

Falmouth Planning Board

Regulations Governing Special Permits and Site Plan Review

ARTICLE I, Special Permits

§ 300-1. Authority.

The Planning Board shall sit as the special permit granting authority in accordance with §§ 240-66C(6), 240-67A, 240-69D, 240-109E, 240-123, 240-135, 240-171, 240-178 and Article XXXXII of Chapter 240, Zoning. Reference should be made to Chapter 240, Zoning, for complete texts.

§ 300-2. Application requirements.

- A. Any person who submits an application for a special permit shall file with the Board all the items in Subsection B(1) through (4) below. Any submission which omits any of these items will not be accepted. Applications shall be made at either a regularly scheduled meeting of the Board or at the Planning Board office during regular business hours.
- B. The following items shall comprise a complete application for a special permit:
- (1) An Application for a Special Permit from the Planning Board (Form SP-1), signed by the owner of the property or an authorized agent.
 - (2) A properly completed Certified List of Abutters (Form SP-3
 - (3) Five (5) copies of a site plan as specified in Article III of these regulations.
 - (4) Filing fee, as specified in Table I
- C. The applicant shall also file with the Town Clerk by delivery or certified mail a notice of the date of submission with the Board of the application for a special permit, accompanied by the completed application for a special permit.

§ 300-3. Procedure for review.

The Board shall follow the procedures set forth in MGL C. 40A, § 9, Chapter 240, Zoning, Article XXXXII, and these regulations. The specific steps are summarized below:

- A. Within ten (10) days of receipt of a properly executed application, the Board may, at its discretion, send copies of the application to other town boards or officials.
- B. Within sixty-five (65) days of the receipt of a properly executed application, the Board shall hold a public hearing, for which notice shall have been given as provided in MGL C. 40A, § 11.

C. Within ninety (90) days following the close of the public hearing, the Board shall take final action on the application unless this time frame is extended by mutual agreement between the applicant and the Board and notice of any extension is given to the Town Clerk prior to the expiration of the ninety-day limit.

D. Special permits can only be granted by an affirmative vote of five (5) members of the Board.

E. Special permits that are granted shall lapse within two (2) years as provided by § 240-221 of Chapter 240, Zoning.

§ 300-4. Review by other town officials.

Before a decision on a special permit is made, the Board may request written statements with regard to the following:

A. Conservation Commission, with respect to Chapter 235, Wetlands Protection.

B. Building Commissioner, relative to zoning requirements.

C. Board of Health, concerning the suitability of the proposed methods of sewage and waste disposal.

D. Public Works, concerning the design of streets, drives, drainage, sewerage and water systems.

E. Fire Department, with regard to the number and location of hydrants, alarm boxes and access for emergency vehicles.

F. Police Department, concerning public safety.

G. Design Review Committee, relative to the placement and design of signs, landscaping, architectural style and site planning.

§ 300-5. Public hearing; notice.

Before the Board takes any action to grant, modify or disapprove a special permit, the Board shall hold a public hearing at which parties of interest shall have an opportunity to be heard in person or by agent. Notice of the time and place of the public hearing and of the subject matter, sufficient for identification, shall be published in a newspaper of general circulation in the town once in each of two (2) successive weeks. The first publication shall be not less than fourteen (14) days before the date of the public hearing. Notice of the hearing shall be mailed within one (1) day of the first publication to all parties of interest.

§ 300-6. Criteria for review and final action.

In taking final action to either approve, modify and approve or deny an application, the Board shall follow the specific criteria set out in Article XXXXII of Chapter 240, Zoning. Following final action, the Board shall prepare a detailed record of its proceedings which will indicate the vote of each Board member upon each question and the reasons for its decision and of its official actions. This decision of the Board, including the proceeding set forth above, shall be filed with the Town Clerk within fourteen (14) days after the date of the decision and mailed to the applicant and the parties of interest.

§ 300-7. Appeals.

Any appeal from the decision of the Board must be made pursuant to MGL C. 40A, § 17, and must be filed within twenty (20) days of filing of the decision with the Town Clerk.

§ 300-8. When effective.

A special permit, or any extension or modification, shall take effect when a copy of the decision has been recorded in the Registry of Deeds. This decision must be certified by the Town Clerk that either:

- A. Twenty (20) days has elapsed after the decision has been filed with the Town Clerk and no appeal has been filed; or
- B. Any appeals that have been filed have been dismissed or denied.

ARTICLE II, Site Plan Review

§ 300-9. Authority.

The Board shall sit as the site plan review authority in accordance with the provisions of Chapter 240, Zoning, Article XXXIX and § 240-220.

§ 300-10. Application requirements.

- A. Any person who submits an application for a site plan review shall file with the Board:
 - (1) An Application for Site Plan Review (Form SP-2).
 - (2) A site plan with five (5) contact prints as specified in Article III of these regulations.
 - (3) A filing fee as shown in Table I.
- B. Each application shall be made at a regularly scheduled meeting of the Planning Board or at the Planning Board office during regular working hours.

C. No application will be accepted until it is submitted according to these regulations.

§ 300-11. Procedure for review.

The Board shall follow procedures in MGL C. 40A, Chapter 240, Zoning, and these regulations. The specific steps are summarized below:

A. A complete application for site plan review shall be submitted, at which time a receipted copy shall be returned to the applicant.

B. Within forty-five (45) days of receipt of an accepted application, the Board shall hold a public hearing on the site plan. Notice of this public hearing shall be published in a newspaper of general circulation at least seven (7) days prior to the date of the public hearing. Notice to abutters is not required.

C. Before a decision on a site plan review is made, the Board may request written statements from other town officials as specified in § 300-4.

§ 300-12. Criteria for review and final action.

In taking final action to either approve or approve with conditions or reject for lack of sufficient information an application, the Board shall follow the specific criteria found in Article XIV, § 240-72B, Articles XIX, XXI, XXII, XXIII and XXIV, § 240-148 and Article XXXIX of Chapter 240, Zoning. A vote of final action on a site plan shall be made by the Board within sixty (60) days following the close of the public hearing. The decision of the Board concerning this final action shall be mailed to the applicant and a copy sent to the Building Commissioner within seven (7) days following the vote of the Board.

ARTICLE III, Site Plan Requirements

§ 300-13. Preparation, classification and precision.

The site plan required for special permits and site plan review shall be prepared by either a professional engineer, land surveyor or landscape architect, who is registered in Massachusetts. The classification and precision of the site plan shall conform to the requirements of the most recent Land Court Manual of Instructions, Commonwealth of Massachusetts, except that specific requirements in these regulations shall take precedence.

§ 300-14. Scale; elevations; locus map.

The site plan shall be at a scale of one (1) inch equals forty (40) feet or such other scale as the Board may allow to adequately show detail. Profiles of each individual street or service road shall be provided at a vertical scale of one (1) inch equals four (4) feet. Elevations shall refer to the bench mark or datum utilized. Sheet size shall be twenty-four by thirty-six (24 x 36) inches including a one-inch border. All plans shall be accompanied by a locus map at one (1) inch equals two thousand (2,000) feet.

§ 300-15. Contents of site plan.

Site plans shall contain:

- A. A title block showing the name of the site, the date, scale, name(s) of the owner(s) and the signature and seal of the registered engineer, architect or landscape architect.
- B. The boundary lines of the area included in the site plan, names of the direct abutters and abutting zoning districts, if any.
- C. North arrow and benchmarks used.
- D. Existing and proposed grades, with topographic contours at intervals not exceeding two (2) feet.
- E. Existing and proposed size, location, height and floor area of all structures; floor area ratio and lot coverage ratios; finished floor elevations; parking requirements and any other pertinent information necessary for findings under Article XXII, XXIII and XXIV of Chapter 240, Zoning.
- F. Natural features such as wood lots, streams, lakes, ponds, shoreline, wetlands and other geologic features.
- G. Delineation of the one-hundred-year flood boundary on the site, if any.
- H. Existing manmade features such as roads, driveways, rights-of-way within three hundred (300) feet and structures and indicate which features are to be retained, if any.
- I. Proposed streets, driveways, parking spaces, sidewalks, loading zones, curb cuts and service areas. Include the direction of travel for one-way streets or drives, radii of all curves, street, drive and sidewalk widths and the total number of parking spaces provided.
- J. Waste disposal, including sewer connector lines, if any; any systems to control emissions of dust, smoke, noise, odor, vibration or other nuisances found in § 240-110 of Chapter 240, Zoning; dumpster location(s) and all other private or public utilities. Drainage calculations based on a twenty-five-year storm, one-hour intensity, must be provided if any stormwater runoff enters a public drainage system or public way.

K. Provisions for screening, surfacing (including ground cover), lighting, fences, walls, and signs. Landscaping shall also be provided including any recommendations of the Design Review Committee.

L. Any other information that the Board may reasonably require to review the application and determine compliance with Articles XXII, XXIII and XXIV of Chapter 240, Zoning.