

BOARD OF SELECTMEN
POLICIES AND PROCEDURES

**I. SITE PLAN REVIEW
RULES AND REGULATIONS**

Adopted 11/10/97 (revision)
Revised 4/7/99, 5/10/99, 3/30/04

SECTION 1
GENERAL PROVISIONS

1. Authority

These RULES are adopted by the Board of Selectmen as authorized by Section 6300 of the Sudbury Zoning Bylaw.

1.2 Definitions

The terms defined in this section are capitalized throughout these RULES. Where a defined term has not been capitalized, it is intended that the meaning of the term be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. In the RULES the following terms shall have the following meanings:

1.2.1 APPLICANT: Any person or organization that files an APPLICATION for SITE PLAN approval under Section 6300 of the BYLAW.

1.2.2 APPLICATION: All plans, forms, reports, studies or other documents which are submitted to the BOARD under these RULES by any APPLICANT applying for approval under Section 6300 of the BYLAW.

1.2.3 BOARD: The Board of Selectmen of the Town of Sudbury.

1.2.4 BYLAW: The Zoning Bylaw of the Town of Sudbury, as amended.

1.2.5 RULE OR RULES: The Site Plan Review Rules and Regulations as presented herein.

1.2.6 SITE PLAN: Plans and supplementary information as described in Section 5 of these RULES.

1.2.7 TOWN: The Town of Sudbury.

1.3 Waiver of RULES

1.3.1 Strict compliance with these RULES may be waived when, in the opinion of the BOARD, such waiver is in the public interest and is consistent with the intent and purpose of the BYLAW and these RULES, except where such procedure is required by law.

- 1.3.2 Any request from an APPLICANT for a waiver from these RULES must be submitted in writing, on a properly executed Form SP-3, "Request for Waiver from Site Plan Rules and Regulations", annexed hereto and made a part of these RULES, to the BOARD prior to submission of the APPLICATION, if possible, or at the time of submission.
- 1.3.3 No waiver of any requirement or provision of the BYLAW may be granted by the BOARD. For waivers from the provisions of the BYLAW, a variance must be granted by the Board of Appeals in accordance with Section 6130 of the BYLAW.

1.4 Provision of Security

The BOARD may require as a condition of approval that security be posted with the TOWN in such form and amount as is required by the BOARD to secure the satisfactory completion of all or any part of the improvements shown on the SITE PLAN. Security may be in the form of a cash bond or a bond with corporate sureties. Letters of Credit are not acceptable. Cash bonds will require that the funds are transferred to the Town.

1.5 Effective Date of RULES

These RULES and any amendments thereto shall become effective on the date such RULES are filed with the Sudbury Town Clerk.

1.6 APPLICANT Must Comply With Bylaws

APPLICANT must comply with all pertinent sections of the Town of Sudbury Bylaws in completing the APPLICATION. A complete copy (General and Zoning Bylaws) may be purchased from the Town Clerk. Section 6300, Site Plan Review, is annexed hereto and made a part of these RULES.

SECTION 2
PRE-APPLICATION PROCEDURES

2.1 Pre-application Consultations

Pre-application consultations between an APPLICANT and the professional or technical staff of the TOWN are required. For most applications, a joint conference of pertinent staff will be arranged by the Town Planner or Building Inspector. The following RULES shall apply.

- 2.1.1 Purpose - It shall be the purpose of any pre-application consultation between the TOWN staff and a prospective APPLICANT to provide the APPLICANT with an opportunity to discuss the design concept of the proposed development and to avoid unnecessary technical deficiencies in the APPLICATION with a view toward promoting efficiency in the forthcoming formal review and hearing process.
- 2.1.2 Scope of TOWN Staff Reviews - It is not intended that TOWN staff be used as design consultants during these consultations. The TOWN staff will limit their review of APPLICATIONS to technical issues appropriate to their area of expertise and to assessing whether the project in question adequately addresses major issues of concern to the TOWN or neighborhood, such as traffic or environmental impacts. Staff may also be requested to

review a proposed APPLICATION for its thoroughness and correctness. However, TOWN staff are not responsible for assuring the accuracy, correctness or thoroughness of any proposed APPLICATION.

- 2.1.3 Contacting Staff Personnel - The APPLICANT may request appointments with TOWN staff, who shall meet with the APPLICANT as their schedules permit. The following list of staff personnel is provided for convenience and a guideline for the APPLICANT and is not intended to be all inclusive. Following the title of each staff person is a brief outline of the areas of technical expertise appropriate to that staff person.

Building Inspector/Zoning Enforcement Agent

1. Zoning Compliance
2. Interpretation of Specific Zoning Provisions
3. Thoroughness of Application and Plans
4. Conformance with RULES
5. Procedural Process

Director of Public Works/Town Engineer

1. Adequacy of Stormwater Drainage Systems
2. Flood Plain Impact Evaluations
3. Adequacy of On-site and Off-site Traffic Circulation
4. Adequacy of Erosion Control Measures
5. Technical Compliance with Zoning Standards
6. May Also Review for Thoroughness of Plans

Town Planner

1. General Site Layout and Design
2. Appropriateness of Development
3. Compliance with Non-technical Standards
4. Protection of Abutters
5. Conformance with Town Plans

Director of Public Health

1. Adequacy of Waste Disposal Systems
2. Hazardous or Industrial Waste Management
3. Pollution Potential of Proposal

Fire Chief

1. Adequacy of Alarm Systems, Fire Lanes, Sprinkler Systems and Fire Hydrants
2. Accessibility for Emergency Vehicles
3. Fuels or Hazardous Materials Storage

Conservation Coordinator

1. Accuracy of Wetland Boundaries
2. Adequacy of Wetland Protection Measures
3. Adequacy of Erosion Control Measures
4. Compliance with Wetland Protection Laws and Rules
5. Pollution Potential of Proposal

Sudbury Water District Superintendent

1. Adequacy of Water Supply Systems
2. Pollution Potential of Proposal

Administrative Assistant to the Board of Selectmen

1. Application Forms, Submission Procedures and Scheduling

2.2 Preliminary Meeting with Board of Selectmen

In the case where an APPLICANT feels that a pre-application meeting with the BOARD is warranted, the APPLICANT may request in writing, through the Town Manager, to meet with the BOARD at one of its regularly scheduled meetings. The BOARD and the APPLICANT shall limit the topic of discussion to the issue or issues in question. Such a meeting shall not be construed to substitute for any public hearing required by law on the APPLICATION in question. Such meeting shall be advisory only and shall not bind the BOARD.

2.2.1 The APPLICANT shall furnish an APPLICATION, completed insofar as possible, together with a legible, reproducible drawing and prints thereof showing the boundaries of the site, the proposed access/egress locations, and/or other pertinent information. The drawing need not otherwise conform to the Form of Site Plan requirements stated in these RULES. The APPLICANT shall supply eight (8) copies; the number of copies shall be increased when requested by the Town Manager.

2.2.2 Preliminary approval of access/egress locations, or other approvals, if given, shall be subject to change at the time of site plan consideration based upon the total information presented to the BOARD at the public hearing.

SECTION 3
FILING REQUIREMENTS

3.1 Who May File

An APPLICATION may be filed by the record owner of the property in question, a prospective purchaser, or other person having consent of the owner. In the case where the APPLICANT is a person other than the record owner of the property, the APPLICANT shall be required to submit as part of the APPLICATION a Form SP-2 entitled, "Consent of Record Owner", annexed hereto and made part of these RULES.

3.2 Execution of APPLICATION Forms

All information required by any form which is required as part of an APPLICATION for Site Plan approval shall be furnished by the APPLICANT in the manner prescribed in these RULES and by such form. APPLICANTS are forewarned that the BOARD may deny any APPLICATION for Site Plan approval which has been deemed incomplete or deficient in any manner.

3.3 Application Form

Application for Site Plan approval shall only be made on Form SP-1 entitled, "Application for a Site Plan Approval", annexed hereto and made part of these RULES. Such form, all other site plan related forms, together with these RULES, are available at the Office of the Board of Selectmen.

3.4 Submission of APPLICATION

3.4.1 Number of Collated Copies - The original drawings plus sixteen (16) copies of the complete APPLICATION (all forms, data, descriptions and drawings) shall be required at the time of submission of an APPLICATION. Additional copies will be requested if plan has a traffic, historical or regional impact. Plans must be folded, not rolled, and all materials collated into 16 individual packets.

3.4.2 Submission to Town Clerk and Board of Selectmen - The APPLICATION shall be filed in the Office of the Sudbury Town Clerk during normal business hours. One copy will be filed with the Town Clerk and fifteen copies, which have been certified by the Town Clerk as to date and time of filing, plus the plan originals and fee, shall be submitted to the BOARD's office by the APPLICANT.

3.5 Filing Fee

The appropriate fee shall be remitted to the BOARD's Office at the time the APPLICATION is filed.

Original Site Plan Application	\$25/1000 s.f. of Gross Floor Area [\$500 minimum fee]
Minor Site Plan Application	\$300
Site Plan Modification	\$250 (with public hearing) \$100 (without public hearing)
Site Plan Extension	\$ 50

SECTION 4
FORM OF SITE PLAN DRAWINGS

4.1 Medium, Size and Scale

The SITE PLAN drawings shall comply fully with the following requirements as to plan form:

4.1.1 Medium - The original drawings shall be on a mylar. Blue or black line on white background contact prints are acceptable provided that they are clear and legible.

4.1.2 Sheet size - Each plan sheet contained in a SITE PLAN shall have a standard size of 24" x 36". Reduced size copies of the plan sheets shall not be larger than 11" x 17" and such reduced size copies shall be a copy of the standard size plan sheets.

4.1.3 Scale - Each plan sheet shall be drawn to the same scale. The smallest acceptable scale shall be 1" = 40'. Larger scales may be used when appropriate and if such larger scale will

allow the plan to be shown on a 24" x 36" sheet. At least one plan sheet must show the entire development site. In the case where the entire development site cannot be shown on a single standard size plan sheet, the APPLICANT shall submit sixteen (16) copies of one sheet showing the entire development site at a reduced scale.

4.2 Title Block

All plan sheets shall contain a Title Block. Each Title Block shall be located at the bottom right hand corner of each plan and shall contain the following minimum information:

1. Name of the SITE PLAN.
2. Address of site or street and lot number(s).
3. Title of sheet, for example: "Landscape Plan".
4. Scale of plan.
5. Date plan is drawn and suitable space to record at least two revision dates.
6. Plan sheet number.
7. Name, address and seal of registered professional engineer, registered land surveyor, registered landscape architect, or registered architect as required and appropriate to the plan.

4.3 North Point

Each plan sheet shall show a north point: true, magnetic or grid, and so indicate type used.

4.4 Signature Blocks

Each plan sheet shall have signature blocks in accordance with Section 7.4.

SECTION 5 CONTENT OF SITE PLAN

5.1 Required Components of a SITE PLAN

Any SITE PLAN submitted for consideration shall consist of the following minimum components:

1. Written Statement - describing present use, proposed use, and changes to site
2. Locus Plan
3. Site Composite Plan
4. Construction Detail Plan
5. Landscape Plan
6. Building Elevations
7. Floor Plans
8. Copies of prior Board of Appeals permits and variances pertaining to the site
9. Building Coverage and Open Space calculations
10. Estimated traffic impact on adjacent public ways due to changes to site or site use
11. Drainage calculations
12. Calculations on volume of earth to be removed
13. Parking Space calculations
14. Additional information, such as special studies or reports
15. Massachusetts Highway Department street entrance permit, if required
16. Public Way Access Permit Application, if required

17. Properly executed consent by the owner where the site involves property not owned by the APPLICANT - Form SP-2
- 5.2 See Sudbury Zoning Bylaw Art. IX, Section 6300, attached hereto, for further details of SITE PLAN requirements.

SECTION 6
PROCESSING THE APPLICATION

6.1 Review for Completeness

Upon receipt of the application, the BOARD shall transmit copies to the Town Planner, Building Inspector/Zoning Enforcement Agent and the Town Engineer/Planning Board Agent for their review to determine that the application is complete. Joint or separate written report(s) shall be submitted to the BOARD no later than seven (7) days from transmittal detailing any material missing from the basic application requirements and providing a separate listing of recommendations for additional material, if any, needed to properly evaluate the application.

6.2 Public Hearing

The Board of Selectmen will hold a public hearing on the APPLICATION prior to making its decision to approve or deny the APPLICATION.

6.2.1 The BOARD shall set the date, time and place of the public hearing, allowing adequate time for publication of notice, mailing to abutters, and receipt of reports from boards and officials and any additional information required from the APPLICANT.

6.2.2 Prior notice of the hearing shall be published by the BOARD in a newspaper of general circulation once in each of two successive weeks. The first such publication shall appear not less than fourteen (14) days before the day of the hearing. The day of the hearing shall not be counted as one of the required fourteen days. In addition, a copy of said notice shall be posted on the Official Bulletin Board at Town Hall for a period of not less than fourteen (14) days before the date of the hearing. In addition, copies of the notice shall be mailed, postage prepaid, to the APPLICANT, property owner if other than the APPLICANT, and abutters and owners of land directly opposite on a public or private way as they appear on the most recent tax list. (If possible, the date, time and place of the Planning Board review will be included in the notice.)

6.3 Recommendations from Boards and Officials

6.3.1 The BOARD shall transmit forthwith a copy of the APPLICATION to the following boards and officials requesting their written report and recommendations:

1. Building Inspector/Zoning Enforcement Agent
2. Director of Public Works/Town Engineer
3. Planning Board
4. Board of Health
5. Conservation Commission
6. Design Review Board

7. Fire Chief
8. Police Chief
9. Sudbury Water District (notice only - unless further information is requested)
10. Town Treasurer and Collector (notice only - for check of unpaid taxes)
11. Board of Appeals (notice only unless further information is requested)

6.3.2 The following agencies shall also receive a copy of the APPLICATION if the BOARD deems it necessary due to particular circumstances surrounding the APPLICATION:

1. Historic Districts Commission
2. Sudbury Historical Commission
3. Park and Recreation Commission
4. MetroWest Growth Management Committee
5. Contiguous town planning board(s)

6.3.3 The BOARD shall assure that each board or official is given thirty (30) days in which to render its comments and recommendations, whenever practical.

6.3.4 The Zoning Enforcement Agent shall include in his report any zoning violations existing at the site.

6.3.5 If applicable, the Director of Public Works/Town Engineer shall include in his report any recommendations for off-site traffic improvements associated with a request for a Public Way Access Permit under Sudbury Bylaw Article XXVI.

6.3.6 Copies of all reports shall be forwarded to the APPLICANT and all boards and officials involved in the site plan review process by the submitting party.

6.4 Post-application Meeting with TOWN Officials

When directed by the Town Manager, within ten days of the BOARD's referral to departments, the Town Planner shall schedule a meeting with the APPLICANT, Director of Public Works/Town Engineer, Building Inspector/Zoning Enforcement Agent, Health Director, Conservation Coordinator, Design Review Board Chairman, and other affected or interested boards or their representatives. The purpose of this meeting shall be to informally discuss the plan and interrelated areas of concern, in order to make recommendations to their respective boards or to the Board of Selectmen and, additionally, to provide suggestions to the APPLICANT if there are areas of concern. The Town Manager shall be advised of the date and time of such meeting.

SECTION 7 BOARD OF SELECTMEN DECISION

7.1 Standards for Review

Standards for the BOARD's review are set forth in Sudbury Zoning Bylaw Art. IX.V.A. 6300.

7.2 Voting Requirements

The concurring vote of three (3) of the three (3) members of the BOARD shall be necessary to approve the SITE PLAN. A failure of the BOARD to achieve the required unanimous affirmative vote shall be deemed a disapproval of such SITE PLAN. Only those members of the BOARD who were in attendance at the public hearing may vote on the Site Plan Application in question.

7.3 Time Period for Deliberation

The BOARD shall make a decision on each APPLICATION for SITE PLAN approval within one hundred twenty (120) days of the filing of APPLICATION with the Town Clerk and Board of Selectmen, unless such APPLICATION has been withdrawn from consideration. Failure by the Board to take final action within one hundred and twenty days shall allow grant of a building permit or certificate of occupancy by the Building Inspector without SITE PLAN approval. (The 120-day period during which the BOARD must make its decision may be extended by mutual consent of the Board of Selectmen and APPLICANT.)

7.4 Signing of Site Plan Drawings

If a Site Plan Application is approved, every plan sheet which is part of the SITE PLAN, including the Architectural Rendering, shall be signed by the BOARD after review to assure it replicates the vote of the BOARD. The signature block shall state "Approved" or "Approved with Conditions" and shall contain the signature of all three Selectmen, the date of approval, and the Site Plan Application number.

Signature blocks for the Selectmen, and also for the Building Inspector, Dir. of Public Works/Town Engineer, and Town Planner shall be included on all plans by the APPLICANT.

7.5 Approved Plan Prints

Within five days of the signing of the approved plan, the APPLICANT shall provide the BOARD with one set of mylars plus eight (8) paper copies of the final approved plan sheets for distribution by the BOARD to the Town Clerk, Building Inspector/Zoning Enforcement Agent, Town Engineer, Planning Board/Design Review Board, Board of Health, Conservation Commission, Fire Chief, and Board of Appeals. If copies for additional boards or agencies are required, they will be so requested.

7.6 Record of Proceedings and Decision

7.6.1 The Board shall file a complete record of its proceedings and the Decision within fourteen days of its signing by the BOARD in the Office of the Town Clerk.

7.6.2 Distribution of Notice of Decision - The BOARD shall mail forthwith a full copy of its Decision (bearing dated receipt by the Town Clerk) to the APPLICANT and his agents, the property owner if other than the APPLICANT, and to every person at the public hearing who requests that notice be sent and states the address to which it is to be sent. Such copy shall also be filed with the Building Inspector, and forwarded to all other TOWN boards involved in the review process plus the Board of Appeals.

7.7 Recording of Decision

The APPLICANT will be responsible for recording the full copy of the Site Plan Decision (bearing the certification of the Town Clerk that twenty days have elapsed after the Decision has been filed in the Office of the Town Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied) in the Registry of Deeds and for paying any required recording fees. A copy of the recorded Decision, certified by the Registry of Deeds, will be submitted to the BOARD.

No construction shall be allowed to be begun at the subject site until evidence satisfactory to the Building Inspector has been presented to him by the BOARD that the Site Plan Decision in question has been duly recorded as required herein and the drawings have been signed by the BOARD.

7.8 Other Approvals or Permits Required

Approval of the SITE PLAN by the BOARD shall not relieve the APPLICANT of conforming to the requirements of, or making application to, other boards and commissions on matters within their jurisdiction.

SECTION 8 MODIFICATIONS (CHANGES AFTER APPROVAL)

8.1 Approval Required for Any Change

Any changes to the physical condition of the site, including changes in the location or design of structures or systems, or changes to the conditions of approval, following initial approval of the SITE PLAN will require approval of the BOARD.

Before implementing such changes, the APPLICANT shall submit Form SP-4 entitled, "Request for Modification", and the plan(s) to the BOARD, clearly indicating the changes requested. Sixteen (16) copies of this submission shall also be provided.

8.2 Review Procedures

Depending on the nature and extent of the changes, the BOARD shall determine the appropriate review procedure in the circumstances. The procedure may be informal without a public hearing, a more formal process including a public hearing with either modified or full notice requirements met, or may require a new APPLICATION submission with formal procedure and full filing fee. For any substantive or consequential change, however, the BOARD shall notify, additional to the APPLICANT, the property owner, direct abutters, owners of land directly opposite on the street, and boards and officials of the request and the date and time of hearing or meeting at which the modification will be discussed, allowing all an opportunity to be heard, and place a notice of said Selectmen's meeting in a newspaper of general circulation.

8.3 Modification Approval Decision

8.3.1 Upon approval, the APPLICANT shall make any final revisions to the plan sheet(s) necessary to show all approved changes, add a revision date to the plan sheet(s), and an additional signature block. Within five days of the signing by the BOARD, the

APPLICANT shall provide ten copies to the BOARD for its distribution as required for the initial plan.

- 8.3.2 Record of the Proceedings and Notice of Decision concerning modifications of the SITE PLAN shall be made, distributed and recorded in the same manner as for the initial approval.

SECTION 9

EXTENSION OF TIME LIMITATION FOR IMPLEMENTATION

9.1 Request to BOARD

An APPLICANT who has not implemented an approved SITE PLAN within the time limitation set forth in the BOARD's Decision shall file with the BOARD a request for an extension of the SITE PLAN approval before the time period elapses. Such request shall be made on Form SP-5 entitled, "Request for Extension".

9.2 Extension Involving Modifications

If any changes to the SITE PLAN are also being requested, procedures under Section 8, "Modifications (Changes after Approval)," must be followed. The fee, in this instance, shall be a total of \$250 only (no additional fee for the extension request).

- 9.3 If the extension of time limitation is approved, the Decision of the BOARD shall be distributed and recorded in the same manner as for the initial approval.