the M. G. L. as voted by the town meeting May 22, 2007.] [Section added Jan. 15, 2008]

**A S T M** American Society for Testing and Material [Section added Jan. 15, 2008]

**B M P** Best Management Practices as are determined by the Massachusetts Department of Environmental Protection or other environmental groups. [Section added Jan. 15, 2008]

**Brownfield** A site that has previously been used and contains or may contain materials that constitute environmental contamination. [Section added Jan. 15, 2008]

**Board** See Planning Board

**Certified Mail** Mail sent certified mail, return receipt requested, via the United States Postal Service. [Section added Jan. 15, 2008]

**CMR** Code of Massachusetts Regulations [Section added Jan. 15, 2008]

**Current Fee Schedule** The schedule of Fees as most recently adopted by the Board. [Section added Jan. 15, 2008]

**Dbh (diameter breast high)** The diameter of a tree at breast height, normally 4 feet above the ground. [Section added Jan. 15, 2008]

**Determination** A decision made by the Board [Section added Jan. 15, 2008]

**Developer** See Applicant. [Section added Jan. 15, 2008]

**Drainage** The control of surface water within the tract of land to be developed. [Section added Jan. 15, 2008]

**Earth** Sod, loam, clay, sand, gravel, stone, or peat. [Adopted Nov. 19, 1998]

**Environmental Site Assessment** An assessment made to determine the possible presence of environmental contamination. These sites are commonly referred to as brown-fields. Such site assessments should be made under the ASTM E-1527 protocol. [Section added Jan. 15, 2008]

**Lot** An area of land in one ownership, with definitive boundaries, used, or available for use, as the site for one or more buildings. [Section added Jan. 15, 2008]

**M. G. L.** The General Laws of Massachusetts as are currently in force. [Section added Jan. 15, 2008]

**Owner** The owner of record as shown by the records of the Worcester County Registry of Deeds or Land Court. An owner, other than a natural person or persons, must submit evidence that the person actually signing the application is authorized to sign on behalf of the owner. [Section added Jan. 15, 2008]

**Parties in Interest** The applicant(s), abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300' of the property line of the applicant as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the planning board of the city or town, and the planning board of every abutting city or town. [Adopted Nov. 19, 1998]

**Person** A natural person, a partnership, a corporation, a trust or any other entity that has a right to contract, convey land, sue or be sued under the laws of the Commonwealth. [Section added Jan. 15, 2008]

**Planning Board or Board** The Planning Board of the Town of Winchendon, established under section 81A, of chapter 41 of the Massachusetts General Laws.

**Receipt** Receipt by the Planning Board establishes the date upon which the time limitation for processing begins. [Section added Jan. 15, 2008]

**Recorded** A document, plan, deed, etc. which has been recorded in the Worcester District Registry of Deeds in Worcester, Massachusetts, except that, as affecting registered land, it shall mean filed with the recorder of the land court. [Section added Jan. 15, 2008]

**Register of Deeds** The Register of Deeds of the County in which the land in question, or the city or town in question, is situated, and, when appropriate, shall include the recorder of the land court. [Section added Jan. 15, 2008]

**Registry of Deeds** The Worcester District Registry of Deeds located in Worcester, Massachusetts, and, when appropriate, shall include the Land Court. [Section added Jan. 15, 2008]

**Slope** The ratio of vertical rise over horizontal distance. It may be expressed as a ratio, *1:2* or as a percentage: *vertical rise / horizontal distance \* 100*. [Section added Jan. 15, 2008]

**Specimen tree** a native, introduced or naturalized tree which is important because of its impact on community character, its significance in the historic/cultural landscape or its value in enhancing the effects of wildlife habitat. Only trees with a diameter breast high (dbh) of 6 inches or larger will be considered specimen trees except trees that have a small height at maturity or are slow growing, such as flowering dogwood or American holly with a dbh of 4 inches or larger will be considered specimen trees. [Section added Jan. 15, 2008]

**Wetlands** Those areas subject to the provisions of Massachusetts General Laws, chapter 131, section 40, the state regulations issued thereunder, or the Winchendon Wetlands By-law whichever is the most restrictive. [Section added Jan. 15, 2008]

### **Section 1.3 Changes Requiring a new Site Plan Review**

A. A change in the shape or dimensions of the lot on which a business or other use is located will require a new site plan review. Included in this requirement is the sale of a part of the lot. A lease of part of the premises will also require a new site plan review.

B. Site plan approval is granted to a particular site owner or business. It does not run with the land. A change of the owner or operator of a business will require a new site plan review. If the new owner or operator proposes no significant changes in the operation, a planning agent review under section 2.1 may be sufficient.

C. A change of use may trigger site plan review. Because the requirements for parking or the effects of traffic will be different, the Board will regard a change of a use listed in one of these groups to a use listed in another group as a change of use:

Family restaurant serving primarily sit down meals at customer tables

1. Restaurant primarily serving “fast food”; restaurant offering primarily counter meal service
2. Restaurant offering take-out food
3. Retail store not offering on site services except garment alterations
4. Retail establishment offering carry in service of electronics, appliances, small equipment, etc.
5. Professional office, e.g.: dentist, attorney, accountant, real estate office
6. Service establishment offering primarily service at other locations (e.g. Home service, field service) and having few customers that actually go to the site in question. (e.g. Contractor, plumber, electrician)
7. A commercial or industrial business, other than a retail store, which receives, ships or delivers, on average, more than one ton of material per day from the proposed site.
8. A commercial or industrial business, other than a retail store, which ships or delivers, on average, less than one ton of material per day from the proposed site. [Section added Jan. 15, 2008]

#### **Section 1.4 Residential Sites Requiring Site Plan Review**

A. Site Plan review shall be required for housing developments as required by section 12.2.1 B of the zoning bylaw.

B. Formal Site Plan review shall also be required for proposed residential subdivisions consisting of three or more dwelling units. This site plan review shall be conducted as part of the definitive subdivision approval process.

## **Section 2. Informal Review and Determination**

### **Section 2.1 Review by the Planning Agent**

#### **Section 2.1.1 Meeting With the Planning Agent**

Any person planning to develop a site, redevelop a site, or use it for a different purpose should meet with the Planning Agent. An appointment is suggested. The proponent should have a sketch of the planned use and be ready to explain the proposal. Pictures may be helpful. The Planning Agent will try to understand the proposal and may ask for additional information. [Section added Jan. 15, 2008]

#### **Section 2.1.2 Planning Agent Review**

After the Planning Agent has all needed information (s)he may need to consult other officials and will have five working days to make a decision.

If the Planning Agent determines that there may be an impact on abutters or that the abutters should have an opportunity to comment, (s)he will require review by the Planning Board which requires notice to the abutters. [Section added Jan. 15, 2008]

#### **Section 2.1.3 Planning Agent Decision**

The Planning Agent will make one of the following decisions:

A. The proposal does not require site plan review under the provisions of article 12 of the zoning bylaw or the likely impacts of the proposal on the site, the abutters, the neighbors, and the community are minimal and no further review is needed. The Planning Agent will issue a letter to that effect.

1. Before issuing such a letter, (s)he will advise the planning board members of her/his decision. If within 48 hours, any two members object to the letter, the matter shall be moved to the board conference level as hereinafter provided.

2. Copies of the letter will be placed in the files of the Department of Planning and Development for a permanent record and provided to the building commissioner.

B. The proposal may qualify for a waiver of formal review by the Board because it, with such mitigation as may be agreed upon, will impact the site, the abutters, the neighbors, and the community less than the maximum impacts stated in section 2.2. The Planning Agent will arrange an informal conference with the Board at a regular meeting. A development review meeting prior to the Planning Board conference may be suggested and arranged.

C. The proposal will require full site plan review by the Board. The Planning agent will explain the process, provide forms, and may suggest waivers that the Board might grant to simplify the process of gaining formal approval. [Section added Jan. 15, 2008]

## **Section 2.2 Maximum Impacts of a Development Proposal that Will Not Require Formal Site Plan Review**

- A. Additional traffic generated by the proposed activity will neither cause nor increase congestion on any road; nor at any intersection; nor adversely affect the surface or foundation of the road; nor will it increase the safety hazard at any such location.
- B. Stormwater disposal and other site improvements will not require the installation of catch basins, underground piping, or other heavily engineered structures. Simple septic systems consisting only of a septic tank and a leach field below the natural grade will not trigger review under this condition.
- C. There will be no construction in wetlands, wetlands buffers, stream buffers, verified vernal pools, or potential vernal pools.
- D. No earth will be removed from the site beyond the 19 cubic yards allowed by section 10.1 of the zoning bylaw.
- E. There will be no constructed slope of steeper than 1:5.
- F. There will be no more than 24 inches of retaining walls on any slope.
- G. Any proposed signs will conform to the provisions of article 9 of the zoning bylaw.
- H. The proposed activity will not handle or generate any hazardous wastes.
- I. The site has not been previously developed or, if it has been previously developed, a level I or, if necessary, a level II environmental site assessment report indicates there will be no significant risk resulting from the proposed use.
- J. The project, with such mitigation measures as may be agreed upon, will substantially meet the impact criteria listed in section 12.6 of the zoning bylaw. [See listing in section 2.2 J of these regulations.] [Section added Jan. 15, 2008]

## **Section 2.3 Informal Review by the Planning Board**

### **Section 2.3.1 Application Requirements**

The applicant for informal review shall submit the following materials:

- A. An application form signed by the applicant and tax certified by the tax collector. If the applicant is not the owner, the owner shall also sign the application as consenting to the work proposed.
- B. A minor site plan review application fee as stated in the Board's current fee schedule.
- C. Ten copies of each of the following:

1. A plan showing existing conditions on the site:
  - a. The plan must be to scale and sufficiently large to show the information required. Multiple sheets will be allowed.
  - b. Boundaries of the entire parcel which is occupied by the site shall be shown
  - c. The various details shown shall extend at least 100 feet onto contiguous properties. Location of details on adjacent properties may be approximate.
  - d. Wetlands, verified vernal pools, and possible vernal pools shall be shown in at least approximate location.
  - e. All existing structures must be shown in at least approximate locations.
  - f. General indications of the existing ground cover shall be shown.
  - g. Steep grades (over 1:4) shall be shown. Some indication should be made of the existing general topography.
  - h. Other significant items such as old roads, rock outcrops or large trees should be shown. Items that may be of archeological interest are significant and shall be shown.
2. A map showing the location of the site in relation to roads, etc. This may be a copy of part of the zoning map or the assessor's map.
3. A plan showing the proposed work in detail. This shall include:
  - a. The proposed changes in topography;
  - b. Existing and proposed buildings;
  - c. Existing and proposed roadways and parking areas;
  - d. Existing and proposed walkways;
  - e. Proposed stormwater removal methods;
  - f. Proposed landscaping;
  - g. Proposed lighting.
  - h. Sufficient data shall be included to determine readily the location of all existing or proposed improvements to the site, including structures, roads, driveways, walks, loading areas, parking areas and landscaping; and sufficient also to reproduce the same on the ground. All proposed improvements shall be staked out on the ground or otherwise appropriately marked;
  - i. The location of all outdoor storage areas for materials or merchandise and the nature of the materials to be stored; [Adopted Nov. 19, 1998]

- j. The location of all existing and proposed signs;
- 4. A narrative description of the proposed use and how it will affect each of the decision criteria in section 12.6 of the zoning bylaw. [See section 2.2. J of these regulations for a copy.]
- 5. If an environmental site assessment has been undertaken, a copy of the full report. [Section added Jan. 15, 2008]

### **Section 2.3.2 Site Visit**

It will be the policy of the Board to conduct a site visit. The applicant, and any professionals that have contributed to the plan will be expected to attend unless excused by the Board. This visit will be arranged at the convenience of the Board usually before the Board conference. The purpose of the visit is to acquaint the Board members with details of the site, access to the site, and to envision the proposed development. This will enable the members to more accurately assess the proposal. [Section added Jan. 15, 2008]

### **Section 2.3.3 Notice to Abutters**

All abutters and abutters to abutters who would be entitled to notice under the formal site plan review procedure shall be notified by regular mail that a plan has been submitted for review and of the date and time of the scheduled conference. [Section added Jan. 15, 2008]

### **Section 2.3.4 Board Conference**

- A. A conference with the Board shall be scheduled for a regular meeting of the Board. This should be within 30 days of the date a complete application is received by the Planning Agent as determined by the agent.
- B. The applicant must appear at the conference and be ready to discuss the application with the Board.
- C. The purpose of the conference is to determine if the proposal, with mitigation if necessary, will have less impact on the land, the abutters, the neighborhood and the community than the maximums allowed by section 2.2 of these regulations.
- D. At the conference the Board will consider separately each of the maximum impacts allowed by section 2.2 and each of the criteria listed in section 12.6 of the bylaw. [See section 1.1.4 of these regulations for a copy.]
- E. Should the Board need additional information, the conference may be continued to another date so that the information can be obtained.
- F. The Board may then make a finding that the proposed project does not exceed the maximum impacts allowed by section 2.2 and that formal site plan review is not required

- 1. If such finding is made, the Board shall issue a Notice of Decision which shall state that formal review is waived and shall include any conditions that have been agreed upon. Signed copies of the notice shall be filed in the Department of Planning and Development as a definitive statement of the Board's action and be provided to

the applicant. Additional copies shall be provided to the building commissioner and to the abutters and any other persons who have requested a copy.

G. Should such a finding not be made, the applicant must proceed to formal site plan review.  
[Section added Jan. 15, 2008]

## **Section 3. Formal Site Plan Review Application and Determination**

### **Section 3.3.1. Application**

Any person who requires formal review of a site plan under article 12 of the zoning bylaw and these regulations must:

A. File with the Planning Agent as representative of the Planning Board, a properly completed, tax certified Application for Site Plan Approval, and pay the filing fee and consultant review deposit required by the current fee schedule.

1. If the applicant is not the owner of record of the site, the form shall require the signature of the owner of record indicating that (s)he has no objection to the site work proposed by the plan.

B. File notice of submission of the plan with the town clerk.

C. The following documentation shall be submitted with the plan:

1. Proof of the owner's title to the property, e.g. a copy of the deed to the property. If the site is subject to easements, information on applicable easements should be provided.

2. A list prepared by the Assessors showing the Assessor's parcel numbers, names and addresses of all owners of property abutting upon the land included in the site plan as they appear on the most recent tax assessor's list; [Adopted Nov. 19, 1998]

3. 5 paper copies of the plan, 5 copies of the plan in reduced size of approximately 11 x 17 inches, 10 copies of the required documentation;

4. An Impact Statement as provided in section 3.3.4 (15 copies).

5. Unless the property has never been previously developed, a copy of all environmental site assessments that have been done on the property or any part that is to be developed. If no previous environmental site assessment has been done on property being redeveloped, the board may require a level I environmental site assessment. If the level I assessment indicates the possibility of contamination, a level II assessment will be required.

6. A detailed description of the existing and proposed use. The applicant shall declare whether the facility in question is expected to generate, store, use or dispose of hazardous materials or wastes. [Adopted Nov. 19, 1998] [Revisions, Jan. 15, 2008]

### **Section 3.3.2 Unnecessary Materials May be Omitted From the Application**

The planning agent after consultation with the board chairman may allow the applicant to omit from the application such of the listed materials that will not be needed to adequately evaluate

the proposal. If the board later finds that such materials are needed, the applicant shall then supply them. [Section added Jan. 15, 2008]

### **Section 3.3.3 Form and Contents of Site Plan**

A. The site plan size shall be 24 x 36 inches. The drawing shall be at a scale of one inch to forty feet (1"=40') or such other scale as the Board may approve. Where a plan is drawn on multiple sheets it must be accompanied by an index sheet showing the entire parcel involved and in such case for ease of reading, matching lines and consecutive numbering shall be provided. The site plan shall contain the following information:

1. Site location by street and number, boundaries, north point, date, scale and legend; an index or key plan showing the site location at a scale of one inch equals one thousand feet (1' =1000');
2. A map showing the location of the site in relation to roads, etc. This may be a copy of part of the zoning map or the assessors' map.
3. The name and address of the record owner and the applicant, and the name, address, the seal, signature, and date of signing of the registered professional engineer or registered land surveyor as appropriate to the data;
4. Sufficient data to determine readily the location of all existing or proposed improvements to the site, including structures, roads, driveways, walks, loading areas, parking areas and landscaping; sufficient also to reproduce the same on the ground. All proposed improvements shall be staked out or otherwise appropriately marked on the ground, and the location of said stakes and marks shall be shown on the topography sheet;
5. The proposed topography with contour lines at two foot (2') intervals. The surface elevation of all water bodies and wetlands within the tract shall be given, All wetlands shall have been properly flagged and the locations thereof clearly shown. Street and lot lines shall be shown to facilitate orientation. Benchmarks shall be shown and designated. The topographic plan shall bear the stamp, date, and signature of either a registered professional engineer or a registered land surveyor; the location of all outdoor storage areas for materials or merchandise and the nature of the materials so stored or to be stored;
6. The location of all existing and proposed signs;
7. Suitable space shall be provided to record the action of the Board and the signatures of the members of the Board (or officially authorized person). Directly above this space shall be the words, "Approval of this plan is granted on the conditions listed in a separate Statement of Conditions which is part of the approval of this site plan." This block shall be just below the required ID block and both shall be within 6 inches of the right side of the plan.

B. The above data and that required by section 3.3.3. shall also be submitted on compact disk in AUTO CAD format with all data related to state plane coordinates. Narrative and tables may be in WORD or EXCEL format. [Section added Jan. 15, 2008]

### **Section 3.3.4 Supplemental Plan Information Required**

The following information shall be provided on the same sheet, on separate sheets, or in narrative or table format as appropriate.

A. The **names and full contact information** for every person involved in developing the plan and who may have to be contacted for clarifications or additions. Such information must include mail address, land line phone number, fax number and email address. A cellular phone number should be included, if available.

**B. The existing topography** with contour lines at two foot (2') intervals. The surface elevation of all water bodies and wetlands within the tract shall be given, and ground surface shall be identified as to type, such as woodland, swamp, flowages, etc. All wetlands shall have been properly flagged and the locations thereof clearly shown. Street and lot lines shall be shown to facilitate orientation. Benchmarks shall be shown and designated. Brooks, ditches, walls and structures and spot elevations of high and low points shall be shown and identified. 100 year flood plain limits shall be clearly indicated. Any additional information required by the Conservation Commission or the Board of Health shall also be shown. The topographic plan shall bear the stamp, date, and signature of either a registered professional engineer or a registered land surveyor;

**C. Site Improvements** A table shall show the legal requirements (minimums, maximums) of the zoning district (where applicable), existing conditions (where applicable) and the proposed site conditions for the following characteristics: lot size, total lot coverage, open space, percent wetlands, percent flood plain, developable site area, front yards, side yards, rear yard, any buffers, building height, minimum distance to groundwater, pre- and post-development runoff rates and groundwater recharge, net floor area and the number of parking spaces (including numbers of reserve parking, handicapped, and small car spaces) with supporting calculations. The table shall give the percentage of reserved parking spaces with respect to the total number of spaces provided. [Adopted Nov. 19, 1998]

D. The **volume of "earth"** as defined in the Winchendon Zoning Bylaw to be removed if applicable, or a statement indicating that "no earth is to be removed" Calculations for determining the amount of earth to be removed and/or the amount of fill to be brought to the site shall be prepared by and show the signature and seal of a Registered Professional Engineer

E. The plan shall indicate all **easements, covenants or restrictions** applying to the land including zoning setbacks, sideyards and rear yards. In addition, the plan shall show the proposed location of all buildings, wells and septic systems, if applicable, within the site. There must be a profile plan at a horizontal scale of forty feet to the inch showing the size and location of existing and proposed water mains, fire hydrants, sewer lines, their appurtenances, and any other underground utilities including but not limited to electric, gas, telephone, or cable television services within and adjacent to the site. All fire hydrants off the site but within 500 feet of the principal

building on the site shall be shown. If the site is to utilize an on-site well, its proposed location must be shown in addition to its setbacks from any building, structure, or sewage disposal system. The location of wells on abutting properties should be shown on the plan. [Adopted Nov. 19, 1998, expanded]

F. The location of any proposed **municipal fire alarm boxes** or other warning systems and any proposed fire lanes shall be clearly shown and identified. Any underground conduit for municipal fire alarm connections shall be shown.

G. The location of any **underground storage tanks** for fuel or other chemical storage, including the tank types, capacities, and conditions shall be shown. If existing underground storage tanks are present at the site, their location, size, capacities, type and date of installation shall be given. The Fire Chief will determine whether the tanks may be reused or should be removed. [Adopted Nov. 19, 1998]

**H. Storm drainage runoff calculations** used for the drainage system design must be prepared by and display the seal of a Registered Professional Engineer. These calculations must be based on a recognized standard method (usually the Rational Formula or Soil Conservation Service Method). The calculations must contain a written summary explaining the rationale of the design so that a lay person can understand the basic design approach and its validity for the site in question. Furthermore, the calculations should be fully documented including copies of charts or other reference sources to make review possible. The pre- and post-development runoff rates must be provided. The use of computer generated reports is acceptable, however, the source of the software should be identified. [Adopted Nov. 19, 1998]

1. Calculations shall be provided to support the sizing of all drainage structures and pipes. The system design shall not result in serious flood hazards during a 100-year storm. If the site plan includes a 'reserve parking' area, the storm drainage system for this area should be included in these calculations. [Adopted Nov. 19, 1998]

2. Location and types of stormwater drainage facilities including notes on the construction materials of any pipes, culverts, catchbasins or any other system component. Sufficient information relating to placement of the drainage system components (rim and invert elevations, pipe slopes, amount of cover, etc.) shall be shown so that the operation of the system can be evaluated. Any drainage ponds intended to be constructed shall be shown, fully dimensioned. If a 'Reserve Parking Area' is proposed, the plan shall show the stormwater drainage structures intended for construction should the reserve parking area be built in the future. [Adopted Nov. 19, 1998]

3. A typical detail of a proposed catch basin, diversion box, emergency slidegate, manhole, headwall, retaining wall, walkway, subdrain, waterway, leaching basin, drainage pond, or other similar structure, if any must be shown. In the Groundwater Protection Overlay District, catchbasins must be precast concrete with gas traps (Lebaron 1-219, Neenah 3705, or equivalent). Precast catchbasins must show gas traps and construction joints sealed with a minimum of one (1) inch butyl-rubber gas tight sealant or equivalent caulking material. [Adopted Nov. 19, 1998]

4. Water Balance Calculations for sites all or partly within a Groundwater Protection Overlay District: The portion of the site in each Groundwater Protection Overlay Dis-

trict shall be noted. A yearly hydrologic water balance calculation for pre- and post-development conditions based on annual precipitation that quantifies evapotranspiration, runoff, recharge and septic flow shall be included. Compliance with applicable portions of section 4.5 of the Bylaw shall be demonstrated. [Adopted Nov. 19, 1998]

I. If the site lies within a **known aquifer** or potential area the Board may require a hydrogeological study based on the most current groundwater survey.

J. The plan must include **existing and proposed pavement**, sidewalks, grass strips and side slopes. ..

K. The perimeter outline of any **existing or proposed on-site sewage disposal systems** including any required reserve areas shall be shown. The type of sewage disposal system shall be identified by a simple notation. Design and construction specifications for a sewage disposal must comply with the Board of Health's regulations and be approved by that board prior to final approval of the site plan. The proposed location of the sewer main running from the building to the sewage disposal system must be shown. If a sewage system other than an on-site sewage disposal system is to be used, the location of any sewer main to be installed on the property in question must be shown and adequate capacity at the off-site system demonstrated. If the proposed development includes the construction of a sewage treatment plant, then the location of the plant and the sewer main to serve the facility in question must be shown. [Adopted Nov. 19, 1998]

L. The **front, sides, and rear elevations of each building** shall be shown at an appropriate scale generally not less than one-eighth (1/8) inch equals one (1) foot. The sill height and peak height of each building shall be shown referenced to the site benchmark used for the topographical plan. [Adopted Nov. 19, 1998, expanded]

M. All provisions for **off-street loading and unloading** shall be shown on the plan. A detailed description of the loading/unloading needs of the proposed use shall be provided and shall include at a minimum: the number of deliveries/departures expected per day; size and type of vehicles loading/unloading at the site; type of goods, materials, etc. being loaded/unloaded. Location of loading/unloading areas at the site and access/egress to/from the site shall be shown on the plan. [Adopted Nov. 19, 1998]

N. All **parking facilities** shall be shown with proper dimensions. Parking spaces must be identified as either standard size, handicapped, or small-car parking spaces. [Adopted Nov. 19, 1998]

1. A Floor Plan shall be provided for each floor of each building whether such building is existing or proposed so that compliance with the parking requirements of the Zoning Bylaw for the use to be conducted on the floor in question can be demonstrated. Each floor plan must be dimensioned to show the net floor area. The floor plan shall be drawn at a scale of one-fourth (1/4) inch equals one (1) foot or other scale acceptable to the board. [Adopted Nov. 19, 1998]

2. A typical detail of each type of parking space to be used on the site showing the dimensions of the 'Parking Stall Length of Line' and the 'Width of Parking Stall' so that compliance with the parking area design standards of the Zoning Bylaw or its appendices is evident. [Adopted Nov. 19, 1998]

O. The location of any existing or proposed **outdoor lighting facilities** shall be shown. [Adopted Nov. 19, 1998]

**P. Landscaping information** must be shown on a separate plan sheet or sheets. In addition to showing landscape treatments planned for the site, the Landscape Plan shall include general site features such as lot lines, existing and proposed structures, parking areas, curbs, walkways, loading areas, land contours, water bodies, wetlands, streams, ledge outcroppings, and large boulders so that it may be easily related to the other plans. Any area intended to meet parking lot landscaping area requirements of the Zoning Bylaw shall be fully dimensioned and its area noted so that compliance with the Zoning Bylaw may be determined. The screening of parking areas facing public ways and residential zones or uses shall be required. [Adopted Nov. 19, 1998]

1. **Planting Table:** The botanical and common name of each species, its height (at planting), its spread (at maturity) and the quantity intended to be planted shall be listed in a table along with the symbols used to represent the plants on the plan. [Adopted Nov. 19, 1998]

2. **Landscaping Details:** A typical detail of a tree well, tree planting, and specialty planting area, if applicable, shall be shown. [Adopted Nov. 19, 1998]

3. **Limits of Work -** Any area where existing conditions may reasonably be expected to be disturbed during construction shall be shown and identified on the Landscape Plan. [Adopted Nov. 19, 1998]

4. **Perimeter of Trees -** The perimeter of any existing wooded areas on the site shall be shown. Existing wooded areas intended for preservation shall be noted. The location, size, and proposed fate of any existing trees larger than 16 inches Dbh shall be shown. [Adopted Nov. 19, 1998]

Q. All **proposed signage** shall be shown on the site plan. Each sign shall also be fully described on a separate sheet. Said description shall include, at a minimum, dimensions, materials of which it (they) is (are) to be constructed, how and where they are to be displayed, etc. All signage shall conform to the requirements of article 9 of the Zoning Bylaw. The outline or footprint of any existing signs shall be shown and their final disposition must be noted. [Adopted Nov. 19, 1998]

R. If **licenses, permits, orders of conditions** and other approvals have been issued by any public authority in connection with this site development, copies of such documents shall be furnished. The applicant shall also provide copies of any such approvals issued during the pendency of the application. [Adopted Nov. 19, 1998, modified]

S. **Notes shall be included on the plan** that: (1) forbid the use of fill containing hazardous materials (2) require the marking of the limits of work in the field before the start of construction or site clearing, (3) require the cleaning of catchbasins, sumps and stormwater basins following construction and annually thereafter, (4) restrict the hauling of earth materials to or from the site to the hours between 9 a.m. and 4 p.m. on weekdays, (5) describe the materials to be used in the construction of impermeable surfaces such as sidewalks and driveways.

T. If the project is to be **built in phases**, a plan or series of plans showing specific limits of construction for each phase and detailing the work to be accomplished in each phase shall be provided. Interim curbing and landscaping shall be shown as needed between phases.

U. **Design Certifications.** Each plan sheet shall show the seal of a Registered Professional Engineer, Registered Land Surveyor, Registered Landscape Architect, Registered Professional Architect, or some combination of these as appropriate to the data on the sheet.

V. **The plan shall show the following**, where applicable:

1. Clear identification of each area intended to be used as OPEN SPACE on the site with the square footage of each such area shown. A separate sheet may be necessary to show these areas adequately. [Adopted Nov. 19, 1998]
2. All driveway entrances dimensioned so that compliance with the access requirements of the Zoning Bylaw may be determined. The size of the largest truck expected to use the site shall be noted. All the drives and entrances must be designed to accommodate the designated size of truck. The smallest size for the design shall be the SU-30 design vehicle so that fire trucks may maneuver on the site. [Adopted Nov. 19, 1998]
3. Intersections and driveway entrances on other lots within 75 feet of the site with the distance between driveways dimensioned. [Adopted Nov. 19, 1998]

W. The application may contain such additional information the applicant feels is necessary to inform the Board properly about the development including legal opinions, copies of deeds, historical data, studies, and reports.

X. The Board is empowered by the Bylaw to **require information in addition** to that specifically required by the Bylaw. The Board will require the applicant to supply additional information if it finds that such information is necessary to act properly upon the application. [Section substantially modified Jan. 15, 2008]

### **Section 3.3.5 Impact Statement**

A. **The Impact Statement** shall clearly and methodically assess the relationship of the proposed development to the natural and man-made environment of the Town. It is intended that the statement be a guide to the Planning Board in its judgment and deliberation on the proposed development and its compatibility with existing conditions and planning efforts of the Town. While reviewing the Statement, the Board will consider the degree to which the applicant has proposed to sustain the environmental health of the community, minimize adverse effects on the natural resources, promote safety of the inhabitants of the area, and preserve the character of the Town. Failure of the plans or the impact statement for the proposed development to indicate such compatibility may be grounds to require revision of the proposal at the determination of the Planning Board.

B. The **Planning Board may waive** any section, or sections, of the Statement, which it deems inapplicable to the proposed project.

C. It will **not be necessary to repeat** in the impact statement material covered elsewhere in the application but appropriate references to that material should be included in the impact statement.

D. The **elements of the statement shall be prepared by professionals** registered in Massachusetts to practice in their fields where so specified or by authorities recognized in their field having reached a professional status or its recognized equal.

E. Each **Impact Statement shall address the following elements:**

**1. Existing Conditions Element** This element may reference the existing conditions plan provided as part of the application and shall describe the following:

- a. Location, size, and current use of existing parcel(s)
- b. Existing infrastructure and buildings on site
- c. General description of the soil and geological conditions of the site, including results of any soil testing.
- d. Inclusion of any unique site characteristics, including but not limited to features deemed important by the Massachusetts's Historical Commission, Natural Heritage, FEMA.

**2. Proposed Development Element** shall describe the following:

- a. List of all other permits, Federal, State and Local required for the proposed development
- b. An area tabulation which will state along with the total area and percentage of the following:
  - i. Site area
  - ii. Wetland and other resource areas on site
  - iii. Area dedicated to drainage and other utilities
  - iv. Proposed impervious area
  - v. Total area of disturbance
  - vi. Area reserved for recreation, parks or other open land

**3. Transportation Element** which will include:

- a. Traffic Generation – A comparison of the estimated pre-developed traffic to post-developed traffic. Including: volume, overall average daily traffic generation, composition, peak hour levels, directional flows and street capacities. The methodology used to derive these predictions shall be included.

- b. Description of all proposed roadways and other travel areas, including pavement width, right of way width, total length, means of egress, and maximum grade

**4. Construction Element** This element may reference the development plan provided as part of the application and shall include the following:

- a. Estimated Construction Schedule including phasing, clearing schedule, hours of operation, exposure time.

- b. Estimates of the cost of performing the various items of required work. (This is for consideration in determining the amount of performance bond or cash security as required in section 3.7.)

- c. Estimate of proposed cut and fill volumes, schedule for bringing fill on and off site, and the source(s) of purchased fill

- d. Describe the methods to be used during construction to control erosion and sedimentation (i.e., use of sediment basins and type of mulching, matting, or temporary vegetation), describe the size and location of land to be cleared at any given time and length of time of exposure, covering of soil stockpiles, and other control methods and their effect on the site and on the surrounding area.

- e. Describe permanent methods to be used to control erosion and sedimentation. Include description of:

- i. any areas subject to flooding or ponding
- ii. proposed surface drainage system
- iii. proposed land grading and permanent vegetative cover
- iv. methods to be used to protect existing vegetation
- v. the relationship of the development to the topography
- vi. any proposed alterations of shorelines, marshes or seasonal wet areas
- vii. any existing or proposed flood control or wetland easements
- viii. calculated increase of peak run-off caused by altered surface conditions and methods to be used to return water to the soils.

- f. In reviewing the Statement, the Board will consider the degree to which water is recycled back into the ground, the maintenance and improvement of the flow and quality of surface waters, the preservation or promotion of wildlife refuges,

historic sites, unique geological, botanical and archeological features, existing or potential trails and accesses to open space areas, and the health and safety of the inhabitants of the area.

**5. Public Utility Element** prepared by a professional engineer registered in Massachusetts, to consist of the following sub-elements:

- a. Water Supply and Distribution - The average daily and peak demand; method of supply to the proposed buildings. Coordination with the Town Water Department, and if deemed advisable, appropriate State agencies, is strongly recommended.
- b. Sewage Treatment - The average daily and peak demand; and any unusual composition or concentration of component flows into the proposed system(s), the method to serve the proposed buildings. Coordination with the Board of Health, the Department of Public Works, and if deemed advisable, appropriate State agencies, is strongly recommended.
- c. Storm Drainage – Description of existing surface drainage characteristics of the site and surrounding areas. Methodology of post-developed storm water management, including methods of maintaining existing drainage pattern, and explanation of how the proposed storm water management system complies with Massachusetts Stormwater Handbook.
- d. Solid Waste - The average weekly demand; expected contents; recycling potential; on-site incineration, reduction or compaction; and method of disposal including its ultimate destination.

**6. Conservation and Recreation Element** to contain the following:

- a. Description of existing vegetation, water, wetlands and resource areas and explanation of any proposed activity within a resource area.
- b. Surface Water and Soils. Describe the location, extent and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to, the project including existing surface drainage characteristics, both within and adjacent to, the project.
- c. Subsurface Conditions. Describe any limitations on the proposed project caused by subsurface soil and water conditions, and methods to be used to overcome them.
  - i. Describe the procedures and findings of percolation tests conducted on the site.
  - ii. Evaluate the impact of sewerage disposal methods on the quality of subsurface water.
- a. Water quality impact from run-off on adjacent and downstream surface water bodies and subsurface ground water and the water table shall be

detailed. Coordination with State and Town water quality agencies including that Board of Health and Conservation Commission is recommended so that necessary agreements and responsibilities can be included in the study of the proposed development and its alternatives. The relationship of the proposed development to navigable streams, flood plains, and municipal water supply impoundments and reservations shall be shown.

- b. General Ecology - The relation of the proposed development to the major botanical, zoological, geological and hydrological resources of the site shall be examined. Consideration of those resources adjacent to the site shall also be made where deemed appropriate by the Planning Board. Consideration shall also be given to rare or endangered species of plant and wildlife found on the site.
- c. It shall also deal with the compatibility of existing soils with the proposed development.
- d. It shall describe any proposed recreational facilities/open space, a statement of intended owner(s) of any proposed recreational facilities/open space, and indication as to whether the recreational facilities/open space will be available to the public.

#### **7. Sustainable Energy Element**

This element shall discuss the effects of the proposed development on the production and consumption of energy; on the generation and absorption of green house gasses and other conditions which will affect the sustainability of our community in the rapidly changing environment. The Board will welcome proposals that will reduce net effects on global warming.

#### **8. Aesthetics Element** to consist of the following:

- a. Architecture - The style of architecture of the proposed buildings shall be described and their compatibility with the function of and the architectural style of adjacent buildings. Sketches, photos, elevations and renderings are encouraged to illustrate architectural appropriateness as well as innovation. Consultation with the Building Commissioner is recommended.
- b. Lighting - The type, design, location, function and intensity of all exterior lighting facilities, existing and proposed, shall be described. Attention given to safety, privacy, security, avoidance of light pollution, and daytime and nighttime appearance shall be detailed.
- c. Landscaping - Provisions for landscaping shall be described including type, location and function.
- d. Visual- Attention given to views into the site and from the site shall be described. Included shall be long-distance views as well as to and from adjacent properties. Visual impact may be related to the preceding sub-elements concerning the overall aesthetics of the proposed development.

**9. Neighborhood and Community Element** to consist of the following:

- a. Schools - The expected impact on the school system pre- kindergarten , elementary, middle school, and secondary levels, by type of housing (single family, garden apartment, townhouse, high rise, etc.), and by bedroom (one-bedroom, two-bedroom, etc.). The number of students; school bus routing changes if found necessary. Coordination with the Superintendent of Schools is recommended, particularly for large residential developments.
- b. Police - The expected impact on police service, time and manpower needed to protect the proposed development; provision for special alarm or warning devices or agents and other needs shall be presented. Coordination with the Police Department is recommended.
- c. Fire - Expected fire protection needs, on-site fire fighting capabilities, on-site alarm or other warning devices, flow water needs, source and delivery system and other needs shall be presented. Coordination with the Fire Department is recommended.
- d. Existing Neighborhood Land Use - Compatibility with adjacent or nearby existing land uses, or approved private development plans, if known, for adjacent or nearby land use changes to occur during the life of the proposed development. If the proposed uses are not compatible, the reasons therefore shall be detailed. Consultation with the Planning Agent is strongly recommended.
- e. Master Plan Element - The statement shall detail the compatibility of the proposed development and its alternatives to any established plans of the Planning Board, Conservation Commission, Department of Public Works and other Town and State agencies as applicable. If not compatible, the reasons therefore shall be detailed.

**10. Social-Economic Element** to consist of the following:

- a. Population — In residential development, the overall population; ranges in expected family size by housing type and bedroom count; ranges in expected income and other relevant social data shall be estimated.
- b. Low/Moderate Income Housing — In residential developments, any provisions for low and/or moderate income housing shall be identified as to type of housing and bedroom count; State or Federal subsidies proposed to be applied for; and indication, if any, from the appropriate agencies including the Winchendon Housing Authority as to its desirability and feasibility in regard to its location, financing, and any operating subsidy.
- c. Employment - In all nonresidential developments and in large residential developments the number and types of job skills to be employed shall be detailed. This shall include both construction labor and full-time work force

when the development is in operation; employment by shift; estimates as to the amount of local labor which is intended to be used.

#### **11. Municipal Benefit/Cost Element**

A primary part of this element shall be an analysis of the net benefit or cost to the Town in dollars, as complete as is practicable. This municipal benefit/cost analysis should follow standard and usual procedures and parameters for measuring both the benefits to be derived and costs to be incurred by the Town of Winchendon as a result of the implementation of the proposed development. It will be helpful to provide one or more benefit/cost analyses for alternative uses to provide for a basis for comparison. Except in unusual cases, or when the construction of a proposed development is scheduled to take place in distinct and separate phases and each phase may be functional and operable without any or all of the others, the municipal benefit/cost analysis may assume full and complete development and occupancy. In phased development or in other unusual cases, the Planning Board may require more than one analysis (an analysis for each phase) and/or more than one impact statement. This element may also estimate net benefit or costs of non-qualifiable environmental impacts.

#### **12. Waste Generation and Disposal Element**

The types and volumes of solid waste likely to be generated by the proposed use shall be listed. The means of handling these wastes shall be given in detail. Particular attention shall be paid to the type, location, and screening of outdoor waste containers. If hazardous wastes will be produced, full detail as to their nature and means of disposal shall be provided.

[Section added Jan. 15, 2008]

### **Section 3.4 Agency Review**

#### **Section 3.4.1 Distribution of copies to other agencies**

Upon determining the application is complete the Planning Agent shall, transmit copies of the application and reduced size plans to the Building Commissioner, the Department of Public Works, the Police Chief, the Fire Chief, the Conservation Commission, the Board of Health, the Zoning Board of Appeals and the Board of Selectmen for their advisory review and comments. If the site lies partially or wholly within a historic district, the Historic District Commission shall be provided with a copy. Should any part of the proposed project lie within 200 feet of the town line or such copies be requested by any board or agency in an adjoining town, copies of the proposal shall be provided to that board, agency, and the planning board of such adjacent town. Each board shall be requested to provide its comments to the planning board within 35 days of such submittal. A failure to respond shall be considered as lack of objection to the project as submitted. [Zoning bylaw, section 12.5.2] [Section added Jan. 15, 2008]

#### **Section 3.4.2 Review by the Planning Agent**

The Planning Agent should review the plan as time permit. This review should endeavor to insure the completeness of the plan and to highlight parts of the plan that particularly further the

intent of the Winchendon Master Plan, the Open Space and Recreation Plan, any other plans that have been approved by the Planning Board, and any policies of other departments of the town government; or which diverge from the provisions of those plans and policies. Specific attention is to be paid to:

- A. That copies of the plan have been properly submitted to the Board of Health, the Conservation Commission, the Department of Public Works, and that a consulting engineer has been engaged (if such is being required), and
- B. That the applicant is the owner of record of all the property shown on the plan or has legal authority from the owner to submit the plan, and
- C. That the abutters list is certified by the assessors, that the abutters have been properly notified, the hearing has been properly advertised and posted, and
- D. That the plan shows the entire lot or lots on which the site is located, and
- E. That each of the elements and sub elements of the application and impact statement have been addressed unless those elements are deemed unnecessary, and
- F. The effects of the proposed development on the sustainable energy and greenhouse gases production policies of the board, the town, and the state.
- G. Provide comments to the Board on the effects and proposals that she/he has highlighted in the impact statement and any other statements that have been required. [Section added Jan. 15, 2008]

### **Section 3.4.3. Report of the Consulting Engineer**

If, in the opinion of the planning agent, after consultation with the chair of the board, the complexity of the plan or specific details so require, the plan will be reviewed by a consulting engineer retained by the Board at the expense of the applicant. The cost and payments will be handled in accordance with M. G. L. Chapter 44, section 53G. This review will include the following items:

- A. the proposed locations, sizes and grades of water mains, sanitary sewer mains and storm drainage facilities;
- B. The location of existing and proposed structures, roads, driveways, loading and unloading areas, parking areas, and landscaping particularly with respect to on site traffic and pedestrian movement and stormwater disposal.
- C. Any deviations from the design and work requirements specified in these Rules and Regulations or the Town of Winchendon's Design Standards and Construction Specifications, if any, issued by the Town Engineer or Department of Public Works, the applicant's detailed specifications for performing the required work and all special construction requirements, if any, applicable to the site;

D. Comments as to the accuracy of the applicant's estimates of the cost of performing the various items of required work. (This is for consideration in determining the amount of performance bond or cash security as required in Section 3.9.2)

E. Such other items as the board, in its sole judgment, shall deem necessary for the proper evaluation of the plan and any changes or conditions which should be included in its decision. [Section added Jan. 15, 2008]

#### **Section 3.4.4. Board of Health Review**

The Board of Health shall, within forty-five (35) days following receipt of a site plan, report to the Planning Board, in writing, its approval or disapproval of said plan. In the event of disapproval, it shall make specific findings as to why the plan or any portion of the plan will cause injury to the public health, and shall include the reasons therefor in its report. Failure to so report shall be deemed lack of objection by the Board of Health. Should the Board of Health be unable to complete a full review of the project within the required 35 day window, it shall file a preliminary statement indicating any problems found within the 35 days and a completed statement as soon as possible thereafter.

A. Every site so situated that it cannot be served by a connection to the municipal sewer system shall undergo a percolation test carried out under the supervision of the Board of Health's Septic Inspector, according to the procedures required by state law and Title V of the state regulations. Such lot shall be provided with a septic tank and drain field or other disposal system whose design and placement are satisfactory to the Septic Inspector.

1. Extreme care shall be practiced in the layout of a site in unsewered areas. The extent of soil evaluation should be determined by the Winchendon Board of Health based on the Town of Winchendon soils map and whatever other soil information is available.

2. Required testing should include deep test holes, percolation tests and test borings, and the number of tests required shall be determined by the Board of Health investigator.

3. Notwithstanding the above, a permit to construct one or more subsurface absorption areas must be obtained from the Board of Health.

B. Site Plan approval will not be granted on any site unless the Board of Health has approved the sewage disposal provisions. [Section added Jan. 15, 2008]

#### **Section 3.4.5. Conservation Commission and other Reviews**

A. The Conservation Commission, Town Engineer and any other agency designated to receive and review a site plan shall, within thirty-five (35) days following receipt of such plan, report their findings in writing to the Planning Board, and shall make recommendations thereon. Should the agency be unable to complete a full review of the project within the 35 day window, it shall file a preliminary statement indicating any problems found within the 35 days and a completed statement as soon as possible thereafter. Failure to so report shall be deemed a lack of objection to the plan.

B. The Department of Public Works is specifically requested to report on the likely effect of the proposed site plan on any plans for road or infrastructure improvements, the effect of any such improvement plans on the site plan, and the need for future road and infrastructure improvements that may result from implementation of the site plan. [Section added Jan. 15, 2008]

#### **Section 3.4.6. Approval of Water Mains and Hydrants**

If water mains and hydrants are to be installed, the written approval of the Department of Public Works and the Fire Department shall be required before site approval is granted. [Section added Jan. 15, 2008]

#### **Section 3.4.7 Site Visit**

It will be the policy of the Board to conduct a site visit. The applicant, his/her engineer or surveyor, and any other professionals that have contributed to the plan will be expected to attend unless excused by the Board. This visit will be arranged at the convenience of the Board either before or during the public hearing process. The purpose of the visit is to acquaint the Board members with details of the site, access to the site, and to envision the proposed development. This will enable the members to more accurately assess the proposal. If the Board has conducted a site visit relating to this proposal previously, they may waive another visit. [Section added Jan. 15, 2008]

### **Section 3.5 Public Hearing**

#### **Section 3.5.1. Schedule for Hearing**

The Board shall set a date for the Public Hearing within 14 days after receipt of the completed application.

A. The date of the hearing shall be not more than 45 days after the receipt of the completed application.

B. Notice of the time and place and the subject matter, sufficient for identification, of the hearing shall be given:

1. by the planning board, at the expense of the applicant, by advertisement in a newspaper of general circulation in Winchendon once not less than fourteen days before the day of such hearing, Prepayment of the advertising charge will be required with the application.

2. by posting a notice in a conspicuous place in the town hall for a period of not less than fourteen days before the day of such hearing,

3. by mailing a copy of such advertisement to the applicant and to all owners of land abutting upon the land included in such plan as appearing on the most recent tax list. [Section added Jan. 15, 2008]

#### **Section 3.5.2 Delay Because Site Cannot be Viewed**

The time allowed for any review of the application will be extended by the time during which the part of the site proposed for development is covered with water, snow, or ice. Such time will

be determined by the Board. Until the site can be properly viewed, the application will be considered incomplete. [Section added Jan. 15, 2008]

### **Section 3.5.3. Incomplete Application**

If, at the scheduled hearing, the Board determines that the application does not include all the information required by statute, town bylaw or Board regulation, the Board will entertain a request for a continuance of the hearing for such number of days as the applicant may request provided the applicant also agrees in writing to an extension of the time in which the Board must take final action on the application by thirty days more than the requested continuance. This process will be repeated as many times as is necessary to secure a complete application. Should such a request and agreement not be made, it will be the policy of the Board to deny the application as incomplete without further proceedings. Resubmission of the application thereafter will require a new application fee and advertising charge. [Section added Jan. 15, 2008]

### **Section 3.5.4 Hearing Procedures**

A. An applicant may appear on his/her own behalf or be represented by an agent or attorney. It is the responsibility of the applicant or the agent of the applicant to present the application to the Board and to the public. In the absence of an appearance, the Board may decide the matter using the information it has received. [Adopted Nov. 19, 1998]

B. Presentation of the application by the applicant should not exceed ten (10) minutes in duration except for good reason. The applicant may be requested to answer questions raised by the Board or the public. [Adopted Nov. 19, 1998]

C. At the beginning of the hearing, the Board will consider any requests by the applicant that specific information be omitted from the application as unnecessary. A grant of such requests shall not preclude the Board from requiring that such material be submitted at a later date if the Board then finds such material essential to its consideration of the application.

D. The Board will retain any evidence that has been introduced at the hearing for reference in its deliberations on the case. [Adopted Nov. 19, 1998]

E. In no case will the Board allow new evidence to be admitted after the close of the public hearing unless this evidence was specifically requested by the Board before the close of the public hearing. [Adopted Nov. 19, 1998]

F. Any application for site plan approval submitted hereunder may be withdrawn without prejudice by notice in writing to the Board before the notice of public hearing is posted or mailed pursuant to Section 4.1 above. Withdrawal of any application thereafter requires Board approval. No refund of fees will be provided if an application is withdrawn. [Adopted Nov. 19, 1998]

### **Section 3.5.5. Continuation of Hearing**

A. If a hearing is continued to another date in order for the applicant to submit additional information, that additional material must be submitted to the office of the Planning Agent not less than ten days prior to the continuation date so that it may be reviewed by the Board's consultant(s) and by the Board prior to the actual continued hearing.

B. The Board's consultant is instructed to submit copies of his reports directly to the applicant at the same time they are provided to the Board through the planning agent. The applicant and the consultant(s) are encouraged to consult directly so that all issues may be resolved as quickly as possible. The Board, through the Planning Agent, must be informed of the substance of such direct consultations.

C. The period within which final action shall be taken may be extended for a defined period of time by written agreement between the Board and the applicant. If the Board determines that the application is inadequate for the Board to make a decision, the Board may, at its discretion, continue the hearing to a later date to permit the applicant to submit a revised application provided the applicant agrees to a time extension. [Section added Jan. 15, 2008]

### **Section 3.5.6. Board Evaluation of the Plan**

The Board will evaluate the plan based on its conformity to the requirements of the statutes, local bylaws, the zoning bylaw with particular reference to the criteria contained in section 12.6 [see section 1.1.4 of these regulations for a copy of the criteria], the findings of the Consulting Engineer, the Board of Health report, the Conservation Commission report, and the willingness of the applicant to address, and if necessary to mitigate, the various impacts shown by the impact statement. The Board will work with the applicant in an effort to achieve a project that will meet the needs of the applicant and those of the town. [Section added Jan. 15, 2008]

### **Section 3.5.7. Approval of the Plan**

After the reports from the Consulting Engineer, the Board of Health, and the Conservation Commission, have been received, or after the lapse of 35 days with no such report(s), and after the public hearing, the Board shall approve or (if the plan does not comply with the Winchendon zoning and other bylaws, the Winchendon Site Plan Review Rules and Regulations or with the recommendations of the Board of Health or the Conservation Commission) shall modify and approve, or disapprove such plan, shall file a certificate of its action with the Town Clerk, and shall send notice of its said action by registered or certified mail, postage prepaid, to the applicant at his/her address stated on the application. Approval of a plan requires the vote of a majority of the Board members present. [Zoning bylaw section 12.5.4] [Section added Jan. 15, 2008]

## **Section 3.6 Conditions of Approval**

### **Section 3.6.1 Standard Conditions**

The following standard conditions will be applied to all plans unless particular sections are waived by the Board:

A. Approval of this site plan is granted to the named applicant only and only for the purpose(s) stated in the application or as it may have been amended. It is not transferable for any other use of the site by the applicant nor to any other person except with the approval of the Board. The Board reserves the right to review any work done on the site even after any proposed construction is completed and to determine that the actual use(s) of the site conform to those allowed by this approval.

B. Any officer, agent or employee of the Planning Board, Conservation Commission, Zoning Board of Appeals or Board of Health may enter upon the site at reasonable times, with or without prior notice to the applicant. in pursuit of official duties, such as examinations and surveys, examination of construction undertaken, and the purposes for which the site is used (Massachusetts General Laws Chapter 41, Section 81CC; Chapter 131, Section 40; Chapter 111, Sections 31, 122 and 127A)

C. The time allowed for any inspection required under these conditions, the Planning Board's regulations, or the town bylaws will be extended by the time during which the site is covered with water, snow, or ice. Such time will be determined by the Board.

D. A performance guarantee, in the amount of \$ is required to assure completion of the project. Such guarantee shall be filed with the town collector/treasurer within thirty (30) days from the date of this site plan approval, unless an extension of time is mutually agreed upon in writing by the developer and the Planning Board. A copy of the receipt issued by the Town Treasurer for this guarantee shall be filed with the Planning Board forthwith.

E. This site plan approval, together with this list of conditions and the performance guarantee, must be filed at the Worcester Registry of Deeds forthwith, but not later than sixty (60) days after the expiration of the appeals period plus such time as may be consumed in any appeals process. A copy of the receipt from the Registry must be filed with the Planning Board forthwith. No construction may be started until there has been such filing. If these required documents are not filed within the required time, this site plan approval shall be void.

F. Upon completion of the project, notice shall be given as provided for in section 6.5.1 of these regulations.

G. Construction shall be in full conformity with the "Rules and Regulations Governing Site Plan Review" as issued by the Planning Board, unless an exemption is granted by the Planning Board. Such exemption, if granted, is stated below as one of the conditions.

H. No sand, soil, loam, sod, gravel, or other natural or quarried earth product shall be removed from the site until the entire parcel has been graded and condition I. satisfied. Loam must be stockpiled and covered so as to be protected from erosion.

I. The clearing, excavation or removal of vegetation or the excavation or removal of sand, soil, loam, sod, gravel, or other natural or quarried earth products is allowed only in accordance with section 10.6 of the Winchendon Zoning Bylaw and specific conditions for such removal or redistribution are included in the special conditions appended to these general conditions.

J. The project must be completed to the satisfaction of the Planning Board within two (2) years from the date of this site plan approval unless an extension of time is mutually agreed upon in writing by the applicant and the Planning Board. If this work is not completed within the required time including approved extensions, this site plan approval shall lapse and become void.

K. If the site contains pond, lake, brook, stream, river, standing water, or any indication of the presence of wetlands, the applicant must comply with all Wetlands Protection regulations, including those found in Sections 4.3 and 4.4 of the Town of Winchendon Zoning Bylaw.

L. The applicant must comply with all orders of the Winchendon Conservation Commission.

M. Work under this site plan shall be commenced within six months of the date of its approval increased by any time consumed by appeals of the approval and shall be diligently pursued thereafter until the completion of the work. The Planning Board may extend this period if so requested by the applicant. If the work is not so commenced and pursued, this site plan approval shall lapse and become void.

N. This approval and conditions are in addition to other permits and approvals. Nothing in this decision shall be deemed to relieve the applicant from its obligation to obtain other permits and approvals required by law or regulation.

O. Any substantive error in the application or any subsequent filing by the applicant or his successor shall be cause for revocation of the Board's approval. Due notice and hearing shall be required prior to any Board action.

P. The Board on its own motion or on the petition of any interested person reserves the power to modify, amend or rescind its approval of this plan or to require a change in the plan after due notice and opportunity for the applicant to be heard. [Section added Jan. 15, 2008]

### **Section 3.6.2. Special Conditions**

The Board may attach special conditions to the approval of the site plan. Such special conditions may include such waivers as may be granted from the design and construction standards of these regulations and inclusion of any other conditions the Board may deem necessary. The special conditions will be appended to the general conditions stated in section 3.6.1. [Section added Jan. 15, 2008]

## **Section 3.7 Performance Guarantee**

### **Section 3.7.1. Requirement for a Performance Guarantee**

If the Board determines that the applicant's failure to properly complete the proposed site work after such work has been started will have a significant adverse impact on neighboring uses, the community, or on the site itself, the Board may require the applicant to post a guarantee of performance in an amount acceptable to the Board as provided below. [Section added Jan. 15, 2008]

### **Section 3.7.2. Filing of the Performance Guarantee**

Such required performance guarantee must be filed with the Board within thirty days after the expiration of the appeal period of the approval or the site plan approval shall be void. [Section added Jan. 15, 2008]

### **Section 3.7.3. Form of Guarantee**

If a performance guarantee is required under this section and before endorsement of its approval of a plan, the guarantee shall be by one of the methods described in the following subsections A or B which method may be selected by the applicant:

A. By a proper bond with surety, sufficient in the opinion of the planning board to secure construction in accordance with the approved plan. The planning board may require that the applicant specify a time acceptable to the Board within which such construction shall be completed. Each bond filed shall be approved as to form, manner of execution and sureties by the Town

Treasurer and all deposit agreements and securities shall be approved as to form and manner of execution by the Town Treasurer.

B. By a deposit of money or negotiable securities, sufficient in the opinion of the planning board to secure construction in accordance with the approved plan, and the planning board may require that the applicant specify a time acceptable to the Board within which such construction shall be completed. [Use Form G.]

C. If the Board shall decide at any time during the term of the performance that:

a. improvements have been installed in a satisfactory manner in sufficient amount to warrant reductions in the security, or,

b. the character and extent of the site require additional improvements, previously waived, then the Board may modify its requirements for any or all such performance bond, or amount of deposit of money or value of securities, which may thereupon be reduced or increased respectively by an appropriate amount after suitable notice to the applicant. [Section added Jan. 15, 2008]

## **Section 3.8 Endorsement and Recording**

### **Section 3.8.1. Plan for Endorsement**

Upon approval of the plan by the Board, the applicant shall submit five copies of a complete plan which includes any changes that were made during the approval process, The applicant shall also submit a 5 sets of the plans reduced to 11 inches by 17 inches size and a copy of the revised plan and the conditions thereof in electronic format as required in section 3.3.2 B. This submission may be made during the appeal period. [Section added Jan. 15, 2008]

### **Section 3.8.2. Endorsement of the Plan**

The plan having been approved by the Board and no appeal having been taken within twenty (20) days after notice to the Town Clerk or after the entry of a final decree sustaining approval of the plan, and after the applicant has met the requirements of any required performance guarantee, the Board shall endorse upon the plans submitted as required in section 3.10.1. its written endorsement of approval and the plan and its appended statement of conditions. One copy of this plan shall be filed in the office of the Department of Planning and Development as a definitive statement showing the work or use that is approved. Another copy shall be delivered to the applicant as shall a notice for recording signed by a majority of the Board which includes any conditions imposed on the approval. [Section added Jan. 15, 2008]

### **Section 3.8.3 Transfer of Interests**

If the plan as approved by the board requires that any interest in any part of the subject premises be transferred to the town or other political entity for any purpose or to a non profit entity for conservation or management purposes, the applicant shall prepare, with the approval of the board and town counsel, and execute the necessary documents to effect such transfer, whether immediate or future, and deliver the same to the office of the Department of Planning and Development together with a check for the fees for recording the documents. This shall be done within 30

days after the end of the appeal period and before any permits for work on the site are issued.  
[Section added Jan. 15, 2008]

#### **Section 3.8.4 Duties of the Applicant**

A. The applicant shall submit the board's signed Notice For Recording of site plan approval and statement of conditions for recording in the Worcester Registry of Deeds (or properly file the same with the recorder of the Land Court if the land is registered land) and shall obtain a receipt therefor.

B. The applicant shall present the receipt(s) to the Department of Planning and Development which will make a copy thereof for its records and shall then distribute copies of the approved plans to the various town departments according to the policy of the department.

1. The Building Commissioner will **not issue any permits** until he has received these plans.  
[Section added Jan. 15, 2008]

## **Section 4. Design Standards for Site Development**

### **Section 4.1 Laying Out the Site**

A. The site and all buildings thereon should be designed so as to enhance the use of sustainable energy principles including the use of renewable energy (including solar energy, wind energy, and biofuels), the conservation of energy of all types, the limitation of carbon dioxide and other greenhouse gas production , and enhancement of carbon absorption from the atmosphere. The Board will consider tradeoffs in other areas when so doing will better accomplish these purposes.

B. Site/building design shall preserve natural topography outside of the development footprint to reduce unnecessary land disturbance and to preserve natural drainage channels on the site.

C. Hilltops and/or scenic views within the town of Winchendon shall be protected.

D. Wildlife habitat shall be protected.

E. Sites shall be designed in such a way as to avoid impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.

F. Open space and specimen trees on the site shall be preserved insofar as possible.

G. In the design of a development, priority shall be given to retention of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.

H. Whenever possible forested areas shall be preserved if they are associated with:

1. significant forest communities as defined herein;
2. wetlands, water bodies and their buffers;
3. critical wildlife habitat areas;
4. slopes over 15 percent.

I. Cut and fill in site development shall be minimized.

J. Finished grades in disturbed areas should be limited to no greater than a 1:2 slope, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible. [Section added Jan. 15, 2008]

### **Section 4.2 Adequate Access from Public Way**

A. When the physical condition or width of the public ways by which a site will be accessed is inadequate for access to such site in the opinion of the Board, the Board may require the Applicant dedicate a strip of land for the purpose of widening the abutting public way to a width ade-

quate to serve the needs of the uses proposed for the site while also providing access at the current level to such other land as the way serves and to make physical improvements to and within such public way(s) as may be necessary to adequately serve these uses. This may include drainage improvements, utility improvements, improvement of intersections, signage, signalization, or other amenities necessary for safety and orderly traffic flow. Any such dedication of land for the purpose of such a way and any such work performed within such public way(s) shall be made only with permission of the governmental agency having jurisdiction over such way, and all costs of any such widening or construction shall be borne by the Applicant.

B. As an alternative to the applicant's making the actual required improvements, the board may require the applicant pay to the town the estimated cost of such improvements which money shall be used only toward the cost thereof. The timing of any such payment shall be as the board directs. [Section added Jan. 15, 2008]

### **Section 4.3 Streets, Driveways, Walkways**

#### **Section 4.3.1 Streets, Driveways and Walkways to provide safe travel**

All streets, driveways, and walkways shown on the plan shall be designed so that, in the opinion of the Board, they will provide safe travel and be of sufficient design and construction to adequately handle the traffic loads anticipated. The Board requires, as a minimum, 12 inches of gravel and three inches of bituminous concrete paving laid in two courses on impervious areas. [Section added Jan. 15, 2008]

#### **Section 4.3.2 Adequate means of egress from the Site**

All site plans shall show adequate means of egress from the site and from each building and use thereon. Sites showing buildings with more than 50,000 square feet of gross floor area or likely to have more than 100 persons on the site at a time shall have two or more exits to public ways. The public way(s) used for such access shall also provide two or more exits. This provision is to ensure access for emergency vehicles in case an access is blocked. [Section added Jan. 15, 2008]

#### **Section 4.3.3 Streets and Driveways Within A Site**

The Board will determine the design standards for streets, driveways and walkways within a site depending on the use(s) proposed for the site based on the prospective traffic load in number and types of vehicles and pedestrian use. These standards will be based on recommendations of the Institute of Transportation Engineers. Appropriate traffic control improvements may be required. [Section added Jan. 15, 2008]

#### **Section 4.3.4 Curb Specifications**

Where curbing is required, whether it be granite or berms it shall be installed in accordance with the specifications of the Department of Public Works. Where low impact disposal of stormwater is provided, appropriate curb cuts for drainage shall be provided. [Section added Jan. 15, 2008]

### **Section 4.3.5 Walkways Within a Site**

Walkways shall be provided within a site as may be necessary for convenient traffic flow and the safety of pedestrians within the site. All walkway and sidewalk specifications must be approved by the Board. [Section added Jan. 15, 2008]

### **Section 4.3.6 Accessibility**

All streets, curb cuts, walkways, ramps, parking spaces, passenger loading zones and other outdoor improvements shall be designed to conform to the requirements of the Massachusetts Architectural Access Board as provided in 521 CMR. This includes the making provision for accessible parking spaces. [Section added Jan. 15, 2008]

### **Section 4.3.7 Individual Driveways**

No principal building on a site shall be located so as to require principal access by a road or driveway longer than 500 feet measured from the serving road to the nearest point on the building except by a waiver granted by the Board upon a finding that a shorter access is impracticable. [Section added Jan. 15, 2008]

## **Section 4.4 Other Site Requirements**

### **Section 4.4.1 Open Spaces**

Before approval of a site plan, the Board may also, in proper cases, require the plan to show areas suitably located for playground or recreation purposes, or for providing light and air. The area(s) shall not be unreasonable in area in relation to the land in the site and to the prospective uses of such land. Such parks shall be conveniently located. [Section added Jan. 15, 2008]

### **Section 4.4.2 Site Drainage**

Site drainage should preferably follow best management practices for low impact development such as the use of swales or bioretention areas. The use of catchbasins and underground piping will be approved only when no other stormwater management system is practical as determined by the board. [Section added Jan. 15, 2008]

### **Section 4.4.3 Snow Storage**

Adequate provision for snow storage should be made and be shown on the plan. Such storage shall be accomplished in a manner that will eliminate or minimize polluted runoff or other hazards to the environment. [Section added Jan. 15, 2008]

### **Section 4.4.4 Wetlands Protection**

The Wetlands Protection Act, MGL Chapter 131, Section 40, provides:

no person shall remove, fill dredge, or alter any bank, beach, flat, marsh, meadow, or swamp bordering ... on any ... creek, river, stream, pond, or lake, or any land under said waters ... without filing written notice of his intention to so remove, fill, dredge, or alter, including such plans as may be necessary to describe such proposed activity and its effect upon the environment, at least sixty days prior to any such removing, filling, dredging, or altering. Said notice shall be sent by certified mail to the Conservation

Commission. No such notice shall be sent before all permits, variances, and approval required by local bylaw, with respect to the proposed activity have been obtained.

The Board will condition its approval of the plan upon issuance of an “Order of Conditions” by the Conservation Commission if such an order is required. Applicants are reminded that the Conservation Commission will not conduct site visits when the land is obscured by snow. [Section added Jan. 15, 2008]

#### **Section 4.4.5 Uses within the Setback areas**

The setback areas of a site are those provided by table 7.2 of the zoning bylaw. Uses within those areas are regulated as follows:

- A. Roadways, driveways, walkways, retaining walls, and perimeter fences are allowed within the setback areas as necessary.
- B. Signs conforming to the zoning bylaw or allowed by special permit may be installed.
- C. Installation of underground or overhead utilities and drainage structures is allowed.
- D. Buildings and other structures, whether temporary or permanent, will be allowed only on a finding that such is the best location, that such location will not have a significant impact on the abutters, the neighbors or the community, and that such location is in accordance with the general intent of the zoning bylaw. Such a finding may also be made based on probable substantial hardship for the applicant.
- E. The outdoor storage or display of goods or materials in the setback areas, whether offered for sale or not, is not will normally be allowed only except in the PD zone. A waiver for such storage or display will be required. in the PD zone for such display or other use. [Section added Jan. 15, 2008]

#### **Section 4.4.6 Parking Requirements**

Parking shall be provided in accordance with the zoning bylaw. [See zoning bylaw, article 8.] [Section added Jan. 15, 2008]

#### **Section 4.4.7 Utilities**

**A. Water Supply** All sites being reviewed shall have a water supply adequate for the uses proposed. Since the water supply may be used for fire protection as well as normal on site uses, connection to the public water supply will be preferred and may be required. Non public water supplies shall require the approval of the Board of Health.

**B. Sanitary sewer** All sites being reviewed shall have sewage disposal adequate for the uses proposed as determined by the Board of Health. Connection to the town disposal system will be preferred. [Section added Jan. 15, 2008]

#### **Section 4.4.8 Other Utilities**

Gas, Electric, Telephone, etc. shall, if situated in a flood prone area, be flood-proofed and approved by the Department of Public Works or the Board's consulting engineer. Applicants will be encouraged and may be required to install utility services, including electricity, telephone and cable antenna television services underground, and will be required to follow an approved distribution plan. Any associated overhead structures shall be in conformity with Town standards. Any related equipment, such as transformers, switching mechanisms, or other vital components shall, if situated in a flood prone area, be flood-proofed and approved by the Department of Public Works or the Board's consulting engineer. [Section added Jan. 15, 2008]

#### **Section 4.4.9 Stormwater Disposal**

Insofar as possible stormwater disposal shall be accomplished through the use of structures and facilities that return the stormwater to the soil as expeditiously as possible such as grassed swales or bioretention basins. Current state standards for low impact development must be followed. The construction of systems that will discharge storm water into a stream or wetland may be permitted only when no other feasible option is available.

A. If catch basins and underground piping are allowed for stormwater disposal, catch basins shall be constructed in conformity with specifications of the Board of Public Works and shall be so located as to properly perform their function. Stormwater management systems, explanations of their operation, including methods of maintaining any existing drainage pattern, and explanation of how the proposed storm water management system shall comply with the Massachusetts Stormwater Handbook.

B. All stormwater disposal systems shall be designed and built so as to prevent the discharge of stormwater onto adjacent properties in greater amounts or at greater flow rates than existed prior to the development. Neither shall stormwater from the site be discharged onto another lot so as to create a nuisance. Remediation of existing nuisances may be required. [Section added Jan. 15, 2008]

#### **Section 4.4.10 Landscape Plan Required**

A. The applicant, shall submit as part of the site plan application a landscape plan prepared by a registered landscape architect which shall specify the number, location, and type of trees and other plants to be planted on the site.

B. Appropriate landscaping and/or fencing buffers to protect neighboring properties from lighting and noise and to restrict public access to the adjacent properties will be is required. [Section added Jan. 15, 2008]

#### **Section 4.4.11 School Bus Stops**

If the site will include residential units and is in an area where transportation of school students may be required, the applicant shall consult with the school department as to likely school bus stop locations and shall make sure such locations will provide safe access for students. Student shelter(s) may be required. [Section added Jan. 15, 2008]

#### **Section 4.4.12 Signs**

Signs proposed for the site must be shown on the plans. Signs must conform to the Winchendon Zoning Bylaw. [Section added Jan. 15, 2008]

#### **Section 4.4.13 Exterior Lighting**

If parking areas are likely to be used after dark, adequate lighting of the parking areas shall be provided so that pedestrians can see and be seen.

A. All parking areas which are proposed to be illuminated shall provide an illumination level of at least one foot candle at ground level. Descriptions and specifications for the proposed fixtures shall be provided.

B. Walkways likely to be used after dark shall be adequately illuminated to provide pedestrian safety from pavement irregularities, obstructions, and improper persons.

C. All exterior lighting shall be so designed that it will not shine onto public ways so as to blind oncoming drivers or onto other properties so as to create a nuisance. Fixtures shall be of a design that will aim the light downward or horizontally and be designed to prevent illumination of areas not intended for illumination including the sky. This is to prevent "light pollution.,

D. The use of light fixtures that reduce the use of electricity, including those that derive their energy directly from the sun (photovoltaics), and high efficiency lamps, including light emitting diode lamps, are strongly encouraged. [Section added Jan. 15, 2008]

#### **Section 4.4.14 Site Remediation**

If the site has been found to contain environmental contamination (a brownfield site), the site plan shall provide for adequate protection of workers and adequate measures to prevent injury or damage to users of the finished site or to others. Contaminants shall be removed or contained as may be recommended by qualified environmental professionals and approved by the board. [Section added Jan. 15, 2008]

#### **Section 4.5 Overlay Districts**

Land located within all overlay districts is subject to the provisions of the Winchendon Zoning Bylaw, which in general restricts the use of land in such district. The Board may modify these regulations as necessary for sites in those districts. [Section added Jan. 15, 2008]

#### **Section 4.6 Protection of Town Property**

No natural feature wholly or partially within a road right of way or other property of the Town, such as trees, stonewalls, etc. may be removed or disturbed until approval is obtained by the Winchendon Tree Warden and the Department of Public Works or other appropriate town department. If the road is designated as a scenic road, the permit and other requirements for work on scenic roads shall be followed. [Section added Jan. 15, 2008]

## **Section 4.7 Easements**

### **Section 4.7.1 Utility Easements**

Easements to the Town for utilities shall be provided where necessary and shall be at least twenty feet wide. [Section added Jan. 15, 2008]

### **Section 4.7.2 Stormwater Easements**

Where a site is traversed by a water course, drainage way, channel or stream, the Board may require that a storm water easement to the Town be provided for a drainage right-of-way of adequate width that conforms substantially to the lines of such water course, and the boundary of which shall be no closer than 12 feet from the high water line, drainage way channel or stream, to provide for construction, repair, or other necessary purposes. [Section added Jan. 15, 2008]

## **Section 4.8 Building Design**

A. All buildings thereon should be designed so as to enhance the use of sustainable energy principles including the use of renewable energy (including solar energy, wind energy, and biofuels), the conservation of energy of all types, the limitation of carbon dioxide and other greenhouse gas production, and enhancement of carbon absorption from the atmosphere. The Board will consider tradeoffs in other areas when so doing will better accomplish these purposes.

B. Development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designed to limit clearing and grading.

C. Impacts to archaeological resources shall be avoided.

D. Applicants shall submit a response from the Massachusetts Historical Commission (MHC) regarding the potential for archaeological or historical resources on the site.

E. Placement of buildings, structures, or parking facilities shall not detract from the site's scenic qualities and shall blend with the natural landscape. Building sites shall be directed away from the crest of hills, and foundations shall be constructed to reflect the natural terrain.

F. Buildings shall be designed, insofar as possible, to harmonize with other buildings in the area and with the natural environment. Special consideration shall be given to making buildings complement any nearby historic buildings or a historic area in which it is located.

G. Adequate access to each building shall be provided for pedestrians and vehicles. Adequate building separation and fire lanes shall be provided as designated by the fire chief. [Section added Jan. 15, 2008]

### **Section 4.8.1 Basement Drainage**

If any building which will have a basement is to be erected or expanded, the means of basement drainage shall be specified. It shall be so designed so that neither will it empty into the sanitary sewer nor will the occupant be likely to change it so that it empties into the sanitary sewer. [Section added Jan. 15, 2008]

## **Section 4.8.2 Fire Protection**

- A. A fire alarm system shall be provided according to the provisions of section 5.6.
- B. A water supply for fire protection shall be provided according to the provisions of section 5.7. [Section added Jan. 15, 2008]

## **Section 5. Construction Standards**

### **Section 5.1 Notice of Commencement of Construction**

#### **Section 5.1.1 Notice of Construction**

Any person intending to commence construction on any site subject to site plan review or in any way shall give ten (10) days advance notice to the Board's compliance official, if any, otherwise to the building commissioner/zoning enforcement agent before commencing construction. [Section added Jan. 15, 2008]

#### **Section 5.1.2 No Nuisance**

The Board will require adequate measures including, without limitation, barriers and restricted hours of operation to insure that the work does not become a nuisance to abutters. [Section added Jan. 15, 2008]

#### **Section 5.1.3 Use of Existing Ways**

A. Construction equipment including trucks which, because of its size or weight, may damage public or other ways will not be allowed to use existing ways. Track type equipment or other equipment which may damage pavements will not be allowed on paved ways. The developer will be responsible to the town or the private way owner for any damage to such ways or pavements caused by such use.

B. Measures that prevent construction vehicles from tracking dirt, mud, and dust from construction sites onto the public ways will be required at all access points. [Section added Jan. 15, 2008]

### **Section 5.2 Construction Standards: Land Clearing.**

#### **Section 5.2.1 Must Minimize Site Alteration, Clearing and Grading**

BMPs and other efforts to minimize the clearing and grading on a site associated with construction activities shall be employed, such as parking of construction vehicles, offices/trailers, stockpiling of equipment/materials, etc. in areas already planned for permanent structures. Earth materials shall not be stockpiled in areas of protected trees, wetlands, and/or their vegetated buffers. [Section added Jan. 15, 2008]

#### **Section 5.2.2 Required Measures**

The applicant shall employ the following measures in development of the site:

A. Unless an approved plan allows a greater area, clearing of vegetation and alteration of topography shall be limited to that necessary for the proposed site development but not more than the maximum impervious area allowed by the Zoning Bylaw. Native vegetation shall be planted in disturbed areas as needed to maximize absorption of rainwater, reduce runoff, and enhance or restore wildlife habitat.

B. Clearing for utility trenching shall be limited to the minimum area necessary to maneuver trenching or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling or routing along driveways for utilities installation should be utilized wherever feasible to protect root systems of trees.

C. Understory vegetation beneath the dripline of preserved trees shall also be retained in an undisturbed state. During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Barriers shall be large enough to encompass the essential root zone of all vegetation to be protected. All vegetation within the protective fencing shall be retained in an undisturbed state. [Section added Jan. 15, 2008]

### **Section 5.2.3 Site Management Techniques**

Proper site management techniques shall be employed during construction:

A. BMPs shall be employed to avoid detrimental impacts to existing vegetation, soil compaction, and damage to root systems.

B. The extent of a site exposed at any one time shall be limited through phasing of construction operations. Effective sequencing shall occur within the boundaries of natural drainage areas.

C. Trees, stumps, brush, and similar material may be left or buried on the site only with the advance approval of the Board. This requirement is to prevent future erosion and sinkholes. [Section added Jan. 15, 2008]

### **Section 5.2.4 Site Protection during Construction**

The applicant must protect the site during construction through adequate erosion and sedimentation controls:

A. Temporary or permanent diversions, berms, grassed waterways, special culverts, shoulder dikes or such other mechanical measures as are necessary may be required by the Board to intercept and divert surface water runoff. Runoff flow shall not be routed through areas of protected vegetation or revegetated slopes and other areas. Temporary runoff from erosion and sedimentation controls shall be directed to BMPs such as vegetated swales. Retaining walls may be required where side slopes are steeper than a ratio of 1:2.

B. Erosion and sedimentation controls shall be constructed in accordance with the Massachusetts Stormwater Handbook.

C. Erosion control measures shall include the use of erosion control matting, mulches and/or temporary or permanent cover crops. Mulch areas damaged from heavy rainfalls, severe storms and construction activity shall be repaired immediately.

D. Erosion control matting or mulch shall be anchored where plantings are on areas subject to mulch removal by wind or water flows or where side slopes are steeper than 1:2 or exceed 10 feet in height. During the months of October through April when seeding and sodding may be impractical, anchored mulch may be applied at the Board's discretion.

E. Runoff from impervious surfaces shall be recharged on the site by stormwater infiltration basins, vegetated swales, constructed wetlands or similar systems covered with natural vegetation. Runoff shall not be discharged directly to rivers, streams, or other surface water bodies. Dry wells shall be used only where other methods are not feasible. All such basins and wells shall be preceded by oil, grease, and sediment traps as may be required. The mouths of all catch basins shall be fitted with filter fabric during the entire construction process to minimize siltation or such basins shall be designed as temporary siltation basins with provisions made for final cleaning.

F. The applicant shall be required to conduct weekly inspections of all erosion and sedimentation control measures on the site to ensure that they are properly functioning as well as to conduct inspections after severe storm events. [Section added Jan. 15, 2008]

### **Section 5.2.5 Revegetation**

The applicant shall revegetate the site promptly after grading:

A. Stabilization of cleared sites shall occur within seven calendar days of final grading.

B. Proper revegetation techniques shall be employed using native plant species, proper seed bed preparation, fertilizer and mulching to protect germinating plants. Areas shall be sodded or loamed with not less than four (4") inches compacted depth of good quality topsoil, and seeded with turf grass seed of a mixture approved by the Board. Plantings shall be made during the season appropriate to the selected plant species.

C. Finished grade shall be no higher than the trunk flare(s) of trees to be retained. If a grade change of 6" or more at the base of the tree is proposed, a retaining wall or tree well may be required. [Section added Jan. 15, 2008]

### **Section 5.2.6 Protection of Abutters**

An increase in the volume of surface drainage from the properties under construction onto abutting properties is not permitted. [Section added Jan. 15, 2008]

### **Section 5.2.7 Monitoring and Inspections**

A. Prior to commencement of construction, the applicant, land owner, contractor and construction crew, compliance monitor (if one is designated), zoning enforcement officer, and site engineer shall conduct a meeting to review the proposed construction phasing and number and timing of site inspections.

B. Initial site inspection of erosion and sedimentation controls and placement of tree protection measures shall occur after installation of barriers around preserved areas and construction of all structural erosion and sedimentation controls, but before any clearing or grading has begun.

C. Routine inspections by the developer of preserved areas and erosion and sedimentation controls shall be made at varying intervals depending on the extent of site alteration and the frequency and intensity of rainfall. [Section added Jan. 15, 2008]

### **Section 5.2.8 Slope Stabilization**

Effective stabilization of revegetated areas must be approved by the compliance monitor before erosion and sedimentation controls are removed. The compliance monitor shall complete an inspection prior to removal of temporary erosion and sedimentation controls. [Section added Jan. 15, 2008]

### **Section 5.2.9 Required Security**

As part of the performance guarantee provided for in section 3.7, the Board may require a performance guarantee to cover the costs associated with compliance with this land clearing regulation. [Section added Jan. 15, 2008]

- A. The guarantee, if required, will be in the amount of 150% of the cost of site restoration .
- B. The performance guarantee shall be held for the duration of any prescribed maintenance period required by the Board to ensure establishment and rooting of all new plantings, and may be reduced from time to time to reflect completed work. Plantings which die within the prescribed maintenance period shall be replaced. Securities shall not be fully released without a final inspection and approval of vegetation replacement by the compliance monitor. [Section added Jan. 15, 2008]

## **Section 5.3 Construction Standards**

### **Section 5.3.1. Ways to be Paved**

- A. The entire area of each way shall be cleared of all stumps, brush, roots, boulders, or like material and all trees or other plants not intended for preservation.
- B. All loam and other yielding material shall be removed from the area of each way and replaced with suitable material.
- C. All roadways shall be brought to finished grade as shown on the profiles of the plan. The roadway shall be surfaced with at least the top twelve inches consisting of two six-inch layers of well-compacted binding gravel to the specified width and location.
- D. The completed gravel surface of the travel lanes of all streets shall be treated for the full width of the roadway with a minimum of 1 1/2 inches of bituminous concrete wearing course pavement, over a minimum 2 inch binder course of bituminous concrete. [Section added Jan. 15, 2008]

### **Section 5.3.2 Ways Not to be Paved**

- A. The entire area of each way shall be cleared of all stumps, brush, roots, boulders, or like material and all trees not intended for preservation.
- B. All loam and other yielding material shall be removed from the area of each way and replaced with suitable material.

C. All roadways shall be brought to finished grade as shown on the profiles of the plan. The roadway shall be surfaced with at least the top twelve inches consisting of two six-inch layers of well-compacted binding gravel to the specified width and location. [Section added Jan. 15, 2008]

### **Section 5.3.3 Treatment of Other Areas**

A. Temporary access roads for use during construction may be constructed if necessary. Such road(s) shall be shown on the plans. All such roads shall be removed and the land restored to its original condition before the end of construction.

B. All cleared areas of a site that are not to be paved or built upon, including all disturbed areas, shall be sodded or loamed and seeded with turf grass seed of a mixture approved by the Board. Plantings shall be made during the season appropriate to the selected plant species. [Section added Jan. 15, 2008]

### **Section 5.3.4 Utilities**

A. If water or sewer lines are to be connected to the town systems, all materials used, including pipe and fittings, shall be manufactured by firms and be models thereof approved by the Department of Public Works.

B. All construction without limitation including trenches, excavations, the backfilling thereof and subsurface masonry shall be performed according to standards approved by the Department of Public Works.

C. Any such subsurface work shall be performed before the gravel surface or pavement is laid. [Section added Jan. 15, 2008]

### **Section 5.3.5 Trees and Other Plantings**

The applicant shall make plantings as provided in the landscape plan submitted as part of the site plan application according to the requirements of this section, [Section added Jan. 15, 2008]

## **Section 5.4 Slopes Planting and Grading; Preservation of Vegetation**

### **Section 5.4.1 Erosion Control**

All cut or fill slopes subject to erosion shall be planted with suitable plant materials. Transplants shall be well-rooted, properly set and watered as necessary. Perennial grasses shall be suited to the landscape and located to provide adequate cover as determined by the Board on advice of its engineers. In areas subject to potential serious erosion, the Board may require the planting of sod and the use of additional erosion control measures. A wood chip or comparable mulch shall be used with ground cover plants to minimize erosion. [Section added Jan. 15, 2008]

### **Section 5.4.2 Slope Stabilization**

Slope is defined as the ratio of vertical rise over horizontal distance. Upon completion of grading and replacement of topsoil, slopes shall be appropriately stabilized to prevent erosion. Ex-

cessively steep slopes shall not be permitted. An adequate slope stabilization plan shall be approved by the Board. [Section added Jan. 15, 2008]

### **Section 5.4.3 Guide for Slope Stabilization**

The following guide for slope stabilization is recommended:

- |                             |   |
|-----------------------------|---|
| A. Slopes steeper than 1:2: | Rip rap or terracing.   |
| B. Slopes of 1:8 to 1:2     | Sod or establish vegetation or seedlings in association with webbing or an approved mulch placed over the soil.     |
| C. Slopes of 1:20 to 1:8    | Sod or plant seed in association with webbing or approved mulch placed over the soil. [Section added Jan. 15, 2008] |

### **Section 5.4.4 Temporary Measures**

Appropriate temporary measures should be taken to prevent erosion of bankings and slopes during construction. [Section added Jan. 15, 2008]

### **Section 5.5 Protection of Natural Resources**

Due regard shall be shown for all natural features such as large trees, water courses, scenic points, historic spots and similar community assets which, if preserved, will add attractiveness and value to the site. Before approval the Board may require the staking out of all natural features not to be disturbed in the process of construction. [Section added Jan. 15, 2008]

### **Section 5.6 Fire Alarm System**

A fire alarm system shall be installed in conformity with the specifications of the Winchendon Fire Department. Details of the installed system shall be provided to the Department of Planning and Development for filing with the records of the project. If no system is required, a letter to that effect shall be filed. [Section added Jan. 15, 2008]

### **Section 5.7 Fire Protection Water Supply Regulations**

The following Fire Protection Water Supply Regulations shall apply to all new residential developments that provide for more than six new residential units and all unsprinklered commercial and industrial developments with buildings aggregating more than 15,000 square feet gross floor area:

#### **A. GENERAL REQUIREMENTS**

1. In accordance with Winchendon's Site Plan Regulations, and Massachusetts General Law Chapter 148, Section 28, the Winchendon Fire Department has adopted the following regulations with regard to Water Supply for the purposes of fire protection.
2. Anyone fulfilling the enclosed regulations are to meet all requirements specified by other boards and departments as they may relate to the work performed.

3. In those areas where the extension of the municipal water system is technically or economically unfeasible, the developer shall be required to provide a water supply for fire protection commensurate to the hazard, as approved by the fire department.
4. In the case that the developer is required to or wishes to install a fire protection water supply and neither extending the hydrant system nor installing a cistern is feasible, a dry hydrant system into an existing water supply or new water supply may be installed for fire protection purposes. (See Section 5.7 D.)
5. The term Fire Chief in this section shall mean the Fire Chief or his designee.

## **B. HYDRANT REQUIREMENTS**

### **1. GENERAL HYDRANT REQUIREMENTS**

- a. Fire hydrant type and installation will be in accordance with the requirements of the Department of Public Works.
- b. The fire chief shall review all fire hydrant locations.

### **2. TESTING AND INSPECTION**

- a. All public hydrants shall be tested and inspected by the Town of Winchendon Water Department prior to acceptance.
- b. All private hydrants shall be tested and inspected in accordance with the Town of Winchendon Private Fire Hydrant Regulations.

## **C. FIRE CISTERN REQUIREMENTS**

### **1. GENERAL FIRE CISTERN REQUIREMENTS**

- a. Fire cisterns shall be located no more than 1,200 feet road way/driveway travel distance from the furthestmost structure within a development.
- b. The design of the fire cistern shall provide for a trouble-free life expectation of 20 years.
- c. The capacity of the cistern will be based on the size of the largest building to be constructed within the development. However no fire cistern shall be smaller than 30,000 gallon water capacity.
- d. The design of the fire cistern shall be submitted to the Fire Chief for approval prior to construction. All plans must be signed and stamped by Structural or Fire Protection licensed/registered engineer in the State of Massachusetts
- e. The entire fire cistern shall be rated for H-20 highway loading unless specifically exempted by the Fire Chief.
- f. Each cistern shall be sited to the particular location by a Registered Engineer and approved by the Fire Chief. All appropriate easements

to the Town shall be in place at the time of Fire Department Acceptance.

- g. Precast concrete shall achieve a 28-day strength of 4,000 PSIG. Poured concrete should be placed with a minimum of 4" slump and vibrated in a professional manner.
- h. The concrete shall be mixed, placed and cured without the use of calcium chloride. Winter placement and curing shall follow the accepted American Concrete Institute (ACI) codes.
- i. All piping shall be American Society for Testing and Material (ASTM) D 2665 SCH 40 180 PSIPVC DWV with glued joints.
- j. All connections shall be clean and the appropriate sealing material used according to manufacturer's specifications so as to ensure all joints are airtight. All connections must be anchored to the cistern to resist movement.
- k. The entire cistern shall be completely piped and inspected prior to any backfilling.
- l. All backfill materials shall be screened gravel with no stone larger than 1.5" (inches) and shall be compacted to 95% ASTM 1557.
- m. Bedding for the cistern shall consist of a minimum of 12" (inches) of .75" to 1.5" (inch), crushed washed stone, compacted. No fill shall be used under the stone.
- n. The cistern shall be designed and installed so it will not float when empty.
- o. The entire tank will be guaranteed to be watertight (leak proof) by the installer for one year.
- p. The design engineer for the cistern will inspect all steps of the installation and provide a report of conformity with the specifications to the Fire Department.
- q. All cisterns shall be equipped with a raised 32" (inch) watertight manhole with a blank cover and secured with a Knox exterior padlock Model 3753. There is to be access to the manhole cover after backfilling and site work. Access must be provided to all sections of the tank.
- r. Perimeter of tank at floor/wall joint should be sealed with 8" PVC Waterstop.

#### **D. SUCTION CONNECTION**

1. The suction connection shall be factory supplied painted aluminum, threaded male connection 6" (inches) in diameter, with NH thread and provided with fixed strainer and a suitable cap.
2. The suction piping system shall be 6" (inches) in diameter and capable of delivering 1,000 gallons per minute, for three quarters of the cistern's rated capacity.
3. The suction pipe connection shall be 36 inches above the level of the grade where the vehicle wheels will be located when the cistern is in use.
4. Suction piping shall be supported on top of the tank and to the bottom of the cistern with a space of 8" from the floor of the tank to prevent vertical or horizontal movement, using non-corrosive hardware. Supports at top of tank shall be located so as not to be affected by frost.
5. The bottom of the suction pipe to the pumper connection shall not exceed 14 feet vertical distance.
6. Suction piping should be designed to minimize whirlpooling.
7. The suction pipe connection shall terminate not more than 8 feet from the edge of the pavement.
8. All above the tank suction piping shall be pitched slightly back towards the tank for proper drainage.

#### **E. VEHICLE PARKING AREA**

1. The shoulder and vehicle pad should be of a sufficient length to permit convenient access to the suction connection when the pumper is set at 45 degrees to the road.
2. The pitch of shoulder and vehicle pad from edge of pavement to pumper suction connection shall be 1 % to 3% downgrade.

#### **F. FILLER CONNECTION**

1. The filler pipe shall be 6" in diameter.
2. The filler connection shall have one, Siamese fitting with two 2-1/2" (inch) connections, with NH thread with two Knox FDC Cap Model 3012 - Matte Gray Stainless locking covers attached to a 45 degree downward sweep elbow. The filler connection shall be supported vertically to the cistern.
3. The filler pipe connection shall be 36 inches above the final grade.
4. Filler piping shall be supported on top of the tank to prevent vertical or horizontal movement.

## **G. VENT PIPE**

1. The vent pipe shall be 8 inches in diameter.
2. The vent pipe shall terminate not less than 36 inches above the final grade, with the opening to the pipe facing downward.
3. Vent piping shall have screen covers installed to prevent access by wildlife.

## **H. BACKFILLING OF CISTERN**

1. 4 feet of fill; or.
2. The top and highest 2 feet of the cistern shall be insulated with vermin resistant foam insulation, and 2 feet of fill.
3. Backfill shall extend 10 feet beyond the edge of the cistern and then have a maximum 1:3 slope, loamed and seeded or sodded.
4. All construction, backfill, and grading material should be in accordance with proper construction practices and acceptable to the Fire Chief.

## **I. SITE WORK**

1. After backfilling, the cistern and piping shall be protected from potential vehicular damage, by;
  - a. Steel, concrete filled, pipe bollards no less than 8" in diameter set in the ground below the frost line, or
  - b. Large rocks, or
  - c. By fencing, or any combination of bollards, rocks, or fence.
2. The installer is responsible for completely filling the cistern prior to acceptance by the authority having jurisdiction. The water level is not to drop more than 1 inch in 24 hours initially and not more than 1 inch additionally in 30 days.
3. The installer is responsible to supply and install identification signs as directed by the fire chief. (See Appendix)
4. The installer is responsible to install a deep well and pump, in accordance with Chapter 255-2A of the Winchendon Board of Health Water Supply Regulations that will automatically maintain a full water level in the tank. The well/pump combination must be capable of delivering a minimum of 5 gallons per minute. If the well is determined capable of delivering higher volume, equipment will be installed to provide the higher volume.
5. The installer is responsible to install a water fill notification light that will flash a red light when the well pump is operating. The light will be mounted at least 5' above the surface of the ground.

**J. GENERAL CONDITIONS**

- a. NO OCCUPANCY PERMITS WILL BE ISSUED UNTIL CISTERN IS INSTALLED, TESTED, AND ACCEPTED BY THE FIRE DEPARTMENT
- b. The Installer shall be required to post a 1-year bond in the amount of \$5,000 per 10,000 gallons for maintenance and repair prior to final acceptance. This bond is in addition to any performance guarantee required by section 3.7.
- c. The Installer is responsible to convey to the town a one-time sum in the amount of \$10,000 for perpetual maintenance and repair.

**K. FIRE DEPARTMENT ACCEPTANCE SEQUENCE:**

- a. The Fire Department will review all cistern plans and engineering data prior start of construction.
- b. The Fire Department will be notified and provided the opportunity to inspect at the following mid points of construction.
  - i. Site Preparation prior to tank installation
  - ii. Prior to backfill
- c. The developer will notify the Fire Department when all site work is complete and tank is operational and ready for operational acceptance, and provide evidence of bond for one-year maintenance.
- d. The Fire Department performs functional test including water recovery at minimum of 5 gpm and validates operation of cistern.
- e. Developer provides town with perpetual maintenance fee.
- f. The Fire Department provides operational acceptance and turns off well pump to start 30-day stability test.
- g. Occupancy Permits can now be processed if being held for cistern completion.
- h. 30 days after operational acceptance the Fire Department will inspect the cistern to see that water level has been maintained, and if any functional issues exist the developer will be notified to resolve issues.
- i. Within 1-year the developer will convey any easements to the town with regard to the cistern.
- j. During the first 12 months the Fire Department will perform inspections and tests of cistern and notify developer to resolve any issues.
- k. Twelve months from the Fire Department's operational acceptance they will perform one final inspection and test of cistern to validate operation and will notify the

developer if any issues need to be resolved. If no issues exist the Fire Department will notify the developer of final acceptance and release any claims against the bond.

## **L. DRY HYDRANT REQUIREMENTS GENERAL**

1. The design of the dry hydrants shall be for trouble-free service that will last a life-time.
2. The dry hydrant water supply capacity shall be based on the largest home/building being protected. However no dry hydrant water supply shall be smaller than 30,000 gallons of water. The water supply capacity calculation shall be made by a professional engineer utilizing 50 year drought records.
3. The design of the dry hydrants shall be submitted to the Fire Chief for approval prior to construction.
4. Each dry hydrant shall be sited to the particular location and approved by the Fire Chief.
5. All piping shall be American Society for Testing and Material (ASTM) D 2665 SCH 40 180 PSIPVC DWV with glued joints.
6. All connections shall be clean and the appropriate sealing material used according to manufacturer's specifications so as to ensure all joints are airtight.
7. The suction connection shall be factory supplied painted aluminum, threaded male connection 6" (inches) in diameter, with NH thread and provided with fixed strainer and a suitable cap.
8. The entire dry hydrant shall be completely piped and inspected prior to any back-filling.
9. All backfill materials shall be screened gravel with no stone larger than 1.5 by 1 inches and shall be compacted to 95% ASTM 1557.
10. Bedding for the dry hydrant piping shall consist of a minimum of 12 inches of screened gravel with no stone larger than 1.5" (inches.) and be fully compacted.
11. The suction pipe connection shall be between 20 and 24 inches above the level of the grade when the hydrant is in use, and the 90-degree elbow in the ground is to be supported by a large flat rock or concrete pad.
12. After backfilling, the piping shall be protected from potential vehicular damage, by;
  - a. Steel, concrete filled, pipe bollards no less than 8" in diameter set in the ground below the frost line, or
  - b. Large rocks, or
  - c. By fencing, or any combination of bollards, rocks, or fence.

13. The end of the suction pipe shall be protected by a screen equipped with a removable cover.

14. The pitch of shoulder and vehicle pad from edge of pavement to pumper suction connection shall be 1 % to 3% downgrade.

15. The shoulder and vehicle pad should be of a sufficient length to permit convenient access to the suction connection when the pumper is set at 45 degrees to the road.

16. The suction pipe connection shall terminate not more than 8' (feet) from the edge of vehicle access.

**The installer is responsible to supply and install signage as directed by the fire chief. [Section added Jan. 15, 2008]**

## **Section 6. Construction, Compliance, Plan Modification, Completion**

### **Section 6.1 Construction**

Construction shall be carried out in compliance with the approved site plan and these rules and regulations. All work shall be completed within the time limits specified in the conditions of the plan and any extensions that may be granted by the Board. The Board may grant a time extension for good cause shown without a formal hearing. [Section added Jan. 15, 2008]

### **Section 6.2 Compliance Monitoring**

#### **Section 6.2.1 Monitoring During Construction**

All site work done under site plans shall be monitored during construction to insure compliance as required by section 6.1. A fee deposit under the provisions of M. G. L. chapter 44, section 53G will be required to cover the cost of monitoring. (See section 7.5.) [Section added Jan. 15, 2008]

#### **Section 6.2.2 Monitoring Procedures**

Monitoring to insure compliance shall be carried out at appropriate times during the development of the site. The frequency and level of monitoring shall be determined by the monitor. Monitoring will be done by a compliance official who may be a consultant engaged by the Board, the building commissioner, or other town official as determined by the Board. The monitor shall report to the Board if any serious problem arises and not less often than quarterly the status of the site work and any compliance problems.

A. The town may take any or all of the enforcement actions prescribed in these regulations to ensure compliance with, and/or remedy a violation of this regulation; and/or when immediate danger exists to the public or adjacent property, as determined by the Building Commissioner or compliance official. Securities described in Section 3.7.3 may be used by the town in carrying out any necessary enforcement actions.

B. Any compliance official is authorized to halt all work or any part of the work by means of a stop work order if such becomes necessary because the plan and standards are not being followed.

C. The compliance officer may post the site with a Stop Work order directing that all work not authorized by the approved site plan, or, if necessary, all work at the site cease immediately. The issuance of a Stop Work order may include remediation or other requirements which must be met before the affected activities may resume.

D. The Board may, after written notice is provided to the applicant, or after the site has been posted with a Stop Work order, suspend or revoke the site plan approval.

E. Any such order may be appealed to the Board. On receipt of a written appeal the Board shall hold a hearing within ten town hall working days with notice to all parties involved at which all the parties will be heard. The Board will then vacate the order or continue the order with or without conditions. [Section added Jan. 15, 2008]

### **Section 6.2.3 Stop Work Orders**

Failure to comply with a stop work order shall be cause for revocation of approval for the site plan and may result in legal action to secure compliance. [Section added Jan. 15, 2008]

### **Section 6.3 Applicant's Responsibility**

The applicant has full and enforceable responsibility to insure that the approved construction plans are implemented. The use of qualified persons by the applicant to furnish adequate and timely engineering supervision during construction is required. Monitoring, surveillance, and field supervision by Town officials will not be construed as fulfilling this responsibility. [Section added Jan. 15, 2008]

### **Section 6.4 Modification of the Approved Site Plan**

Should the applicant or any other interested party desire a modification of the approved plan, he shall make application therefore to the Board. The Board may also propose modification of a plan on its own motion. Upon receipt of an application or on its own action, the Board shall hold a public hearing thereon with notice as required in section 3.5.1. At the conclusion of the hearing, the Board may modify the plan and shall cause the modification to be recorded as required by Mass. General Laws, chapter 41 section 81W. [Section added Jan. 15, 2008]

### **Section 6.5 Completion of the Site**

#### **Section 6.5.1 Notice of Completion**

Upon completion of all work, the applicant shall submit to the board notice that the work has been completed and therein shall state under the penalties of perjury that the site has been completed according to the approved plan and any approved modifications thereto. [Section added Jan. 15, 2008]

#### **Section 6.5.2 As-Built Plans**

Unless the requirement for such plans has been waived by the Board, Upon completion of all work, the applicant shall furnish the Board with two (2) prints of "as-built" plans, showing the Error of Closure, location of all monuments, roadways, driveways, walkways, utilities and structures and the location by "ties" of all important parts of buried utilities such as water or gas valves, sewer ties, corporation cocks, building connection shut-offs, and any other special details identifying any departures from the approved plan as to the location, depth, dimensions, thickness, slope grade or materials, and certified as to correctness by a Registered Professional Engineer (civil). It is recommended that a sepia print of the approved plans be appropriately marked as "as-built plans" and be submitted with two (2) full size prints thereof. "As-built" plans must be submitted before performance guarantees are released. This material shall also be submitted in electronic format in the form required in section 3.3.2 B. [Section added Jan. 15, 2008]

#### **Section 6.5.3 Conveyance of Easements and Utilities**

Before the Board will release all security held by the town, the applicant shall execute an instrument transferring to the Town of Winchendon valid, unencumbered title to all underground utilities and other property that are to become Town property under the conditions of the site plan approval together with a perpetual easement allowing the town to enter upon the site to maintain or repair such underground utilities and other property. Generally, utility installations on private property will not be transferred to the Town. [Section added Jan. 15, 2008]

#### **Section 6.5.4 Release of Security**

Upon receipt of the notice of completion, the as built plans and the conveyance of easements and utilities, the Board will review these materials and the reports of the construction monitor to insure that the site has been constructed according to the approved plan. Upon a satisfactory review, the Board shall release all remaining security and covenants. [Section added Jan. 15, 2008]

## **Section 7.00 Miscellaneous Provisions**

### **Section 7.1 Forms**

In the Appendix are sample forms and diagrams for the administration of these Rules and Regulations. The administrative content of this appendix may be revised from time to time by administrative action of the Board without hearing. Copies of these forms may be obtained at the Building Department or Department of Planning and Development at Town Hall. [Section added Jan. 15, 2008]

### **Section 7.2 Authority**

The Board shall be the agency responsible for administration of these regulations and shall have all the powers assigned to it by the General Laws, the Winchendon Home Rule Charter, and the Town bylaws. [Section added Jan. 15, 2008]

### **Section 7.3 Enforcement**

These Rules and Regulations and the conditions and stipulations of permits and waivers issued thereunder, shall be enforced by the Board's compliance official, the building commissioner acting as the Zoning Enforcement Officer, or other official so authorized. Any such officer may take any or all action necessary to enforce full compliance, as prescribed by the rules and regulations of the Planning Board, the bylaws of the town, the Massachusetts General Laws, and applicable state regulations. This shall include notifications of non-compliance together with requests for legal action through the Town Manager to the Town Counsel. [Section added Jan. 15, 2008]

### **Section 7.4 Agents of the Board**

The Board may assign as its agents appropriate town agencies or officials and may from time to time engage professional assistance to review plans and inspect improvements all at the cost of the applicant. [Section added Jan. 15, 2008]

### **Section 7.5 Consultant fees**

A fee under the provisions of Mass. General Laws chapter 44, section 53G will be required to cover the cost of consultants performing review of preliminary plans, review of definitive plans, review of plan modifications, and compliance monitoring of approved sites. The initial fee deposit will be as specified in the fee schedule adopted by the Board. Payment of the initial fee will be required with the application. An additional amount as determined by the Board will be required before any on site work is started. In the case of a phased project, the deposit fee may be phased as well with payment due prior to the start of each phase. Should the actual cost of consultants exceed the amount on deposit with the town, the applicant shall pay an additional amount as the Board or the Planning Agent may determine. Any excess, including accrued interest, held by the Town at the end of the project will be returned.

[M. G. L chapter 44, Section 53G: Notwithstanding section 53, any city or town that provides by rules promulgated under section 9 or 12 of chapter 40A, section 21 of chapter 40B, section 81Q of chapter 41 . . . for the imposition of reasonable fees for the employment of outside consultants may deposit such fees in a special account. Such rules shall provide for an administrative appeal from the selection of the outside consultant to the city council or town board of selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by a municipal permit granting board shall be extended by the duration of the administrative appeal. In the

event that no decision is made by the city council or the town board of selectmen within one month following the filing of the appeal, the selection made by the municipal permit granting authority shall stand. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in this section. Any such account shall be established by the municipal treasurer in the municipal treasury and shall be kept separate and apart from other monies. The special account, including accrued interest, if any, shall be expended at the direction of the authorized board or authority without further appropriation; provided, however, that such funds are to be expended by it only in connection with carrying out its responsibilities under the law. Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest and a final report of said account shall be made available to the applicant or to the applicant's successor in interest. . . ] [Section added Jan. 15, 2008]

### **Section 7.6 Waiver of Compliance**

Compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with the intent of the Site Plan Rules and Regulations. In waiving strict compliance the Board may require such alternative conditions as will serve substantially the same objectives as the standards or regulations waived. [Section added Jan. 15, 2008]

### **Section 7.7 Severability**

If any section, paragraph, sentence clause or provision of these Rules and Regulations shall be adjudged invalid or illegal the adjudication shall apply only to the material so adjudged and the remainder of these Rules and Regulations shall be deemed to be valid and effective. [Section added Jan. 15, 2008]

### **Section 7.8 Invalidation by State Law**

Any part of these Rules and Regulations subsequently invalidated by a new state law or modification of an existing law shall automatically be brought into conformity with the new or amended law, and shall be deemed to be effective immediately, without recourse to a Public Hearing and the customary procedures for amendment or repeal of such regulations. [Section added Jan. 15, 2008]

### **Section 7.9 Amendments**

These *Rules and Regulations*, or any portion thereof, may be amended, supplemented, or repealed from time to time by the Board after a Public Hearing, on its own motion or by petition as provided in Mass. General Laws, chapter 41, section 81Q. [Section added Jan. 15, 2008]