

WEST NEWBURY PLANNING BOARD

REGULATIONS

GOVERNING

**The Conduct of Planning Board Functions, Meetings, and Hearings
Special Permits
Site Plan Review**

Scenic Road Application Guidelines



Adopted by the West Newbury Planning Board

On December 21, 2010

Amended May 3, 2011

Amended January 7, 2014

Amended October 3, 2017

Amended September 3, 2019

(Formerly Rules and Regulations for the Conduct of Planning Board Functions,
Meetings, and Hearings, adopted on January 20, 1999, and amended on
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	PAGE
Section I. Regulations for Planning Board Functions, Meetings, and Hearings	
General Administration	3
Organization	4
Section II. Regulations Governing Special Permits	
General Requirements	6
Employment of Outside Technical Consultants (M.G.L. Chapter 44 §53G)	10
Section III. Specific Special Permit Requirements for Zoning Bylaw Sections	
Open Space Preservation Development , Section 6.B.	13
Wind Facilities, Section 12.	15
Personal Wireless Service Facilities, Section 9.	16
Section IV. Regulations Governing Site Plan Review	
Site Plan Review	21
Section V. Guidelines for Scenic Road Applications	27
Section VI. Fee Schedule	29
List of Appendices	
Appendix A: Application for Special Permit and/or Site Plan Review	32
Appendix B: Performance Bond – Deposit of Money	35

Section I. Regulations for Planning Board Functions, Meetings, and Hearings

1. General Administration

a) Established

The Planning Board for the Town of West Newbury was established under the provisions of M.G.L. Chapter 41, § 81A at the Annual Town Meeting of February 20, 1953. The Planning Board consists of five (5) members, elected at the Annual Town Meeting. Members are elected for terms of five years each and it is so arranged that the term of at least one member expires each year. Any vacant, unexpired term shall be filled by appointment by the Board of Selectmen and the remainder of the Members of the Planning Board until the next annual election, at which time, such office shall be filled, by election, for the remainder of the unexpired term.

b) Authority

The following Regulations are adopted by the West Newbury Planning Board as authorized by M.G.L. Chapter 40A, the Zoning Bylaw, and other Bylaws and Regulations of the Town.

c) Powers

The following functions are authorized by statutes:

- To make careful studies
- To prepare plans of the resources, possibilities and needs of the Town
- To make a Comprehensive Plan or study plan
- To have an official map prepared if authorized by Town Meeting
- To review and submit a report regarding the layout, alteration, relocation, or discontinuance of public ways
- To report annually to the Town Meeting regarding the condition of the Town
- To hear and review Subdivision Plans as required by M.G.L. Chapter 41 §81
- To review and verify Approval Not Required plans as required by M.G.L. Chapter 41 §81
- To hear proposed Zoning Bylaw Amendments in accordance with M.G.L. Chapter 40A, §5
- To hear and decide applications for Special Permits as authorized by the Zoning Bylaw
- To hear and review Site Plans as authorized by the Zoning Bylaw
- To hear and review proposals for the repair, maintenance, reconstruction or paving of roads in accordance with the Scenic Roads Bylaw, General Bylaw §XXXII
- To conduct any other hearing required by law

d) Functions requiring a Public Hearing are:

- Proposed Zoning Bylaw Amendments in accordance with M.G.L. Chapter 40A, §5
- Applications for Special Permits as authorized by the Zoning Bylaw and M.G.L. Chapter 40A, §9
- Subdivision plans as required by M.G.L. Chapter 41, §81
- Site Plan Review as authorized by the Zoning Bylaw, § 8B
- Scenic Road Hearing, as authorized by General Bylaw XXXII
- Any other hearing required by law or Town Bylaw to be held by the Planning Board.

2. Organization

a) The Chairman shall:

- a) preside over all meetings and hearings of the Board and shall decide all points of order.
- b) appoint such committees or assign tasks as may be deemed necessary or desirable from time to time to conduct the business of the Board.
- c) summon witnesses and call for production of papers, as necessary.
- d) supervise the work of the planning staff, if any, arrange for additional assistance, and exercise general supervision over the Board's activities.

b) The Vice-Chairman shall preside and exercise all of the powers and duties of the Chairman when the Chairman is absent.

c) In the absence of both the Chairman and the Vice-Chairman, the remaining members, if a quorum, shall elect a Chairman pro tem to conduct the meeting.

d) The Clerk shall be responsible for:

- a) publishing and posting notices of meetings and hearings; mailing hearing notices and Board decisions to persons and Town agencies as required by law;
- b) maintaining orderly records and files;
- c) conducting correspondence directed by the Board;
- d) As keeper of the records, the Clerk shall keep a detailed record of the Board's proceedings--recording, or supervising the recording, of the subjects discussed, decisions made and reasons why, actions taken, and votes taken as required by the Office of the Secretary of State.

e) An Associate Member, nominated by the Planning Board and duly appointed annually by the Board of Selectmen, shall vote on special Permits when a member of the Board is absent, as set forth in M.G.L. Ch. 40A, § 9, and the Zoning Bylaw, §8.A.2.

f) The Board may hire a Town Planner, secretary and other professional assistance

as needed for the conduct of its duties. Personnel added to the payroll of the Town are subject to the job description, personnel regulations, and appropriations voted by the Town Meeting or adopted by the Board of Selectmen.

3. Responsibilities of Members of the Planning Board

- a) Attend meetings. If a member misses meetings for 6 months without cause, the remaining members of the Planning Board will request that the member resign.
- b) Elect officers by majority vote, and notify Town Clerk of such.
- c) Members shall remove themselves from all discussions, deliberations and decisions relating to any matter in which they have a conflict of interest. Clarification may be sought from the State Ethics Commission. Members shall file disclosure forms with the Town Clerk.

4. Opinions and Advice

Any advice, opinion, or information given by an individual Board member or employee of the Town shall not be binding on the Planning Board.

5. Meetings

- a) Regular meetings shall be held the first and third Tuesday of each month, except for holidays, election days, and when cancelled by the Board.
- b) Additional working meeting shall be scheduled and posted in the usual manner for the specified purposes of site visits, plan review, and planning.
- c) A Quorum shall consist of three members

Section II. Regulations Governing Special Permits

General Requirements

Massachusetts General Law Chapter 40A, §9, provides for a Special Permit Granting Authority (SPGA) to adopt and amend rules relative to the issuance of Special Permits. Pursuant to this statute, at a Public Hearing held on December 21, 2010, the West Newbury Planning Board voted to adopt these Regulations Governing Special Permits. The Regulations and associated Fees may be amended by the Planning Board subject to proper notification and Public Hearing as specified in M.G.L. Chapter 40A, §9.

These Regulations, and any subsequent amendments thereto, shall become effective on the date the same are adopted. A copy of these Regulations shall be filed in the office of the Town Clerk within seven (7) days of the date of adoption, and made available for inspection by any person or entity upon request.

The requirements set forth herein are in addition to those set forth in the Zoning By-Law of the Town of West Newbury.

1. Pre-Application Conference. An Applicant may request a conference with the Planning Board to discuss plan requirements prior to filing an application.
2. Filing Procedure

The following shall be submitted for an Application for Special Permit:

- a) A completed Application shall be filed with the Town Clerk, who shall time stamp and retain a complete copy of the submittal for Town Clerk Office records. The date stamped is the official date of receipt.
- b) In addition to the requirements of Section 8.A. of the Zoning Bylaw, and individual Special Permit requirements, an Application for Special Permit to the Planning Board shall include sufficient copies for distribution to the following:

Board of Health	Fire Department
Building Inspector	Highway Department
Conservation Commission	Police Department
Planning Board Office Copy	Water Department
Technical Review Agent	
6 (six) Planning Board Members	

- c) A Certified List of Abutters, as described in M.G.L. Chapter 40A, §11.
- d) If the Applicant is not the Owner, an original letter signed by the Owner
- e) authorizing the Applicant or his Agent to act on his behalf

- f) Filing Fee, as per the current Fee Schedule for Special Permits
- g) A check for initial Technical Review, under the provisions of M.G.L. Chapter 44, §53G, and these Regulations.
- g) Applications for Special Permit and Site Plan Review, where appropriate, may be filed concurrently.

3. Distribution and Review of Copies by Public Officials

- a) The Planning Board shall distribute copies within seven days of receipt by the Town Clerk. The date of the Public Hearing and requested reply date shall be conveyed to the departments.
- b) Departments shall submit written comments to the Planning Board within 35 days of distribution of the application package. If the reviewing parties do not make recommendations after having received copies of all required materials, it shall be deemed that comments will not be submitted.

4. Public Hearing

a) Notification Requirements

- a) The notification requirements for the Public Hearing shall conform to the requirements of M.G.L. Chapter 40A, §11.
- b) Abutter notices shall be prepared by the Planning Board and shall be mailed Certified Mail, return receipt, at least 14 days prior to the Hearing date. The Applicant shall submit a check payable to the “Postmaster” in an amount which will cover the cost of Certified Mail.
- c) The Planning Board shall arrange for publication in a newspaper of general circulation and have the invoice sent to the Applicant for payment; post Notice of the Public Hearing with the Town Clerk; and mail notice by regular mail to the Planning Board of abutting cities and towns.
- d) The requirements of M.G.L. Chapter 40A, §9 for holding a Public Hearing and making a decision shall apply.

b) Public Hearing Procedure and Format

- a) The hearing will be opened by reading the Legal Notice.
- b) Members with a conflict of interest will recuse themselves.
- c) A quorum will be established.
- d) Submitted documents will be introduced.
- e) The Applicant or his representative will present his case, stating fully the reasons why the petition should be granted.
- f) Reports of Planning Board, public officials, and other concerned agencies, if any, will be presented.
- g) Members of the Planning Board may comment and ask questions.
- h) Those who wish to speak will address the Chairman, give name and

address, and then proceed.

- i) Rebuttals may be allowed at the discretion of the Board.
- j) No cross-examination will be allowed, although questions seeking information and deemed relevant to the Board may be allowed at its discretion.
- k) Members of the Board may direct appropriate questions during the hearing.
- l) Additional informal discussion may be permitted by the Chairman.
- m) If more information is needed by the Board, the hearing may be continued until a specified date and time. When all the facts have been presented, the Board will vote to close the hearing.
- n) The Chairman will inform the petitioner or his representative and others present, how and when they will be notified of the decision of the Board.
- o) The Board may take under advisement consideration of the case.
- p) The Chairman may close or recess the hearing immediately if, in his opinion, these Regulations are being violated and/or the hearing is becoming unruly.

c) Representation and Absence:

An applicant may appear in his own behalf, or be represented by an agent or attorney. If an applicant or his representative fails to appear at his hearing without due cause, the Board may

- a) either decide on the matter using the information it has received, or
- b) take other action.

5. Submittal Requirements

Applications submitted for Special Permits which do not require an accompanying Site Plan Review (Section 8.B.) shall be prepared in accordance with the following requirements. For all other Special Permit Applications, a Site Plan (Section 8.B.) shall be filed with the Application and the following are not required.

1. Plan Requirements. The plan shall be drawn at a suitable scale on sheets no larger than twenty-four (24") by thirty-six (36") inches. When more than one sheet is required, a sheet key shall be provided on the first sheet, and each successive sheet shall be numbered consecutively. Plans shall include:
 - a) A Locus Map
 - b) Name & address of owner or owners; a Title Block indicating type of plan, name of project, name of preparer, date, scale; and a true north arrow
 - c) proposed house numbering scheme, if applicable
 - d) Assessor's map and lot numbers
 - e) Zoning districts

- f) A perimeter survey of the lot, indicating locations of all easements, property boundaries and bearings, known surveyor's monuments of bounds, lot areas, and lot dimensions, and existing streets abutting the parcel
- g) Topographic plan indicating existing and proposed contours of the lot at two (2) foot intervals
- h) Existing building locations on the lot, and on abutting land where buildings are within 50' of the common lot line, (an aerial photo will suffice for abutting properties), and proposed building locations
- i) All existing and proposed, parking spaces, driveways, driveway openings, access walks, loading areas and service areas and open space on the subject property
- j) location of existing and proposed utilities
- k) Unusual natural features, existing and proposed vegetation, ground culture, or surface features
- l) The floodplain elevation as described in Section 5.D. and any lands which fall within areas under the jurisdiction of M.G.L. Chapters 130 and 131
- m) Elevations and perspective drawings which thoroughly illustrate and define the features of the entire project,
- n) Structural details and cross-sections needed to describe and explain the proposal
- o) Proposed screening, surfacing, exterior storage, lighting, landscaping, including fences, walls, planting areas, and signs
- p) Drainage scheme, including management of stormwater. The project shall comply with Department of Environmental Protection Stormwater Management Policy.

2. Aerial Photo. An aerial photo of the site and surrounding are with superimposed proposed lot lines, structures, driveways, easements, etc. shall be provided.

3. Easements, Agreements, Restrictions, etc. Such documents shall be submitted to the Planning Board for review and approval. Prior to endorsing a plan and decision, final documents shall be signed by the Applicant/Owner and submitted to the Planning Board. A schedule for recording of the documents shall be determined by the Planning Board and become a condition of the Special Permit.

4. Waivers. When reviewing Special Permits, the Planning Board, at the formal written request of the Applicant, may waive any submittal requirements. Said waiver requests shall be made in writing by the Applicant with stated reasons for requesting the waiver(s). The Planning Board shall review such requests and may grant such waivers during the review process and in writing within the final decision under the Special Permit process.

F. Performance Guarantee Requirements

The construction of all details required on a plan and installation of municipal services must be secured at the time of endorsing a Certificate of Vote and plans. Methods of guarantee may be in the form of options listed in M.G.L. Chapter 41, Section 81-U.

In order to determine a dollar amount as the basis for security, the Planning Board shall:

1. Require a Cost Estimate of all related expenses from the Applicant's Engineer. The costs must include all details of the plan and in the Conditions of Approval, through Final As-Built Plans, if required.
2. Submit the Cost Estimate to the Planning Board's Technical Agent to verify the accuracy of the estimate. The Technical Agent may suggest additional or missing items, and revised amounts to be considered.
3. The Planning Board shall increase the cost to include the cost of construction, legal, inspectional and engineering work necessary to complete a project, using a factor of up to 125%.
4. Funds shall be deposited in an escrow account established by the Finance Director for this purpose. See Appendix B for conditions. In the event that the escrow funds are to be expended to complete a project, the funds shall be transferred to the General Fund and become part of the General Fund. They must be appropriated for the specific purpose of complete a project according to plan and Conditions of Approval requirements.
5. Funds may from time to time be released from the escrow account at the request of the Applicant as a project progresses without further appropriation. In order to establish the amount to be released, the Board will require an updated Cost Estimate and review by the Technical Review Agent as required in Sections F.1. and 2. above.
6. Release of funds shall require a simple majority vote of the Planning Board.
7. The Planning Board reserves the right to alter the form of security when a project has reached 80% completion, in order to ensure necessary security available to complete a project.

G. As-Built Plans

The Planning Board may require As-Built Plans following completion of a project. See Rules and Regulations Governing the Subdivision of Land, Section 5.16., for the applicable requirements.

H. Employment of Outside Technical Consultants

In accordance with M.G.L. Chapter 44, §53G, as amended, the Planning Board may impose project review fees for those applications which require the services of outside consultants for the review process due to the size, complexity, or scale of a proposed project; the need for additional expertise in the review; inspection services, or because of the potential impacts of a project. The Board may engage engineers, planners, landscape architects, architects or other appropriate professionals.

- (1) Fee Payment. The Planning Board shall determine the amount of the initial deposit to be made and the amount of any additional funds that may be required during the review

process. The applicant shall pay such fees to the Town of West Newbury and such fees shall be deposited in a special account with the Town.

- (2) The Planning Board shall notify the Applicant of its selection of a consultant prior to engaging the services of a consultant. See Section (5) below for Administrative Appeals.
- (3) Expenditure of Fees. Outside consultants retained by the Planning Board shall be paid from this special account. The expenditure of said fees shall be at the direction of the Planning Board, without further appropriation. Said fees are to be expended only in connection with services rendered for the specific project for which the fees were collected.
- (4) Excess Fees. After completion of the Planning Board's review of a project, any excess fee amount, including interest, shall be refunded to the applicant or the applicant's successor in interest and a final report of said account shall be made available to the applicant or applicant's successor in interest.
- (5) Failure to Pay Fee. Failure to pay a Review Fee by the applicant shall be grounds for disapproval of the subject Application.
- (6) Administrative Appeals. The choice of a consultant selected by the Planning Board for the review of an application may be appealed in writing to the Board of Selectmen by the applicant, provided such appeal is initiated within two weeks of the selection. The ground for such appeal shall be limited to claims that the selected consultant:
 - a) has a conflict of interest.
 - b) does not possess the minimum required qualifications. The minimum qualifications shall consist of either an educational degree in or related to the field at issue or three years of practice in the field at issue or a related field.
 - c) The required time limits for action upon an application by the Planning Board shall be extended by the duration of the administrative appeal.
 - d) In the event that no decision is made by the Board of Selectmen within one month following the filing of an Administrative Appeal, the selection made by the Planning Board shall stand.
- (7) W-9 Form. The Applicant shall be responsible for filing a completed W-9 Form with the Planning Board in order to facilitate the opening of the account.

References

In addition to these Regulations, the applicant is referred to the following:

- West Newbury Zoning Bylaw
- West Newbury Planning Board Rules and Regulations Governing the Subdivision of

Land

- West Newbury General Bylaws
- In addition to Section II., Sections III. and VI. of these Regulations

Section III. Specific Special Permit Requirements for Zoning Bylaw Sections

In addition to requirements found in the Zoning Bylaw for Special Permits for which the Planning Board is Special Permit Granting Authority, Section II of these Regulations, the following supplementary requirements shall apply:

1. Open Space Preservation Development Bylaw, Section 6.B. of the Zoning Bylaw.
 - a) Section 6.B.5. Pre-Application Conference

Applicants are encouraged to submit or comply with the following to facilitate review and discussion of the OSPD at the pre-application stage:

- a) **Site Context Map.** This map illustrates the parcel in connection to its surrounding neighborhood. Based upon existing data sources and field inspections, it should show various kinds of major natural resource areas or features that cross parcel lines or that are located on adjoining lands. This map enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.
- b) **Existing Conditions/Site Analysis Map.** This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this base map locates and describes noteworthy resources that should be left protected through sensitive subdivision layouts. These resources include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature un-degraded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (such as old structures or stone walls), unusual geologic formations and scenic views into and out from the property. By overlaying this plan onto a development plan the parties involved can clearly see where conservation priorities and desired development overlap/conflict. The site analysis map will include a USDA, Soil Conservation Service overlay map that outlines soil types prevalent on the site. A written description of each soil type should be included.
- c) **Other Information.** In addition, applicants are invited to submit the information set forth in Section 6.B. of the West Newbury Zoning Bylaw in a form acceptable to the Planning Board.
- d) **Site Visit.** Applicants are encouraged to request a site visit by the Planning Board and/or agents in order to facilitate pre-application review of the OSPD. If one is requested, the Planning Board shall invite the Conservation Commission, Open Space Committee, Board of Health, Water Department and Inspector of Buildings.

e) Design Criteria. The design process and criteria set forth in Section 6.B.6. of the West Newbury Zoning By-law should be discussed by the parties at the pre-application conference and site visit.

b) Sketch Plan, Section 6.B.7.

A Sketch Plan shall contain the following information:

- a) Standard Title Block, Name of Project, Assessors Map and Lot numbers, North Arrow, date, and scale.
- b) The proposed topography of the land shown at a contour interval no greater than two feet. Elevations shall refer to mean sea level.
- c) The location of existing landscape features, including forests, farm fields, meadows, wetlands, riverfront areas, water bodies, archaeological and historic structures or points of interest, rock outcrops, boulder fields, stone walls, cliffs, high points, major land views, forest glades, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife, as identified as primary and secondary resources according to Section 6.B.6.a.
- d) Proposals for all site features to be preserved, demolished, or altered shall the existing and proposed lines of streets, ways, common driveways, easements and any parcel of land intended to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the project, or unit development, or parcels of land or lots to be used for any purpose other than private residential shall be so designated within the project in a general manner.
- e) Lines showing proposed private residential lots, if applicable, as located during Step-Four, Section 6.B.6. of the West Newbury Zoning By-law with approximate areas and frontage dimensions, OR approximate location of dwelling units proposed.
- f) All existing and proposed features and amenities including trails, recreation areas, pedestrian and bicycle paths, common buildings, and off-street parking areas shall be shown on the plan and described in a brief narrative explanation where appropriate.
- g) Location of official soil percolation and deep hole tests; if the data is available.

Additional information to be submitted:

- c) Official soil percolation tests for the purpose of siting wastewater treatment options shall be required as determined by the Planning Board. A narrative explanation shall be prepared by a Massachusetts Certified Professional Engineer detailing the proposed wastewater systems that will be utilized by the development and its likely impacts on-site and to any abutting parcels of land. For example, the narrative will specify whether individual on-site or off-site systems,

shared systems, alternative to Title V systems, or any combination of these or other methods will be utilized.

A narrative explanation prepared by a Massachusetts Certified Professional Engineer proposing systems for stormwater drainage and likely impacts onsite and to any abutting parcels of land. For example, the narrative will specify whether Soft or Hard Stormwater Management Techniques will be used and the number of any detention/retention basins or infiltrating catch basins; it is not intended to include specific pipe sizes. Any information needed to justify this proposal should be included in the narrative. The approximate location of any stormwater management detention/retention basins shall be shown on the plan and accompanied by a conceptual landscaping plan

d) A narrative explanation prepared by a Massachusetts Certified Professional Engineer, detailing the proposed drinking water supply system.

e) A narrative explanation of the proposed quality, quantity, use and ownership of the open space. Open space parcels shall be clearly shown on the plan.

f) All proposed landscaped and buffer areas shall be noted on the plan and generally explained in a narrative.

g) A list of all legal documents necessary for implementation of the proposed development, including any Conservation Restrictions, land transfers, and Master Deeds or condominium documents, with an accompanying narrative explaining their general purpose.

h) A narrative indicating all requested waivers, reductions, and/or modifications as permitted within the requirements of this bylaw.

B. Wind Facilities

In addition to the requirements of Section 12. of the Zoning Bylaw, Wind Facilities, and Section II. of these Regulations, the following requirements shall apply:

Section 12.6.a. of the Zoning Bylaw, Required Documents

1. The Applicant may be required to perform a visibility test including, as appropriate, the use of a balloon or other device to mark the height and location of any new Wind Turbine structure. The Planning Board may require the Applicant to perform such a test under Public Notice during the Public Hearing Process.
2. Public Notice shall consist of publishing a Public Service Announcement in a newspaper of local circulation, and regular Mail Notice to all Abutters and abutting communities.

Section II.K. of these Regulations

In addition to the requirements for As-Built Plans as noted in Section II.K. of these Regulations, the height to the wind turbine hub, the rotor length, and total height of rotors above the ground shall be shown in order to verify that what was built is equivalent to what was permitted, and to verify that the actual height and the offset distance from the boundary line complies with the

requirements of the Bylaw.

C. Personal Wireless Service Facilities

In addition to the requirements of Section 9. of the Zoning Bylaw, Personal Wireless Service Facilities, and of Section II. of these Regulations, the following requirements shall apply: (references are to the Zoning Bylaw section.)

A. Application Filing Requirements (9.E.)

The following shall be included with an Application for a Special Permit for all Personal Wireless Service Facilities:

Additional Documents Required at Filing:

1. Co-Applicant Information:
 - a. Name, address and telephone number of all co-Applicants as well as any agents acting on their behalf.
 - b. Co-Applicants may include the landowner of the subject property, a leaseholder developing the site, and licensed carriers for the personal wireless service facility.
 - c. A licensed carrier intending to provide service with the proposed facility shall be the Applicant or a co-Applicant. If the landowner is not the Applicant or co-Applicant, the Applicant/co-Applicants shall submit proof of authority to pursue the application.
 - d. Original signatures for the Applicant and all co-Applicants applying for the Special Permit must be provided. If the Applicant or co-Applicant will be represented by an agent, original signature authorizing the agent to represent the Applicant and/or co-Applicant must be provided.
2. Submission. Applications shall be filed in hard copy. All copies of an Application submittal shall have the same quality of reproduction as the original and shall contain color versions of all color documents in the original. Applicants are also required to provide non-locked, searchable .pdf files (or equivalent as approved by staff) of all Application materials.
3. Notification to other Carriers. The Applicant shall notify other licensed carriers in Massachusetts and the West Newbury Board of Selectmen of their filing to facilitate Site-Sharing where appropriate. Proof of notification shall be submitted to the Planning Board.
4. Additional Information. The Applicant shall submit the following information in a format consistent with the paragraph numbering below. The Applicant shall clearly address each of the requirements listed below. Failure to follow the paragraph

numbering format or failure to clearly address the requirements of an individual paragraph shall render the Application incomplete.

- a. Evidence of a leasehold or other ownership interest, or preliminary leasehold or other ownership interest in the site.
- b. Copy of valid FCC licenses held by the Applicant or co-Applicant for the proposed activity.
- c. When the Application is for a new Antenna Tower or Site-Sharing on an existing Antenna Tower, a narrative describing the remaining capacity of the Antenna Tower and site for additional Site-Sharing.
- d. Coverage map(s) illustrating the existing coverage from the Applicant's surrounding operation and approved PWSF. (9.E.2.f.)
- e. Coverage map(s), at the same position and scale as the maps in e. above, showing the coverage expected from the proposed facility.

5. PWSF Service Area Maps Required.

- a. A town-wide map showing the other existing PWSF in the Town and outside the Town within one mile of its corporate limits, including Applicant occupied facilities, Applicant facilities in process, and facilities of public record that the Applicant is not presently occupying.
- b. The proposed locations of currently contemplated future PWSF in the Town for this carrier on a Town-wide map accompanied by a description of how (and where) the current trends in the industry and in the carrier's network may affect current facilities and the location and design of future facilities.

B. Other Documentation Required

1. Aerial Photo

The Applicant shall submit an Aerial Photo, taken when the leaves of deciduous trees are not present, with the following superimposed:

- a. Property lines for the subject property and property lines of all parcels adjacent to the subject property within 300 feet.
- b. Location and names of existing private and public roads within 300 feet.
- c. Outline of all existing buildings, including use (primary or accessory building) on subject property and all adjacent properties within 300 feet.
- d. Proposed location of antenna, mount and equipment shelter(s).

- e. Proposed security barrier, indicating type and extent as well as point of controlled entry.
- f. Location of all existing and proposed access roads and driveways.

2. Site Plan Requirements

In addition to the Requirements of Section 8.B., Site Plan Review, the following shall be indicated on a Site Plan:

- a. Locus Map
- b. Property lines for the subject property and property lines of all parcels adjacent to the subject property within 300 feet.
- c. Location of all roads, public and private, within 300 feet of the subject property.
- d. Proposed location of antenna, mount and equipment shelter(s).
- e. Proposed security barrier, indicating type and extent as well as point of controlled entry.
- f. Distances, at grade, from the proposed personal wireless service facility to each building within 300 feet of the property line.
- g. Contours at no more than each 10 feet AMSL for the subject property and adjacent properties within 300 feet.
- h. All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent access roads and driveways.
- i. Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the PWSF.

3. Design Filing Requirements (9.D.)

- a. Equipment brochures for the proposed PWSF such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- b. Materials of the proposed personal wireless service facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

- c. Colors of the proposed personal wireless service facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.
- d. Dimensions of the personal wireless service facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.
- e. Appearance shown by at least two photographic superimpositions of the personal wireless service facility within the subject property. The photographic superimpositions shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any, for the total height, width and breadth.
- f. Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.

4. Visibility Study (9.E.2.g.)

The Applicant is required to provide a visibility analysis of the proposed facility including photographs from locations within 1000 feet of the facility where it is likely to be visible through vegetation in winter and around vegetation in summer. This shall be accompanied by a map depicting each position where a photograph was taken, with the points labeled to correspond with their respective photographs.

- a. Existing (before condition) photographs.
- b. Proposed (after condition). Prepare images simulating the facility on the photographs.
- c. Siting views at-grade from the north, south, east and west from a distance that captures the locus of the facility and its immediate surroundings. If the parts of the facility that are at ground level will be visible from neighboring parcels or public or private ways, photographs from these locations shall be provided. In addition to submitting the original images, simulations of the facility shall be imposed on copies of the images showing, as applicable:
 - i. Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
 - ii. Security barrier.
 - iii. Any and all structures to be added to the subject property.
 - iv. Proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
 - v. Proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.

- vi. Grade changes, or cuts and fills, to be shown as original grade and new grade line.
- d. The Applicant may be required to perform a visibility test including, as appropriate, the use of a balloon or other device to mark the height and location of any new PWSF.
 - i. The Planning Board may require the Applicant to perform such a test under Public Notice during the Public Hearing Process.
 - ii. Public Notice shall consist of publishing a Public Service Announcement in a newspaper of local circulation, and regular Mail Notice to all Abutters and abutting communities.

5. Lighting Study (9.D.1.d.)

If lighting of the site is proposed, the Applicant shall submit a manufacturer's computer-generated point-to-point printout, indicating the horizontal footcandle levels at grade, within the property to be developed and twenty-five (25) feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed. Outdoor luminaries shall be compliant with the specifications of the International Dark-sky Association.

6. Federal Environmental Filing Requirements (9.F.1.e.)

Submit a NEPA Checklist with sufficient backup material to demonstrate due diligence. The NEPA Checklist must be prepared by a party qualified to evaluate and express an opinion on project compliance with NEPA requirements.

- a. Submit a NEPA Checklist with sufficient backup material to demonstrate due diligence. The NEPA Checklist must be prepared by a party qualified to evaluate and express an opinion on project compliance with NEPA requirements.
- b. If the proposed facility will require an Environmental Assessment the application will be considered incomplete until the EA process required by NEPA is complete.

7. Review Standards

- a. The SPGA shall act on a Special Permit request for the placement of a PWSF in accordance with M.G.L. c. 40A, §9 and any denial shall be in writing and supported by substantial evidence contained in the record as required by the Telecommunications Act of 1996.
- b. The SPGA shall make a reasonable effort to hear and decide Collocation and Site-Sharing applications within 90 days, and new tower applications within 150 days of the date of application, pursuant to the FCC Declaratory Ruling November 18, 2009.

Section IV. Site Plan Review

(The Planning Board Regulations Governing Site Plan Review were amended on January 7, 2014, to add the following Regulation sections)

At a Public Hearing held on January 7, 2014, the West Newbury Planning Board voted to adopt these Rules and Regulations Governing Site Plan Review. The Rules and Regulations and associated fees may be amended by the Planning Board subject to proper notification and Public Hearing in conformity with the requirements as specified in II.B. of these Regulations.

Any subsequent amendments thereto shall become effective on the date the same are adopted. A copy of these Rules shall be filed in the office of the Town Clerk within seven (7) days of the date of adoption, and made available for inspection by any person or entity upon request.

These Rules and Regulations governing Site Plan Review are in addition to the requirements of Section 8.B. of the Zoning Bylaw, where applicable.

A. Application Procedure. The following steps shall be followed for review of any Site Plan Review filing:

1. Fourteen (14) copies (unless waived) shall be filed with the Planning Board for distribution as follows: Board of Health, Building Inspector, Conservation Commission, Department of Public Works, Fire Department and Police Department, Planning Board Members, Office Copy, Technical Review, and Water Department. An electronic copy of the complete submittal shall also be submitted.
2. Within seven (7) days of receipt of the Application, the Planning Board shall transmit copies to the respective departments. The Town Boards and Departments herein named shall review the Application and report their recommendations in writing to the Planning Board within 21 days after receipt of the complete Application. Comments received after this period are not certain to be considered in the Site Plan Review process. If the reviewing parties do not make recommendations after having received copies of all required materials, it shall be deemed that comments will not be submitted.
3. Public Hearing Notification Requirements:
 - a) A Certified List of Abutters shall be submitted with the Application. For the purpose of Site Plan Review, the term "Abutters" includes abutters, owners of land directly opposite across public or private street or way, and abutters to the abutters within three hundred feet of the property line of the Applicant as they appear on the most recent applicable Tax List, including land in another city or town.
 - b) Abutter notices shall be prepared by the Planning Board and shall be mailed regular mail, at least fourteen (14) days prior to the Hearing date. The Applicant shall submit a check payable to the "Postmaster" in an amount which will cover the cost of postage.
 - c) The Planning Board shall arrange for publication of the Legal Notice in a newspaper of general circulation once at least fourteen (14) days before the date of the Public Hearing, and have the invoice sent to the Applicant for payment; post Notice of the Public Hearing with the Town Clerk; and mail notice by regular mail to the Planning Board of abutting cities and towns.

B. Materials to be Submitted for Review

1. All submitted plans and engineering documents shall bear a Registered Architect, Surveyor, Landscape Architect, and/or Professional Civil Engineer, as appropriate, seal and signature with date unless the Planning Board waives this requirement.
2. Submission Requirements: Unless waived by the Planning Board under §8.B.5., the following information shall be included on the Site Plan:
 - a) Lot Location and Boundaries: A locus plan shall be provided along with the location and boundaries of the lot, zoning district (including overlay districts), abutting streets, driveways or other ways, and the location and owners' names of all adjacent properties including the owners of lots on opposite sides of the street. Plans shall also show any deeds of easement, rights-of-way, covenants, and reference any other agreements affecting the use of the site.
 - b) Structures: Existing and proposed structures, including dimensions, setbacks, footprint, gross floor area, number of stories, floor elevations, and building height.
 - c) Aerial Photo: An aerial photograph showing the existing property and structures, surrounding properties, structures and streets. The Planning Board may request that all proposed improvements be superimposed upon the aerial photograph.
 - d) Signage: The location, dimensions, height, lighting, and other characteristics of all proposed signs.
 - e) Landscaping: Proposed landscape features including the locations and a description of buffer areas, screening, fencing, and a planting plan.
 - f) Traffic: The plan shall show pedestrian, bicycle, and vehicular access, egress and traffic flow patterns within the site and within any adjoining easement areas benefiting the site.
 - g) Parking: The location of parking and loading areas, driveways, access and egress points, bicycle racks, and bus stops or drop-off areas.
 - h) Public Access: The location and description of any proposed public access areas.
 - i) Lighting: Existing and proposed exterior lighting, including locations, lighting source, and fixture types. The Planning Board may require photometric analysis of proposed lighting.
 - j) Topography: Existing and proposed topography of the site including contours at two (2) foot intervals.
 - k) Existing Natural Features: The location of wetlands, streams, water bodies, aquifers, aquifer recharge areas, drainage swales, areas subject to flooding, and unique natural land features, including all stonewalls, trees over eight (8) inches in diameter measured at breast height, rocky outcrops, and the general location of the tree line.

l) Water and Wastewater, Drainage, Stormwater Management and other Utilities: The location and description of all existing and proposed septic systems, water supply, storm drainage systems, utilities, refuse, and other waste disposal methods.

m) Architectural Elevations: Plans, photographs and/or other drawings shall include the architectural elevations of all sides of all new buildings and of those sides of existing buildings that are proposed to be altered in any way. The drawings shall show the following:

- i. Exterior material and colors.
- ii. Type, pitch and material of roofs.
- iii. Size and spacing of windows, doors and other openings.
- iv. Size, location, colors and copy of signs affixed to or hanging from the building.
- v. The relationship of massing, scale and height to other existing structures within 100' of the subject property lines.
- vi. Elevations or renderings of new construction, renovation or expansions.

n) Marina and Docking Facilities: For all marina or docking facilities, the Application shall include the following additional information:

- i. A plan of all proposed facilities and improvements and the location of all boat dockage and moorage.
- ii. A parking plan for all off-street parking.
- iii. A plan indicating the shore frontage to be used and any alterations required.
- iv. Any other docking or mooring facility existing or permitted with one hundred (100) feet of the outermost edge of the proposed facility and mooring area
- v. The upland dry storage location of any docks, floats, boats, and associated equipment.

o) Other Required Permits: Applications shall include a list of completed, pending, or required actions of any governmental agency having jurisdiction, including an estimated schedule of review and approval.

p) Other Documentation Required:

- i. Any draft agreements between the Applicant and the Town regarding public improvements or other matters relating to the Site Plan(s).
- ii. Any draft easements or other agreements or documents, as applicable.

C. Development Guidelines and Standards

The purpose of these Guidelines is to enhance and strengthen West Newbury's distinct village centers and outlying rural community character as a traditional New England village. This heritage includes distinctive buildings with a wide array of Colonial, Georgian, Greek Revival, Victorian, and other architectural styles.

Applicants are encouraged to incorporate these Building Design Guidelines for new construction and renovation of older buildings.

The basic design elements will be evaluated in relation to existing adjacent or surrounding neighborhood buildings. In most cases, new buildings should be compatible with the architectural character of adjacent buildings.

The Building Design Guidelines below shall not apply to Applications for new developments or renovations for industrial use buildings within the Industrial District.

Building design should be compatible with the structure, historic character, and scale of buildings in the surrounding neighborhood, including the following design elements:

1. Building Design:
 - a) Building Size, Height, and Scale:
 - i. Commercial or mixed-use buildings with clearly articulated base, middle and top sections through the use of cornices, step backs, borders of distinct material or other articulating features.
 - ii. Larger buildings with long façades articulated with windows, varied rooflines, awnings, arcades, pilasters, columns, recessed spaces and/or entrances and any other features that serve to add texture
 - b) Building Materials:
 - i. Traditionally heavier materials (stone, brick, concrete, stucco, etc.) located below lighter materials (wood, fiber cement board, siding, etc).
 - ii. Natural materials, such as brick, stone, wood clapboards and shingles, and slate.
 - c) Entranceways:
 - i. Principal façades and entries facing a street or other area dedicated to pedestrian circulation.
 - ii. Where buildings are set back from the street, main entrances which incorporate architectural features that draw attention to the entrance such as covered porches, porticos, recessed doorways and awnings.
 - d) Windows which reflect traditional New England designs.
 - e) Dormers:
 - i. Full shed dormers placed on the rear or less public side of a building with a side-gable roof.

- ii. Dormers which do not dominate the gable end roofline.
 - iii. Windows in dormers compatible with the windows in the rest of the building.
 - f) Roofline Articulation
 - i. Pitched roofs
 - ii. Flat roofs with decorative cornices or parapets that shield views of any mechanical systems located on the roof from the street or from windows at a lower elevation in adjacent buildings.
 - iii. Lack of utilities and protrusions through or on the front of roofs.
 - g) Building Lighting: Full cutoff luminaries..
 - h) Garages
 - i. Garages which are subservient in size, height and location to the overall building.
 - ii. Detached garages which are placed to the rear of the principal structure.
 - iii. Attached garages with vehicle doors placed on the side or rear of the building.
- 2. Site Design
 - a) Pedestrian and Vehicular Access and Traffic Impacts: The project will minimize vehicular traffic and adverse safety impacts using the following standards:
 - i. Access Driveways: In certain circumstances, additional driveways where the access is shared, where the project has frontage on two separate streets, or where it may be necessary for safety or beneficial to traffic flow.
 - ii. Curb-Cuts: Curb cuts limited to the minimum width for safe entering and exiting, and in accordance with Section V – Opening of Streets of the General Bylaw.
 - iii. Bicycle and Pedestrian Safety: Driveways designed to afford pedestrians, bicyclists, and motorists exiting to public ways with safe sight distance. Safe interior circulation by separating pedestrian and vehicular traffic within its site. On and off-site traffic calming measures such as crosswalks, bike lanes, rumble strips, and landscaped islands
 - iv. Road and Sidewalk Construction: Unless waived by the Planning Board, all roadways and sidewalk construction within the site shall be designed in accordance With the Town of West Newbury’s Rules and Regulations Governing the Subdivision of Land. Sidewalks, crosswalks, walkways, bike racks, or other pedestrian access which allow access to adjacent properties and between individual businesses within a development site.

- v. Parking: Where feasible, parking areas located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood and allow parking areas to be shared with adjacent businesses. Except where physical constraints, site configuration, or safety considerations preclude strict compliance, no parking or loading within the required front yard setback. Landscaped islands to provide shade and drainage in the parking lot.
 - b) Parking, Loading, Driveways, and Appurtenances:
 - i. Loading docks, service areas, generators and other mechanicals, and trash disposal facilities not facing public gathering space or a public street.
 - ii. Drive-through service windows located on the side or in the rear of properties.
 - iii. Common or shared driveways and parking lots which reduce curb cuts, reduce impervious areas, and enhance pedestrian circulation.
 - c) Site Lighting: A lighting plan which minimizes off-site glare and spillover light. Exterior site lighting which enhances safety. The following requirements shall apply:
 - i. Height, Illumination, and Spacing: Lighting poles and structures appropriately scaled.
 - ii. Off-site illumination not exceeding 0.2 foot candles.
 - iii. Energy efficient lamps that provide a natural quality and color of light.
- 3. Landscaping.
 - a) Front Yard Buffer Areas: A landscaped buffer strip at least ten (10) feet wide, adjacent to public roads Unless waived by the Planning Board due to safety, pedestrian uses, or lot shape, buffer strips planted with a combination of grass, medium height shrubs, and shade trees. At all street or driveway intersections, plantings set back so that they do not present an obstruction to sightlines.
 - b) Land Use Buffers: A continuous landscaped buffer strip on commercially zoned land and property lines of residentially zoned land on the subject site for new development and maintained in perpetuity. In particular, circumstances where said buffer strip may be impractical to apply, given safety, land use, permitted setbacks, lot shape, or historic preservation considerations, the Planning Board may vary the landscape buffer requirements. The landscape buffer strip of a density to substantially screen the development in question from view along the property line in question. Plantings of native evergreen species planted at a minimum height of six (6) feet. Fencing may be allowed in lieu or in conjunction with plantings. Design and height of said fencing shall be subject to the approval of the Planning Board.
 - c) Retaining Walls: New retaining walls constructed to a maximum height of six (6) feet. If site conditions require elevation changes of greater than six (6) feet, retaining walls terraced and landscaped. New retaining walls facing residential districts of solid fieldstone or fieldstone veneer or other similar material. Unless completely screened from public ways or unless surfaces are architecturally treated to reproduce

traditional building materials, vertical cast-in-place concrete or concrete blocks are not encouraged.

- d) **Parking Lots:** Surface parking lots containing over twenty (20) spaces with one shade tree per ten (10) parking spaces, such trees to be located either in the parking area or within ten (10) feet of it. It is recommended that at least five percent (5%) of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands or plots with no more than twenty (20) parking spaces between each island or plot.
- e) **Storage/ Loading Areas:** Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures, and other unsightly uses screened from view from neighboring properties and public ways using dense, hardy evergreen plantings, earthen berms, wall, or tight fence complemented by evergreen plantings.

4. **Utilities:**

- a) **Utility Placement:** Except for pre-existing overhead connections, all electric, telephone, cable TV, and other such utilities underground from the roadway utilities.
- b) **Public Utility Connections:** In order to minimize design and permitting conflicts, the Applicant must demonstrate that the proposed development will be permitted to connect to any public utility systems including drainage infrastructure.

In addition to the requirements of Section 8.B. of the Zoning Bylaw, the requirements of Section II.H. of these Regulations, *Employment of Outside Technical Consultants*, shall apply.

Section V. Scenic Road Applications

The following provisions have been adopted by the West Newbury Planning Board as Guidelines for filing an Application for a Scenic Road Public Hearing.

Scenic Road Guidance Document M.G.L. Chapter 40, §15C, and General Bylaw Section XXXII Scenic Road Application and Public Hearing Procedure

- 1. **Applicant Submittal:**
 - a. **Letter of Request from Owner** outlining:
 - i. Location (address) of parcel
 - ii. Assessors Map & Lot Number
 - iii. Name of Owner/Name of Applicant
 - iv. Purpose of hearing
 - v. Description of work to be performed, i.e. length of stone wall to be removed, number and size of trees, etc.
 - b. **Authorization from Owner** to act on his behalf if Applicant is not the Owner
 - c. **Certified Abutters List**, criteria as for a Special Permit (all abutters within 300' of the property lines, and abutting cities and towns)

- d. A plan indicating the lot, locus, and location and type of work to be performed, including stone wall to be removed, trees to be removed, etc. Plan must be of sufficient detail to identify parcel, preparer, date, etc.
 - e. One copy to be time stamped with the Town Clerk
 - f. Five (5) copies submitted to the Planning Board.
(One (1) copy for Office; one (1) copy for Tree Warden/DPW Director, and three (3) copies for Planning Board.)
2. Upon receipt, Planning Board Administrator will:
- a. Set date for Public Hearing
 - b. Prepare Legal Notice
 - c. Submit Legal Notice to Daily News, to run in 2 consecutive weeks, at least 14 days prior to Hearing date, at Applicant's expense.
 - d. Post the Legal Notice with the Town Clerk.
 - e. Mail Notice by Certified Mail to Abutters, and abutting cities and towns (Certified Mail not required for abutting towns). The postage will be calculated, and a check made out to "Postmaster" must be submitted with the Application. Notice must be mailed at least 2 weeks prior to the Public Hearing date.
 - f. Distribute submittal package to Planning Board members.
 - g. Distribute submittal package to Tree Warden/DPW Director, for notification of Hearing and input.
3. Public Hearing
- a. The Hearing will be opened, held, continued if necessary, and closed.
 - b. The Planning Board will vote and a Certificate of Vote will be prepared, and signed by the Chair.
 - c. A simple majority vote is required for a decision.
 - d. The Certificate of Vote must be filed with the Town Clerk.
 - e. Notice of the Decision shall be mailed to the Applicant and the DPW, and to all abutters as indicated on the Certified Abutters List.
 - f. Note that the Certificate does not need to be recorded.
4. Consolidated Public Hearing
- a. If a Consolidated Hearing is required under the provisions of M.G.L. Chapter 87, §3, the Hearing Notice shall be written to include the Consolidated Public Hearing.
 - b. The Planning Board shall consult with the Tree Warden as to the details of the Public Hearing.
 - c. A Consolidated Certificate of Vote may be prepared.

**TOWN OF WEST NEWBURY
FEE SCHEDULE**

SECTION VI.

The following Table indicates the Fee for Special Permits (SP) and Site Plan Review administered by the Planning Board. In most cases, Site Plan Review (SPR) is required for a Special Permit Application. Note that the Section reference is to the Zoning Bylaw. Please see the Zoning Bylaw for complete text of requirements for each listed use.

Fee Waivers: The Planning Board shall waive fees for Affordable Housing Lots or Units created. The Planning Board reserves the right to waive fees as it deems appropriate.

Permit Type	Fee
Pre-Application Meeting with Planning Board	
First Meeting	\$200
Follow-Up Meetings Beyond First Pre-App. Meeting	\$100 per Meeting
Special Permit	
	\$500 (unless otherwise noted below)
Industrial District Special Permit (5.C.2.); Assisted Living Facility Special Permit (7.E.)	\$1,000
Personal Wireless Service Facilities Special Permit (9.)	\$2,000
Large Wind Facility Special Permit (12.)	\$2,000 per Tower
See below for Open Space Preservation Development Special Permit Fees	N/A
Site Plan Review	
	\$1,000 (unless otherwise noted below)
SPR - Uses Permitted in Res. A, B & C Districts with a Special Permit (5.A.3.) (5.A.4.)	\$500
SPR - Permitted Uses (5.B.1) & Uses Permitted with a Special Permit (5.B.2.) in the Business District	\$500
SPR - Additions or Reconstructions exceeding 1,000 s.f. in Industrial District (5.C.1.)	\$500
Public, Municipal, and Municipal Recreational (8.B.3.b.)	No Fee
Modification to Special Permit, Site Plan Review or Both*	
Minor Modification	\$200
Major Modification	\$200
Open Space Preservation Development Special Permit (6.B)	
2-5 Lots or Units	\$500
6-20 Lots or Units	\$1000
21 or more Lots or Units	\$2000
OSPD Site Plan for One-Lot Configuration, following Approval of an OSPD Special Permit (6.B.)	

Filing Fee	\$2000
Per Unit Fee	\$250
OSPD Preliminary or Definitive Subdivision Plan following Approval of an OSPD Special Permit (6.B)	
Filing Fee	\$2000
Per Lot Fee	\$250

Subdivision Fees (Section 2.5. of Subdivision Regulations)

Note that Subdivision Fees are established under Planning Board Rules and Regulations Governing the Subdivision of Land. (Section 2.5.) They have been added to this section for reference only, and are not subject to approval of this Fee Schedule.

Pre-Application Meeting with Planning Board:

\$200 for first meeting. \$100 per meeting for follow-up meetings beyond the first pre-application meeting.

Approval Not Required /Form A:

\$200 Base Filing Fee and \$200 for each additional lot/parcel created. \$200 Filing Fee for plan showing a lot line adjustment without creating a new lot.

Definitive Subdivision Filings:

Preliminary Subdivision Plan

Filing Fee of \$1000 plus \$100/lot

Modification to a Preliminary Plan**

Filing Fee of \$100 plus \$50/lot affected by the modification

Definitive Subdivision Plan

if a Preliminary Plan was submitted

Filing Fee of \$2000 plus \$250/lot

Definitive Subdivision Plan without a Preliminary Plan submitted

Filing Fee of \$2500 plus \$500/lot

Modification to a Definitive Subdivision Plan**

Filing Fee of \$1000 plus \$250/lot affected by the modification

Preliminary or Definitive Subdivision Plan following a Special Permit issued for Open Space Preservation Development

see 6.B. above

*There is no additional fee beyond \$200 for modifications determined to be minor. There is an additional fee of \$200 for modifications determined to be major.

**Modifications made at the request of the Applicant.

APPENDIX A
(Adopted December 21, 2011)

TOWN OF WEST NEWBURY PLANNING BOARD APPLICATION FOR SPECIAL PERMIT and/or SITE PLAN REVIEW

Application for: Special Permit Site Plan Review Both

Please type or print clearly.

1. Applicant: _____

Applicant's Address: _____

Telephone Number: _____

2. Owners of the Land: _____

Address: _____

Telephone Number: _____

Number of years of Ownership: _____

3. Year Lot was Created: _____

4. Description of Proposed Project, including applicable section(s) of the Zoning Bylaw: _____

5. Description of Premises: _____

6. Address of Property Affected: _____

Zoning District: _____

Assessors: _____ Map: _____ Lot #: _____

Registry of Deeds: _____ Book: _____ Page: _____

Plan Book and Plan Number _____

7. Existing Lot:

Lot Area (sq. ft.) _____

Street Frontage _____

Front Setback _____

Floor Area Ratio _____

Building Height _____

Side Setbacks _____

Rear Setback _____

Lot Coverage _____

8. Proposed Lot (if applicable):

Lot Area (sq. ft.) _____
Street Frontage _____
Front Setback _____
Floor Area Ratio _____

Building Height: _____
Side Setbacks _____
Rear Setback _____
Lot Coverage _____

9. Required Lot (as required by Zoning Bylaw):

Lot Area (sq. ft.) _____
Street Frontage _____
Front Setback _____
Floor Area Ratio _____

Building Height _____
Side Setbacks _____
Rear Setback _____
Lot Coverage _____

10. Existing Building (if applicable):

Ground Floor (sq.ft.) _____
Total sq. ft. _____
Use: _____

of Floors _____
Height _____
Type of Construction _____

11. Proposed Building:

Ground Floor (sq.ft.) _____
Total sq. ft. _____
Use: _____

of Floors _____
Height _____
Type of Construction _____

12. Has there been a previous application for a Special Permit or Site Plan Review from the Planning Board on these premises? _____ If so, when, what type of construction, and the action made?

13. Applicant and Landowner signature(s):

Every Application for a Special Permit/Site Plan Review shall be made on this form which is the official form of the Planning Board. Every Application shall be filed with the Town Clerk’s Office. It shall be the responsibility of the Applicant to furnish all supporting documentation with this application. The dated copy of this Application received by the Town Clerk or Planning Office does not absolve the Applicant from this responsibility. The Applicant shall be responsible for all expenses for filing and legal notification. Failure to comply with application requirements, as cited herein and in the Planning Board Regulations, may result in a dismissal by the Planning Board of this Application as incomplete.

Applicant’s Signature: _____

Print or type name here: _____

Date: _____

Owner’s Signature: _____

Print or type name here: _____

Owner's Signature: _____

Print or type name here: _____

Date: _____

(Please note that all Owners of Record must sign the Application.)

15. Please list title of plans and documents you will be attaching to this Application.

Appendix B
(Adopted December 21, 2010)

PERFORMANCE BOND - DEPOSIT OF MONEY
WEST NEWBURY PLANNING BOARD
REGULATIONS GOVERNING SPECIAL PERMITS AND SITE PLAN REVIEW

_____, 20____

West Newbury, Massachusetts

Agreement is made this date between the **Town of West Newbury** and

_____,
Name of Applicant/Owner

hereinafter referred to as “the Applicant” of

Address

to secure construction of Special Permit Plan or Site Plan and installation of municipal services in the project shown on a plan entitled :

_____,
prepared by _____,
dated: _____,
owned by _____,
address: _____

land located: _____,
and showing _____ proposed lots/units.

The Applicant hereby binds and obligates himself, his or its executors, administrators, devisees, heirs, successors and assigns to the **Town of West Newbury**, a Massachusetts municipal corporation, acting through its Planning Board, in the sum of \$ _____, and has secured this obligation by depositing with the Treasurer of said **Town of West Newbury** a deposit of money in the above sum to be deposited in an escrow account in the name of the town. The deposit of money is to be used to insure that performance by the Applicant of all covenants, conditions, agreements, terms and provisions contained on the following:

1. Application for Special Permit or Site Plan Review
_____;
Name/date
2. The Planning Board Regulations governing Special Permits/Site Plan Review dated:
_____;
3. Conditions included in the Certificate of Vote issued by the Planning Board and dated
_____;

Recorded in Book _____ Page _____,

- 4. The approved plan, as qualified by the Certificate of Vote; Recorded in Book _____ Page _____.
- 5. Other documents specifying construction or installation to be completed, namely (specify other documents, if any, and list lots/unit secured if only part of the project is secured by a deposit of money) _____

This agreement shall remain in full force and effect until the Applicant has fully and satisfactorily performed all obligations or has elected to provide another method of securing performance as provided in M.G.L Chapter 41, Section 81-U.

Upon completion by the Applicant of all obligations as specified herein, on or before

_____,
Date

- 8. Or such later date as may be specified by vote of the Planning Board with a written concurrence of the Applicant, the deposit of money including all interest accrued thereon shall be returned to the Applicant by the Town of West Newbury and this agreement shall become void. Partial releases may be made by vote of the Planning Board. In the event the Applicant should fail to complete the construction of ways and installation of municipal services as specified in this agreement and within the time herein specified, the deposit of money may be applied in whole or in part by the Planning Board for the benefit of the Town of the West Newbury to the extent of the reasonable cost to the town of completing such construction or installation as specified in their agreement. In the event that the escrow funds are to be expended to complete a project, the funds shall be transferred to the General Fund and become part of the General Fund. They must be appropriated for the specific purpose of complete a project according to plan and Conditions of Approval requirements.

Any unused money and the interest accrued on the deposit of money will be returned to the Applicant upon completion of the work by said town; and the Town of West Newbury acting by and through its Planning Board hereby agrees to accept the aforesaid deposit of money in the amount specified in the agreement as security for the performance of the project as aforesaid.

Any amendments to this agreement and/or to the aforesaid security shall be agreed upon in writing by all parties to this agreement.

In witness whereof we have hereunto set our hands and seals this _____ day of _____, 20_____.

Signature of Planning Board Chair,
as authorized by vote of Planning Board

Date

Signature of Applicant or its Authorized Agent

Date

Attach a W-9 Form.

COMMONWEALTH OF MASSACHUSETTS

Essex, ss _____, 20____

Then personally appeared _____ as the Applicant or his/its authorized agent and acknowledged the foregoing instrument to be his or her free act and deed and the free act and deed of the Applicant, before me.

Notary Public

My Commission expires: _____

COMMONWEALTH OF MASSACHUSETTS

Essex, ss _____, 20____

Then personally appeared _____ as the Planning Board Chair or his/her authorized agent and acknowledged the foregoing instrument to be his or her free act and deed and the free act and deed of the Applicant, before me.

Notary Public

My Commission expires: _____