

TOWN OF BELMONT
PLANNING BOARD

MEETING MINUTES
June 14, 2011

7:07 p.m. Meeting called to order.

Attendance: Sami Baghdady, Chair, Michael Battista, Karl Haglund, Andres Rojas, Charles Clark, Associate Member; Jay Szklut and Jeffrey Wheeler, Staff.

Absent: Jennifer Fallon

Committee Updates

Transportation Advisory Committee – Mr. Haglund reported that the Belmont Center Park Report was presented to the Selectmen and by unanimous vote endorsed by the Board

7:10 p.m. Discussion – Modification to Oakley Neighborhood Smart Growth Development Decision

Staff noted that the original decision contained a scrivener's error identifying parcel 5-1 incorrectly as 5-97. The Board agreed that this was a scrivener's error, that there was no confusion over the parcel under discussion and therefore the modification could be voted on without the need for a public hearing.

Moved by Mr. Rojas to approve the modification as presented.

Seconded by Mr. Battista

Motion passed unanimously

7:15 p.m. Economic Development Advisory Committee – Introduction and Presentation

Robert Mahoney, Co-chair introduced himself and committee members. He briefly outlined the charge given to the committee by the Board of Selectmen and the work the committee has done to date.

The Committee's first action was to identify and make more specific a goal towards which the committee recommendations are directed. The goal chosen by the committee was to double the existing commercial tax base of the Town. The Committee is now in the process of examining the viability of such a goal within the context of the existing commercially zoned land in the Town. Understanding that the development process is reliant on contact and approvals by several Boards, departments, and others, the Committee is reaching out to those Boards to gain an understanding of the operations of those Boards and their sensitivity to a Town goal supporting increased Economic Development.

Mr. Baghdady thanked Mr. Mahoney and noted that the Planning Board shares EDAC's concern with generating increased economic development activity. However, the Planning Board is placed in this unique role of balancing the need for commercial growth with maintaining and enforcing the community's quality of life. He looks forward to working with the Economic Development Advisory Committee in the future.

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7:45 p.m. Discussion – South Pleasant Street Forum and Zoning Issues

Staff presented three zoning alternatives for the South Pleasant Street area.

Alternative A – Modify existing LBII regulations to allow increased density.

Based on a build-out analysis under current zoning, staff determined that the existing FAR in the LBII district has no effect on allowable building density. Lot coverage and height restrictions limit building size long before any FAR restriction is applicable.

Alternative B – Divide the existing LBII district into 2 or 3 sub-districts.

This approach reflects public comments from the two South Pleasant Street forums where individuals felt that certain portions of South Pleasant could be developed at greater height; portions should be more in tune with the Waverley Square proper area; and portions were just too narrow to consider major changes.

Alternative C – Create Overlay/PUD District over portion of district.

This alternative leaves the existing LBII district but adds a PUD District over a portion of the LBII and includes the MBTA tracks and a portion of the LBI district. The PUD district includes parcels most likely to be redeveloped over the near future and that are within easy pedestrian access of the Waverley Train Station. This alternative also allows for modifications to the existing LBII regulations.

Board members discussed the alternatives and requested staff to begin drafting regulations to implement Alternative C. Several Board members commented that the Zoning proposal should include visualizations of density and massing for residents' understanding. Mr. Rojas will work with staff to identify possible consultants that can assist staff in development of such visualizations.

8:45 p.m. Town Planners' Report

Belmont Center Redesign – Discussed by Mr. Haglund under Committee Updates.

Parking Management Plan – An Open House is scheduled for 4:00 PM, June 15, 2011 at the Selectmen's Meeting Room, Town Hall. The purpose of the open house is to allow residents to meet and interact with the consultants and to briefly provide input on concerns with existing Belmont Center parking policies and practices. Also, Board members were informed that an online survey on Belmont Center Parking is available at the Town's web site and were encouraged to participate.

Walk Boston – Staff noted that the Town had been selected as one of four metro-Boston communities to work with WalkBoston to develop walking maps of the Town.

Brownfields Clean Up – The Board of Selectmen approved the Town application to be designated an Economically Distressed Area for the purpose of encouraging owners of environmentally contaminated properties to clean their properties. If approved by the State, financial resources would be available to owners of such properties.

8:55 p.m. Meeting Adjourned

Next Meeting: Tuesday, June 28, 2011, 7:00 p.m.
Board of Selectmen's Meeting Room, Town Hall

List of Documents presented:

- Modification to Decision form
- Economic Development Advisory Committee brief report
- Staff Report – 3 Options for South Pleasant Street Rezoning
- Example of Sturbridge Massachusetts Planned Unit Development Zoning
- Example of Upton Massachusetts Planned Unit Development Zoning

7/12/11 Minutes Approved

**MODIFICATION OF DECISION TO CORRECT
SCRIVENER'S ERROR**

**NORTH SHORE CONSTRUCTION AND DEVELOPMENT INC
FOR A SITE PLAN APPROVAL**

**TOWN OF BELMONT
PLANNING BOARD**

Case No.: PB 09-01
Property Address: 401 & 407 Belmont Street; 15 Lawndale Street; 23 Oakley Road;
and 10 Oakley Road
Date of Public Hearing: May 27, 2009

In the decision, a scrivener's error was made – the map and parcel number of one of the lots was inadvertently transcribed.

- On the first page of the decision a parcel described as Map 5 Block 97 is identified as part of the project. The correct parcel identification is Map 5, Block 1. This parcel is known as the parking lot for the former Senior Center building and was referred to as such throughout the hearing.

On Behalf of the Planning Board

Sami Baghdady
Chair, Planning Board

Date: June 14, 2011

Belmont Economic Development Advisory Council

Members: Bob Mahoney, Steven Savarese, Lalg Musserian, Andres Rojas, Anthony Leccese, Eric Rhodin, Angelo Firenze, Nicholas Iannuzzi, Tommasina Olson, Edmund Starzec, Matthew Sullivan

Charge: Advise Selectmen on the best course for economic development in Belmont

Budget Facts 2011:

Revenue Source	\$ Millions	Percent of Total
Tax Levy	67.6	70
State Aid	8	8
Local Receipts	18	19
Other Available	3	3
Total	96.6	100

Tax Levy: \$64MM Residential 95%
 \$3.6MM Commercial 5%

Local Community Comparison: *(see attached)*

Fiscal Year 2012 Budget



Budget Message

Table 5

Municipality	FY2010 Commercial/Industrial % of Total Value
1 WOBURN	50.94
2 NORWOOD	44.49
3 WATERTOWN	33.16
4 SALEM	29.49
5 WEYMOUTH	23.98
6 NATICK	23.81
7 MEDFORD	23.12
8 NEEDHAM	22.21
9 RANDOLPH	22.19
10 LEXINGTON	21.44
11 CHELMSFORD	19.40
12 STONEHAM	17.37
13 BROOKLINE	16.18
14 WELLESLEY	11.64
15 READING	9.26
16 MELROSE	8.76
17 ARLINGTON	5.95
18 BELMONT	5.92
19 MILTON	5.86
20 WINCHESTER	5.28
Ave w/o Arlington	20.8
Arlington	5.95

Table 6

Municipality	FY2010 Taxes Per Cap
1 LEXINGTON	4019
2 WELLESLEY	3455
3 CHELMSFORD	3191
4 WOBURN	3167
5 NEEDHAM	3075
6 WINCHESTER	2928
7 BROOKLINE	2781
8 BELMONT	2762
9 MEDFORD	2712
10 NATICK	2088
11 ARLINGTON	2036
12 WATERTOWN	2028
13 MILTON	1886
14 NORWOOD	1821
15 STONEHAM	1761
16 SALEM	1699
17 MELROSE	1639
18 READING	1549
19 WEYMOUTH	1357
20 RANDOLPH	875
Ave w/o Arlington	2,357
Arlington	2,036

Table 7

Municipality	FY2010 Taxes Per Household As a % of 1999 Household Income
1 LEXINGTON	8.9%
2 WELLESLEY	8.5%
3 WINCHESTER	8.1%
4 MILTON	8.0%
5 BELMONT	7.7%
6 BROOKLINE	7.5%
7 NEEDHAM	7.3%
8 READING	6.8%
9 CHELMSFORD	6.6%
10 NATICK	6.4%
11 ARLINGTON	6.4%
12 SALEM	6.4%
13 STONEHAM	6.1%
14 RANDOLPH	5.8%
15 MELROSE	5.8%
16 MEDFORD	5.4%
17 WATERTOWN	5.3%
18 WOBURN	5.1%
19 WEYMOUTH	5.0%
20 NORWOOD	4.2%
Ave w/o Arlington	6.6%
Arlington	6.4%

Table 8

Municipality	FY2009 Gen Gov Expenditures Per Cap
1 LEXINGTON	419
2 WINCHESTER	312
3 WELLESLEY	236
4 NEEDHAM	193
5 BELMONT	181
6 BROOKLINE	167
7 NORWOOD	154
8 NATICK	133
9 READING	131
10 ARLINGTON	124
11 WATERTOWN	117
12 SALEM	104
13 MELROSE	102
14 STONEHAM	87
15 WOBURN	85
16 MILTON	84
17 RANDOLPH	77
18 WEYMOUTH	76
19 CHELMSFORD	68
20 MEDFORD	63
Ave w/o Arlington	147
Arlington	124
State-wide Ave	142

- \$270MM of commercial ^{value} volume created \$3.6MM commercial tax revenue in 2011
- Can we add \$4MM to commercial tax revenue; i.e., \$300MM in additional value while maintaining the character of the town?

Large Potential Opportunities:

- McLean 65/100
 - South Pleasant 76/100
 - Cushing 70/25
 - Uplands 60/80
-
- How do we determine the town's sentiment for this goal?
 - What would change if there was a consensus for this goal?

Notes for PB June 14 Pleasant Street Discussion (LBII Zoning District)

Build-Out Analysis

- FAR unobtainable
- Lot Coverage vs Height
- FAR = Greater Flexibility in Site Design

Need to identify specific problems with Cushing Square Overlay Zone

- Design??
- Massing??
- Height??
- FAR??

PUDS vs Overlay Zones

- PUDS focus on Development

Special Permit vs By-Right (What should trigger Special Permit requirement?)

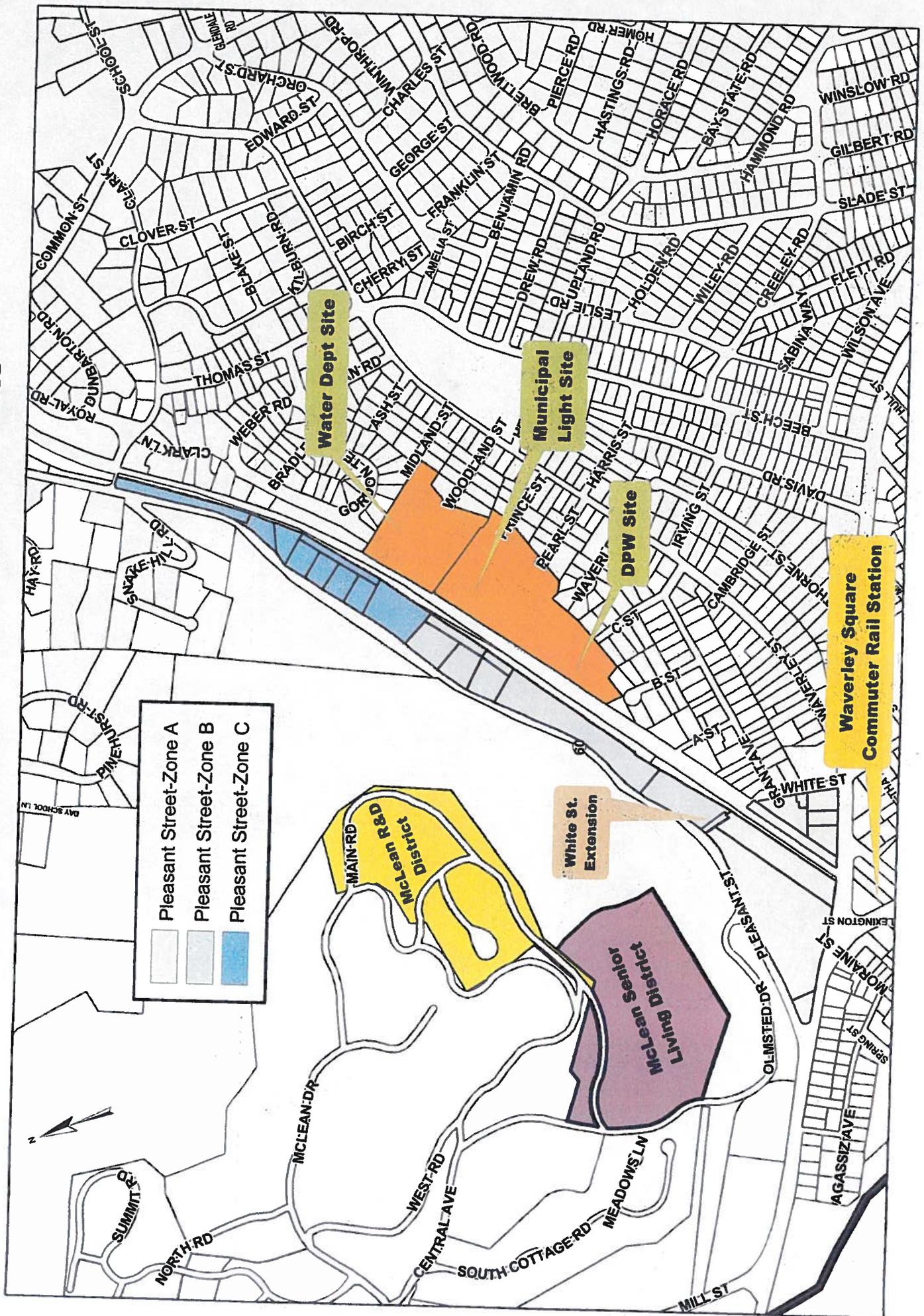
- Height
- Size of Development
- Use
- Other

Use of Incentives

- Underground Parking
- Open Space
- Green Building (Green Roof)
- Design Features
- Pedestrian/Public Amenities

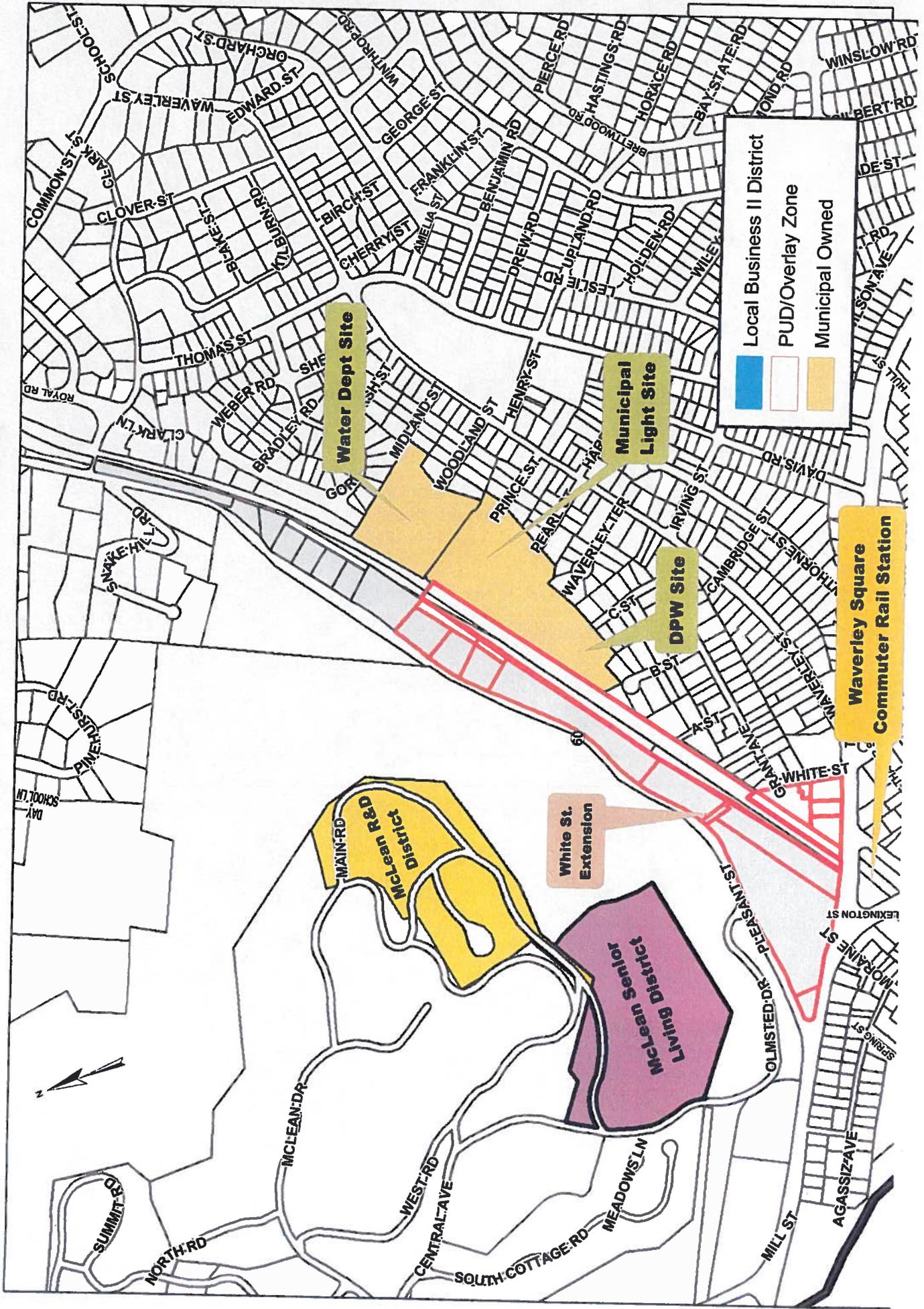
SOUTH PLEASANT STREET REZONING

Option B - Split into 3 Sub-Districts



SOUTH PLEASANT STREET REZONING

Option C - Change LBI; Add PUD or Overlay Zone



Sturbridge Zoning Bylaws
As amended 2004

CHAPTER FIFTEEN
PLANNED UNIT BUSINESS DEVELOPMENT (PUBD)
{Adopted 4-27-98; Article 62}

15.01 PURPOSE AND INTENT

It is the purpose of the Planned Unit Business Development (PUBD) to encourage the efficient and creative use of the parcels of land in Sturbridge that are suited for primarily non-residential use. Although development under this provision must comply with the design and site planning standards given below, the strategy for the use of the land is intentionally undefined. The Town of Sturbridge desires to encourage projects that will meet the demands of the market, improve the economic base of the community and protect the town's character. Any development within this district must recognize that protection of Sturbridge's rural character will be a prime consideration for approval or denial.

PUBD applications shall be limited to any parcel of land or aggregation of parcels of 50 acres located in the Special Use District (See Chapter Fourteen). A PUBD may be comprised of a mixture of residential uses including affordable housing units, open space, industrial or other uses, and a variety of building types, if the proposed uses and buildings are determined by the Planning Board to be sufficiently advantageous to grant special permission to depart from the normal requirements of the underlying zoning. In all cases, seventy-five percent (75%) of the total square footage of the land exclusive of open space requirements must be devoted to non-residential uses.

15.02 APPLICATION PROCESS

The designation of a PUBD shall require a special permit. The special permit granting authority shall be the Planning Board. Procedures for the consideration of the special permit application shall be in compliance with those specified in MGL, Chapter 40A, §§ 9 & 11.

15.04 REQUIREMENTS

Applicants are encouraged to submit a preliminary development plan to the planning Board and/or its planning staff for a pre-application review prior to filing an application for a PUBD special permit.

An application for a PUBD special permit shall be accompanied by a definitive development plan and all supporting materials meeting the applicable requirements of Chapter Twenty-Five - Site Plan Review and of Chapter Six of the Sturbridge Subdivision Rules and Regulations. In cases where these requirements conflict, the more stringent requirements shall control. In addition, whenever requested by the Planning Board, and applicant shall submit additional information necessary to demonstrate compliance with purposes and requirements of this bylaw.

15.05 USE STANDARDS

15.06 General categories of allowed uses within the PUBD are as follows:

- (a) Executive offices

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As amended 2004**

- (b) Laboratories for research and development
- (c) Professional and medical offices
- (e) Light industrial operations
- (e) Public recreational facilities
- (f) Hotel/Motel
- (g) Commercial recreational facilities
- (h) Limited residential uses that are appropriate in relation to the proposed non-residential uses in terms of the public health, safety and welfare and Sturbridge's housing needs.

This listing of allowed uses does not imply that the Town of Sturbridge would approve any mixture of these uses, unless it is clearly proven that the said mixture is compatible and that there will be no negative impacts on the environment, workers, residents, abutters or the community.

15.07 ALLOWED ACCESSARY USES - Accessory uses and buildings are permitted when provided as an integral part of the overall development to serve the occupants, patrons and guests thereof but not necessarily limited to the following:

- (a) Restaurants
- (b) Maintenance Buildings
- (c) Health Clubs
- (d) Parking Areas and Parking Garages

15.08 DEVELOPMENT STANDARDS

15.09 MINIMUM LOT DIMENSIONS - The minimum tract size for a PUBD project shall be fifty (50) acres, this requirement may be reduced to twenty-five (25) acres by Special Permit granted by the Zoning Board of Appeals. Minimum frontage along a public way shall be a total of 400 feet.

15.10 DENSITY AND INTENSITY

Detached single family dwellings shall be allowed at a maximum density of one (1) acre of upland for each housing unit. Attached housing units (two, three, four, five and six family structures) shall be allowed at a maximum density of 4 housing units per acre of upland. Allowance of densities shall be conditioned on approval by the Board of Health pertaining to the adequacy of the waste disposal system.

Buildings shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-half the sum of the maximum heights of the affected buildings, exclusive of accessory parking structures which are

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designed to function in conjunction with the principal building. There shall be a minimum distance of 100 feet separating any building and its accessory components (including parking) in one use category (i.e., Commercial, Industrial or Residential) and any other building and its accessory components in a different use category.

- 15.11 SETBACKS - No building shall be constructed within one hundred (100) feet of any public way and within seventy-five (75) feet of other property lines. A minimum of seventy-five feet (75) of setback for frontage on any public way shall remain undisturbed except to add plantings or to gain entrance to the parcel in accordance with plans approved by the Planning Board.
- 15.12 MAXIMUM COVERAGE - Building coverage, whether by a single building or multiple buildings shall not exceed 30% of the total lot size. This shall include all accessory buildings. Total impermeable surface coverage (buildings plus roads and parking areas) shall not exceed 60% of the total lot size.
- No building or any other structure (not including antennas) shall exceed 60 feet in height. The exterior facades of all buildings shall be of a finished quality on every side (such as brick, stone, wood or glass) and architecturally harmonious in design as evidenced by plans prepared by a professional architect or designer. Loading ramps and utility features, if permitted, shall be placed at the side or at the rear, and shielded from view.
- 15.13 RESIDENTIAL COMPATIBILITY - No more than 25% of the total floor area shall be devoted to residential use. All proposed residential use must be compatible with the non-residential uses. Consideration by the Planning Board concerning this issue shall include the following: hazards of traffic, pollution and equipment, and impacts including noise, smoke, light and visual effects and social impacts such as available open space, future property values, access to town services and transportation and degree to which said housing will become an accepted and integral part of Sturbridge's overall housing stock.
- 15.16 OPEN SPACE - A minimum of 40% of the total tract shall be permanently left as open space. No more than 25% of the required open space may be wetlands. No more than 50% of the required open space shall be within the setback. The open space shall be located primarily in large open areas or in necessary setback, buffer and linkage areas. There shall be a functional relationship between the open space and the proposed developments. The test for such a relationship shall be that all open space must serve a specific purpose that is consistent with the overall plan of the project and the placement of buildings and other man-made features. The Planning Board encourages use of open space for parks, playgrounds, play fields or multi-use trails consistent with the overall PUBD design.
- 15.17 PARKING - The amount of parking space shall be in accordance with the requirements of Section 20.21 - Off-street Parking and Loading Spaces. However, the off-street parking requirements may be reduced where a common parking area(s) serves clusters of business development and where, in the opinion of the Planning Board and the Town Engineer, there will be ample parking. In the event that a reduction in off-street parking requirements is authorized, a reserve parking area of one (1) parking space for each one thousand (1,000) square feet of gross floor area shall be retained in suitably located open space areas so as to be utilized for required parking at such time as the Planning Board shall require.

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No outdoor parking areas shall be located within thirty (30) feet of any buildings with the exception of handicapped spaces and passenger drop-off areas.

All surface parking lots and any exposed sides of partially above-ground parking structures shall be screened for a depth of at least seventy-five (75) feet from any residential zone boundary. Screening shall consist of closely planted evergreen trees, hedges, shrubbery or fences. Within each surface parking lot there shall be evenly distributed landscaped areas with at least one (1) shade tree and other low plantings for every ten (10) parking spaces.

- 15.18 ROADWAYS - New roadways shall be private and privately maintained. No parking shall be permitted thereon. All roadways shall comply with the standards of the Sturbridge Subdivision Regulations. Width of roadways serving residential areas may be decreased with approval by the Planning Board. Sidewalks shall be required on both sides of PUBD roadways unless waived by the Planning Board. Curb cuts shall be permitted no closer than every 500 feet on public ways.
- 15.19 UTILITIES - All utilities shall be located underground.
- 15.20 COMMON AREAS - All interior streets, sidewalks, utilities, open space (retention ponds) shall be owned and maintained by the owner or owners of the land and buildings in the PUBD.
- 15.21 LIGHTING - Exterior illumination shall be only as necessary for safety, lighting of buildings, walks and roads, and shall be subject to approval and limitation by the Planning Board. All lights permitted shall be so located and of such a design that no light source is visible beyond any point on the boundaries of the same property.
- 15.22 SIGNAGE - With the approval of the Board of Selectmen, one exterior illuminated sign of no greater than 50 s.f. shall be allowed to be located within the Town Right of Way for each PUBD project. Minimal clearing will be allowed to provide visual access to the sign. Sign design and details shall be approved by Design Review Committee.
- 15.23 PERFORMANCE STANDARDS
- The following standards apply to the construction and operation of the use and are intended to identify impact factors that would be grounds for either serious conditions or denial of the application.
- 15.24 WASTES - No objectionable or injurious waters or other materials shall be discharged from a PUBD project.
- 15.25 NOISE - Other than time and emergency signals and noise necessary for construction or demolition of buildings on the lot, no unreasonable or objectionable noise shall be transmitted beyond the lot from which it originates, nor shall any offensive odors, noxious, toxic or corrosive fumes or gases, dust, dirt or smoke be emitted into the air so as to endanger public health or safety.
- 15.26 DANGEROUS MATERIAL - No material which is dangerous due to the possibility of explosion, fire hazard, radioactivity or other hazard shall be used, stored or manufactured except in accordance with applicable law.

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As amended 2004**

- 15.27 LANDSCAPING - Landscaping shall be such that the site is buffered for both sight and sound from abutting land uses. A minimum of seventy-five (75) feet of landscaped buffer shall be provided between the project and all abutting uses.
- 15.28 TRAFFIC IMPACT - If required by the Planning Board, the applicant shall produce a traffic impact report. The report shall be produced by an outside consultant, mutually agreed upon by the Planning Board and the applicant. The cost for the study shall be borne by the applicant.
- 15.29 ACCESS TO MAJOR ROUTES - Any proposed PUBD shall have direct access to the former Route 15. In no case shall access be approved if it shall prove to be hazardous or deleterious to a Sturbridge residential area.
- 15.30 APPROVAL - In order to grant approval of a PUBD, the Planning Board must make the following findings:
- (a) That the site is adequate in size to support the proposed quantity of development.
 - (b) That the site is suitable in terms of topography, soils and other physical attributes and location for the proposed uses.
 - (c) That the project's impact on traffic flow on surrounding roads and intersections does not reduce levels of service below the current Standards Service Level.
 - (d) That the project's impact on neighborhood visual character is acceptable compared to benefits of the project.
 - (e) That the proposed method of sewage disposal, provision of water and provision of surface water drainage are adequate and in accordance with Board of Health and DPW standards.
 - (f) That utilities and public services are adequate to serve the needs of the proposed uses.
 - (g) That the impacts on the ground water supply level and other natural resources are within acceptable levels.
 - (h) That the proposed mix of uses within the PUBD are compatible with one another.
 - (i) That the proposed plan will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town.

before the two years has expired. Such construction, once begun, shall be actively and continuously pursued to completion within a reasonable time. This two-year period does not include such time as required to pursue or await the determination of an appeal from the granting of this special permit.

- 10) Any future extension or addition of a wireless data transfer facility or construction of new or replacement towers shall be subject to an amendment of the special permit, following the same procedure as for an original grant of a special permit.
- 11) Prior to construction, the permittee shall provide a recorded copy of a restrictive covenant prohibiting construction on all areas contained in the setback/fall areas.

6.2.10 Severability: If any section of this bylaw is ruled invalid by any authority or a court of competent jurisdiction, such ruling will not affect the validity of the remainder of the bylaw.

6.3 **MEDICAL WASTE TREATMENT.** To the extent permitted by law, no new building or facility or part thereof shall be constructed or used, and no premises shall be used, and no building or facility or part thereof shall be altered, enlarged, reconstructed or used for any purpose to include: processing, storing or staging of solid waste, hazardous waste, infectious waste as defined by the Department of Environmental Protection or the Commonwealth of Massachusetts or as defined herein.



6.4 **PLANNED VILLAGE DEVELOPMENT**

6.4.1 Intent. The intent of this Planned Village Development By-Law is to permit greater flexibility and more creative and imaginative design for the development of municipal, commercial, retail, general business, and residential mixed-use areas than is generally possible under conventional zoning provisions. It is further intended to promote a vibrant, compact, pedestrian friendly development with the virtues of a traditional New England village, but with modern amenities and services, enabling residents of diverse income levels and ages to live, work, or retire in a well planned built and natural environment. In addition, the Town may use this By-Law to promote unmet housing needs, including affordable housing and handicap barrier free housing

6.4.2 Special Permit Granting Authority. The Planning Board shall act as the Special Permit Granting Authority (SPGA) for a Planned Village Development in the Town of Upton. The Planning Board is authorized to hear and decide upon applications for special permits for Planned Village Developments in accordance with the provisions of this zoning By-Law.

- c. Open space consisting of landscaped or natural vegetation that shall serve as buffers for the residential components of the Planned Village Development.

The first two categories of open space would generally provide for public access, which would be defined through covenants approved by the Planning Board as part of the special permit process.

- 6.4.5 Dimensional Requirements. In order to permit site planning best tailored to the land under consideration, there are no predetermined dimensional requirements except for the following:
- 1) When the Planned Village Development property adjoins residential property, a buffer area shall be provided and delineated on a Planned Village Development Site Plan.
 - 2) The minimum frontage of a Planned Village Development property proposed for a Planned Village Development special permit shall be 200 feet on an existing Town accepted way.
 - 3) Open Space requirements for the property proposed for a Planned Village Development special permit shall be as follows:
 - a. No less than 30% of the Developable Area within the Planned Village Development site shall be designated as open space.
 - b. No less than 20% of the Planned Village Development site shall be designated as upland open space that shall not consist of wetlands as defined by G.L. c. 131, s.40.
 - c. Wetland areas shall be incorporated into open space to the greatest extent possible.
 - d. No less than half of the Planned Village Development site classified as upland open space shall be dedicated as publicly accessible and useable open space that shall not consist of wetlands as defined by G.L. c. 131, s.40.
- 6.4.6 Unmet Housing Needs. In order to promote the intent and purpose of this By-Law, the Planning Board shall determine a percentage of housing built under the By-Law and within a Planned Village Development that, shall be required by covenant or restriction acceptable to the Planning Board to be set aside to meet unmet housing needs, as shall be determined by the Planning Board, including those specified in Section 6.4.1.
- 6.4.7 Procedures & Administration. Applications shall be filed in accordance with the Site Plan Review Rules and Regulations of the Planning Board. An application shall not be deemed complete until all copies of required information and documentation have been filed with the Planning Board.
- 6.4.8 Application Procedure. The application procedure shall consists of two steps:
- 1) Submission of a conceptual site plan to the Planning Board for pre-application review.

(65) days from the date of filing of the special permit application. The Planning Board shall provide notice of hearings in accordance with G.L. c. 40A, s.9 and G.L. c. 40A, s.11.

6.4.13 Basis for Approval, and Required Findings and Determinations.

- 1) Upon receipt of the application and required plans, the Planning Board shall transmit one copy each to the Board of Selectmen, Board of Health, Conservation Commission, Public Works Department, Fire Department, and Police Department for recommendations consistent with the intent of this By-Law as set out in Section 6.4.1. Failure of such boards and officials to make any recommendation within thirty-five (35) days of receipt of the special permit application by such boards and officials shall be deemed lack of opposition to the special permit. The Planning Board shall act on applications according to the procedures specified in G.L. c. 40A, s.9.
- 2) The decision of the Planning Board shall be made within ninety days following the date of such public hearing. The required time limit for a public hearing and said action may be extended by written agreement between the petitioner and the Planning Board. A copy of such agreement shall be filed in the office of the Town Clerk as required by G.L. c. 40A, s.9. The Planning Board shall file its special permit granting decision with the Town Clerk as required by G.L. c. 40A, s.9.
- 3) Special permits shall be granted by the Planning Board, unless otherwise specified herein, upon its written determination that;
 - a. The proposed development is consistent with the intent of this By-Law, as set out in 6.4.1
 - b. Municipal services such as water, sewer or other services are adequate or will be adequate at the time of completion of the development
 - c. The benefit to the Town and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site.
- 4) In addition to the determination listed above, prior to granting approval of the Planned Village Development, the Planning Board shall also give consideration of each of the following:
 - a. Social, economic, or community needs that are served by the proposal;
 - b. Adequacy of vehicular and pedestrian traffic safety on and off the site, and adequacy of parking and loading areas;
 - c. Adequacy of utilities and other public services;
 - d. Impacts on neighborhood character and social interaction;
 - e. Impacts on the natural environment; and
 - f. Potential fiscal impact, including impact on municipal services, tax base, and employment.
- 5) The Planning Board shall not grant approval for the following:

with the provisions of this By-Law or would be detrimental to the Town or its citizens. The Development Impact Statement shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Civil Engineer, Registered Surveyor, and a Land Planner, and may include all or some of the following information.

- 1) Physical Environment
 - a. Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, archeological, scenic and historical features or structures, locations of significant viewpoints, stone walls, trees over 16 inches in diameter, trails and open space links, and indigenous wildlife.
 - b. Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.
- 2) Surface Water and Subsurface Conditions.
 - a. Describe locations, extent, and types of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the site.
 - b. Describe any proposed alterations of shorelines or wetlands.
 - c. Describe any limitations imposed on the project by the site's soil and water conditions.
 - d. Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the site.
- 3) Vehicle Circulation System
 - a. Project the number of motor vehicles to enter or depart the site per average day and during peak hours. Also state the number of motor vehicles to use streets adjacent to the site per average day and during peak hours. Such data shall be sufficient to enable the Planning Board to evaluate: existing traffic on streets adjacent to or approaching the site; traffic generated by or resulting from the site; and the impact of such additional traffic on all ways within and providing access to the site.
 - b. Actual study results, a description of the study methodology, and the name, address, and telephone number of the person responsible for producing the study shall be attached to the Development Impact Statement.
- 4) Support Systems
 - a. Water Distribution: Discuss the water system proposed for the site, and the means of providing water for fire fighting, and any problems unique to the site.
 - b. Sewage Disposal: Discuss the sewer system to be used, and evaluate impact of sewage disposal on the wastewater treatment facility.

- land that will become common or public land, and any other evidence necessary to indicate compliance with this By-Law.
- d. Storm drainage design and roadways, private and public, must conform to the durability requirements and other requirements of the Town of Upton subdivision rules and regulations, unless another standard is specified by the Planning Board. When in the public interest, and to meet the objectives of this By-Law, alternative road width and other requirements varying from the subdivision rules and regulations may be specified in the granting of a Planned Village Development.

6.5 DRIVE-THRU ESTABLISHMENTS

- 6.5.1 Purpose and Intent. The purpose of this section is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Upton by providing detailed review of the design and layout of drive-thru establishments given the impact upon the character of the Town as well as traffic, utilities and services therein.
- 6.5.2 Procedures. Drive-thru establishments may only be allowed by special permit from the Planning Board (SPGA) in accordance with the special permit process as set forth in this section as well as Section 9.3 of this zoning By-Law.
- 6.5.3 Applicability.
 - 1) This section applies to any establishment that intends to include a drive-thru window.
 - 2) Drive-thru establishments are limited to a bank or pharmacy by special permit in the General Business and Commercial-Industrial districts.
 - 3) Drive-thru establishments other than a bank or pharmacy are prohibited in all districts.
- 6.5.4 Traffic Study. A traffic impact analysis shall be submitted for any proposed drive-thru establishment. A registered professional engineer experienced and qualified in traffic engineering shall prepare the traffic impact study. The study shall contain the following:
 - 1) Existing traffic conditions average daily and peak hour volumes, average and peak speeds, sight distances, accident data for the previous 3 years, and levels of service (LOS) of intersections and streets affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within 1000 feet of the project boundaries, and shall be no more than 12 months old at the date of application, unless other data is specifically approved by the SPGA.
 - 2) Projected traffic conditions for design year of occupancy shall include: statement of design year of occupancy, average annual background traffic growth, and additions of proposed developments which have already been approved, under construction and /or are pending before a town Board.