



# Administrative Rules & Regulations

Including Rules and Regulations for the Issuance of Special Permits, & Site Plan Guidelines

Adopted December 17, 2008; revised through February 11, 2009

## **EASTON PLANNING AND ZONING BOARD**

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## TOWN OF EASTON

### Planning & Zoning Board Rules and Regulations

The Easton Planning & Zoning Board, in accordance with M.G.L. c.41, §81Q, and the Easton Zoning By Law, Section 7, hereby adopts the following Rules and Regulations, governing the organization and conduct of the Board, Site Plan Guidelines, and governing review and action on and Special Permit applications.

Information relevant to the administrative procedures for the application for and review of subdivisions can be found within the Town of Easton Subdivision Rules and Regulations. In addition to complying with the rules set forth in these Rules and Regulations, applicants must also comply with any and all requirements set forth in the Town of Easton Zoning By Law and Massachusetts General Laws. No procedure set forth within these Rules and Regulations should be construed to limit the Planning Board's powers and rights with respect to those documents.

The procedural rules detailed in this document are presented to provide the Board and other interested parties, clarification on how the Board conducts its business.



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## SECTION 1. DEFINITIONS

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### 1.1 MEANINGS OF “SHALL,” “SHOULD,” AND “MAY”

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For the purpose of These Rules and Regulations, the words “should,” “shall,” and “may” are used to describe specific conditions. The following definitions apply:

- A. **Shall:** A mandatory condition. Where certain requirements in the design or application of the standard are described with the “shall” stipulation, it is mandatory that these standards are met.
- B. **Should:** An advisory condition. Where the word “should” is used, the applicant is advised the stipulation is recommended and preferable to the Planning & Zoning Board, but it is not mandatory or required.
- C. **May:** A permissive condition. No requirement or recommendation is intended.

### 1.2 GLOSSARY OF PLANNING TERMS

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For the purpose of administering Site Plan Approval and Special Permits, the definitions found in the Zoning By Law shall apply. For words not defined in the Zoning By Law, the definitions found in the Easton Subdivision Rules and Regulations shall apply.



## SECTION 2. ORGANIZATION

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### 2.1 BOARD ROLES & RESPONSIBILITIES

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The powers and duties of the planning board include, but are not limited to the following:

- a. Prepare, adopt, amend and implement a Master Plan for the Town. (M.G.L. c.41 §81D)
- b. Draft and submit zoning amendments for consideration by Town Meeting, holding hearings and making recommendations as appropriate
- c. Adopt, administer and amend general administrative rules, Subdivision Rules & Regulations, Site Plan Guidelines, and Rules & Regulations for the Issuance of Special Permits.
- d. Act as a Special Permit Granting Authority, when applicable.
- e. Act as an advisor to the Zoning Board of Appeals, when applicable

### 2.2 MEMBERSHIP AND OFFICERS

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The Planning & Zoning Board shall consist of five (5) regular members and one (1) alternate member, to be appointed annually by the Board of Selectmen for staggered terms as defined in the Town Bylaw. Vacancies shall be filled by the Selectmen in accordance with M.G.L. c.41, §11. The members shall elect, on a yearly basis, a Chair and Clerk of the Board.

### 2.3 THE CHAIR

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The Chair shall be eligible to vote on all matters. Subject to these rules, the Chair shall appoint such standing subcommittees as may be found necessary or desirable. The Chair shall issue the call for and preside at all meetings and hearings; decide all points of order unless overruled by a majority of the board in session at the time, establish meeting agendas, represent the board in certain matters, prepare and submit all reports required by law, and exercise general supervisory power. At each meeting, the Chair shall report on all transactions that have not otherwise come to the attention of the board. If another member of the Board is absent at a meeting, the Chair shall notify the Board and any public present that the Alternate (if otherwise eligible) shall act as a regular member of the Board for the duration of the meeting.

### 2.4 CLERK

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The Clerk shall read notices of public hearings and other documents (as applicable) into the record. The Clerk shall also act as Chair when the Chair is absent or is unable to perform his duties. He shall have such powers and duties as

the Chair shall designate. In the absence of both the Chair and the Clerk, the Chair shall appoint an acting Chair prior to the meeting, or the Board members present shall elect an acting Chair.

## **2.5 ALTERNATE MEMBER**

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The Alternate Member shall attend all meetings and may participate in discussion for any item before the Board; however, the Alternate shall not vote on any matter before the Board unless a regular member of the Board is absent and the Chair has informed the Board and any members of the public present that the alternate member will be acting as a regular member of the Board for purposes of the subject petition or subdivision.

## **2.6 PLANNING BOARD APPOINTMENTS**

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The Chair shall make appointments to such other boards, committees, and task forces as authorized by the Board of Selectmen. The appointment shall be for a period of one year.

## **2.7 SUBCOMMITTEES**

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Subject to these rules, the Chair shall appoint such standing subcommittees as may be found necessary or desirable. A vote of the Board can establish or dissolve a subcommittee. Meetings of subcommittees must comply with all rules and regulations applicable to the whole Board, including the Open Meeting Law, M.G.L. c.39, §23B.

## **2.8 STANDARDS OF CONDUCT FOR BOARD MEMBERS**

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The primary obligations of the Board members are:

- To serve the public interest;
- To conduct themselves so as to maintain public confidence in the Board
- To meet the fundamental responsibility of fairness; and
- To comply with all statutory regulations.

Individual Board members, including the Chair, shall not meet with an applicant or representative of an applicant regarding a potential or actual application outside of a Board meeting unless authorized to do so by the Board.

## **2.9 CONFLICT OF INTEREST**

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A Board member shall not participate in official capacity in matters in which such participation is prohibited by M.G.L. c.268A, §1, et seq., the Conflict of Interest Law. At any meeting where the particular matter is discussed, the Board member shall verbally disclose the existence of the conflict-of-interest, remove him/herself from the meeting at the time, and leave the meeting room during all times that the particular matter is being discussed.

## SECTION 3. MEETINGS

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### 3.1 OPEN MEETING LAW

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All meetings of the Planning Board shall be held in accordance with the provisions of M.G.L. c.39, §23B, the Open Meeting Law.

### 3.2 MEETING SCHEDULE

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The Planning Board shall hold 2 meetings per month through the year, except that by a majority vote, the Board may set a different time and date for a particular meeting. Notice of all meetings must be filed with and posted in the Town Clerk's office at least 48 hours in advance (including Saturday but not Sunday or legal holidays), including date, place and time of meeting.

### 3.3 QUORUM AND VOTING

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A quorum of three (3) members of the Board shall be required to conduct business; however, a quorum of four (4) members of the Board shall be required to hear Special Permit applications (see Section V of these Rules & Regulations).

Board members present may be counted to determine whether a quorum is present even if they abstain from voting affirmatively or negatively. Exception: If the Board member is abstaining due to conflict of interest, they cannot be counted as being present for the quorum for that portion of the meeting for which they are disqualified by reason of conflict of interest.

All votes must take place at a Board meeting in person. No phone-in, email, proxy, or faxed votes are acceptable.

### 3.4 AGENDA ITEMS

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- The first item on the agenda of every Board meeting will always be the Chair's report.

### 3.5 ADVERTISING FOR HEARINGS

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In accordance with M.G.L. c. 40A §11 (special permits) and c.41, §81T (subdivision approval), notice of public hearing shall be published in a newspaper of general circulation in the Town once a week, for two consecutive weeks. The first publication shall not be less than fourteen days before the day of the hearing. In addition, a copy of the notice shall be posted in a conspicuous place in the Easton Town Hall at least fourteen days before the hearing. A copy of the advertised notice shall also be sent to all "parties of interest." Parties of interest shall include the applicant

or petitioner, abutters, owners of land directly opposite on any public or private street or way, the owners of land within three hundred feet of the property line, and the Planning Board of every abutting city and town.

### 3.5.1 CONTENTS OF NOTICE

The public hearing notice shall contain the name of the petitioner or applicant, a description of the area or premises, street address if any, or other adequate identification of the location of the area that is the subject of the application, the date, time and place of the hearing, the subject matter of the hearing, and the nature of action or relief requested, if any.

## 3.6 PROCEDURE

### 3.6.1 ALL REQUESTS MUST BE IN WRITING

- Every application for a Special Permit, Site Plan Approval, ANR endorsement, or Preliminary or Definitive Subdivision Approval shall be made on the official form. These forms are available online, in the Planning & Zoning Board office, and in the Appendices of this book.
- All other requests for which there is no official form shall be made in writing and must include the name, signature, address, telephone number, and email address of the applicant(s).

### 3.6.2 FILING SCHEDULE FOR AGENDA ITEMS

Type of Request	Agenda Item Shall be Scheduled <b>No Sooner</b> Than:	Agenda Item Shall Be Scheduled No <b>Later*</b> Than:
Approval Not Required Plan	8 days from the date of filing	21 days from the date of filing
Site Plan Approval	28 days from the date of filing	60 days from the date of filing
Common Driveway, Estate Lot, or other Special Permit <u>Not</u> Filed as Part of a Subdivision	28 days from the date of filing	65 days from the date of filing
Preliminary Review of Special Permits, Site Plans, or other Applications (See, Section 5)	14 days from the date of filing	21 days from the date of filing
Preliminary Subdivision	14 days from the date of filing	45 days from the date of filing

PLANNING & ZONING BOARD ADMINISTRATIVE RULES AND REGULATIONS

Definitive Subdivisions		
Filed Alone, No Preliminary Subdivision Filed	45 days from the date of filing	135 days from the date of filing
Filed with Previously Approved Preliminary Subdivision Plan	28 days from the date of filing	90 days from the date of filing
Filed with Special Permit	45 days from the date of filing	65 days from the date of filing
Filed with Special Permit <b>and</b> Previously Approved Preliminary Subdivision Plan	28 days from the date of filing	65 days from the date of filing
Any other request of the Board	14 days from the date of filing	45 days from the date of filing

\*May be extended by a written agreement, signed by the applicant and the Board, filed with the Town Clerk.

**No agenda item will be scheduled if a written request has not been received by the Department by noon at least 14 days prior to the meeting date**

3.6.3 PROCEDURE FOR A PUBLIC HEARING OR MEETING

The Chair shall open the hearing or meeting at or after, but not before, the advertised time in the specified meeting place, and proceed in the following order:

1. The Clerk will read the notice of hearing as published (as applicable)
2. The applicant or his representative shall present his case to the Board
3. The Staff Planner, or other representative of the Department of Planning & Community Development, will read the Staff Report
4. Questions and comments from the Board
5. Questions and comments from representatives of other Town boards, committees, or departments.
6. Questions and comments from abutters to the property
7. Questions and comments from other interested parties
8. Responses from the applicant
9. The Board shall vote to close the public hearing (as applicable, OR the Board may vote to continue to another date, at which the proceedings shall start at #2), and will schedule a decision for the next available meeting



10. For agenda items where a written decision must be filed with the Town Clerk, (i.e. Special Permits and Subdivisions), the Board shall deliberate, and issue a decision at the next available meeting; otherwise, the Board may vote on an agenda item the same night it is heard

The Board shall not consider any additional materials once a public hearing has been closed, as this material would not be subject to public review and comment. The Board will not typically close the public hearing and issue a decision on the same night.

#### **Withdrawal**

An application may be withdrawn by notice in writing to the Planning & Zoning Board at any time prior to the advertisement of the hearing by the Board. After an advertisement, withdrawal is only by Board approval; such approval shall not be unreasonably withheld. No refund will be offered for applications that have already been advertised or heard before the Board.

#### **Reconsideration**

Once a petition has been voted upon, there shall be no reconsideration of a decision of the Board.

### 3.6.5 ATTENDANCE

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**It is strongly advised that applicants or their agents attend every meeting at which their request is before the Board.**

An applicant may appear in his own behalf, or be represented by an agent or attorney. In the absence of any appearance without due cause on behalf of an applicant, the board may decide on the matter using the information it has otherwise received, or continue the hearing.

### 3.6.6 REVIEW BY OTHER BOARDS

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The planning board may seek comment and review of applications by the Board of Health, the Department of Public Works, the Conservation Commission, or any other town agency or board. At the discretion of the Chair, the Planning Board may request a joint review with one or more other boards or committees.

## SECTION 4. RULES FOR THE SUBMISSION OF DOCUMENTS

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### 4.1 PLANS MUST BE FOLDED

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All plans submitted on sheets of paper larger than 8.5” X 11” must be folded to fit in an envelope sized no larger than 9” X 14.”

**All plans must be folded. Please do not submit rolled plans.**

### 4.2 DEADLINE FOR SUBMITTING DOCUMENTS

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#### 4.2.1 FOURTEEN-DAY DEADLINE FOR APPLICATIONS, NEW FILINGS

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**For new filings**, any material submitted to the Board by the applicant in support of Site Plan Review, Special Permits, or Preliminary or Definitive Subdivision Approval must be submitted **fourteen (14) days prior to meeting**.

#### 4.2.2 EIGHT-DAY DEADLINE FOR NON-APPLICANTS, CONTINUED FILINGS

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**For new filings**, any written material submitted by any party *other than the applicant* (including abutters) regarding a Site Plan Review, Special Permits, or Preliminary or Definitive Subdivision Approval may submit documents to the Department up to **eight (8) days** prior to the meeting. Any material submitted by the applicant in support of any request, other than those listed in Section 4.2.1 may be submitted up to **eight (8) days prior to the meeting**.

**For continued filings**, the applicant or any other party may submit material up to eight (8) days prior to the meeting.

**No documents will be reviewed during or prior to a meeting if they have not been submitted at least 8 days before the meeting.**

### 4.3 MULTI-PAGE DOCUMENTS

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- All multi-paged documents, except site and architectural plans or other large-format documents, shall be printed on both sides of the paper.
- Documents have a page number each page of the document. Applicants should use the format “Page 1 of X,” where X is the total number of pages in a document.

## 4.4 ELECTRONIC SUBMISSION

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- All documents, including any reports, briefs, memos, or other information submitted as part of any application, should be submitted both in print and electronically. Applicants may submit documents in the following formats:
  - Portable Document Format (.pdf)
  - Microsoft Word 97-2003 (.doc)
  - Microsoft Word 2008 (.docx)
- All plans should be submitted electronically both as a .pdf copy of the printed plans **and** as a Standard and shall comply with the MassGIS “Standard for Digital Plan Submittal to Municipalities,” or successor standard, Level 1.
- Electronic submission must be made at the same time as submission by any other means.
- Electronic copies may be submitted on a CD or by email to the Department of Planning & Community Development.
- Any evidence that cannot be submitted in print, such as video, will not be accepted.

## 4.5 REQUIREMENTS FOR ALL SUBMITTED PLANS

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The Board reserves the right to waive any or all of the requirements listed below if it is deemed not essential to a finding or decision, or to request additional information where it is pertinent to the appeal. All submitted plans shall include the Standard Details.

### **Scale**

Plans, except reduced plans, should be drawn to scale, 1 inch equals 40 feet. The Board may require an alternate scale.

### **Standard Details**

The plan shall have:

- A magnetic north point;
- Date and any revision dates;
- Engineer and surveyor stamp, signature, name, and address;
- Record owner;
- Page number (if applicable);
- Street address of property; and
- Locus map.

**Color Coded Plans**

In general, plans should be color coded for clarity. Existing conditions and proposed changes should be shown in different colors when shown on the same plan.

**Revised Plans**

On revised plans, changes from previous versions shall be shown in red.

## SECTION 5. PRELIMINARY REVIEW

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### 5.1 INFORMAL MEETINGS

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Prior to filing an application for a Special Permit, site plan, or subdivision, applicants are encouraged to schedule a meeting with the staff and/or the Board to discuss projects informally. Comments, suggestions or recommendations made by staff or Board members during informal meetings are neither binding nor enforceable. Only those decisions made subsequent to a formal public hearing held in accordance with statutory requirements may be enforced against the Board and/or the applicant.

### 5.2 SCOPE OF BOARD REVIEWS

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The Board will review preliminary materials in an attempt to avoid unnecessary deficiencies in the application to be filed and to promote efficiency in the formal review and hearing process. The Board may request other town boards or departments to comment prior to the date of the meeting or attend the meeting to ensure efficiency of review. The Board will not be responsible for assuring the accuracy, correctness or thoroughness of any application submitted for review. Informal review shall be concluded twenty-one (21) days following the request for review unless such time is extended by the Board and the applicant.

These discussions are preliminary and are non-binding on both the applicant and the Board.

### 5.3 PRELIMINARY REVIEW FEE

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The first such informal review by the Board shall be free of charge. Subsequent preliminary reviews by the Board shall require payment of a fee by the applicant of \$200.00 each at the time of submission. The fee shall be submitted in check form and made payable to the "Town of Easton."

## SECTION 6. SPECIAL PERMIT REVIEW

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### 6.1 PLANNING BOARD AUTHORITY

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The Board shall act as the Special Permit Granting Authority (“SPGA”) for certain Special Permits, as designated in the Town of Easton Zoning By Law. In all other instances, the Board shall act in an advisory role to the SPGA if requested to do so.

### 6.2 REQUIREMENTS FOR APPLICATIONS

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Applications to the Board shall be made on the official application form. The application shall include all information required below and any additional materials as required in the bylaw.

**In the case where the Applicant is a person other than the recorded owner of the property,** the Applicant shall be required to submit notarized certification executed by the recorded owner of the property that the Application is submitted with the knowledge and consent of the recorded owner.

All applications for a Special Permit shall include:

- One (1) original and one (1) copy of the application form, signed by all property owners of record. One copy must be submitted to the Planning & Zoning Board and the other must be filed with the Town Clerk.
- A check, made out to “Town of Easton,” in the amount specified by the Fee Schedule (see Appendix A).
- Eight (8) copies of a written brief setting forth in detail all facts relied upon by the petitioner, which shall address every requirement for that Special Permit set forth in the relevant sections of the Zoning By Law, including Section 12-7.
- Eight (8) copies of requests for any waivers from the administrative requirements (no zoning requirements can be waived).
- Three (3) full-sized (24” X 36”) plans, as described in Sections 4.5 and 6.2.1 of these Regulations.
- Fourteen (14) reduced-sized (11” X 17”) copies of the plans, as described in Section 4.5 and 6.2.1 of these Regulations.
- Abutters List certified by the Board of Assessors.

The applicant is responsible for providing all information in the application as described in these Rules and Regulations, and the Zoning By Law unless a waiver is requested by the applicant and granted by the Board. Incomplete applications risk denial by the Board.

## 6.2.1 PLAN REQUIREMENTS

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In addition to the Standard Details (Section 4.5 of these Regulations), all applications for a Special Permit shall include a plan or set of plans showing the following information:

- All existing property lines;
- Any proposed changes to property lines;
- Names of owners of property within a minimum of 300 feet of the subject property,
- The location of the proposed building, buildings, or addition;
- Approximate locations of buildings on surrounding properties;
- Approximate distances from any proposed new structures to the nearest adjacent buildings;
- The distances from proposed buildings and/or additions to the nearest property lines;
- The dimensions and size of the lot;
- The percentage of the lot covered by the principal and accessory buildings;
- Any required parking spaces, drawn to scale;
- Any wetlands or other resource areas, as defined by Wetlands Protection Bylaw;
- Entrances, exits, and driveways; and
- Topography and elevations at two-foot intervals.

## 6.2.2 DATE OF SUBMISSION

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The application shall be submitted, and a copy filed with the Town Clerk, during regular business hours. The date of filing shall be considered the date upon which the Application or notice thereof has been delivered to or received by the Town Clerk.

## 6.2.2 ADDITIONAL REVIEW FEE

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The Planning Board may engage, at the applicant's expense, engineers, planners, lawyers, urban designers, or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all state laws and Town Regulations. If the Board elects to engage a consultant to assist with plan reviews, the Board shall notify the applicant, within 30 days of the filing of the application, of its designation of an outside consultant.

Funds received by the Board pursuant to this section shall be deposited with the Treasurer who shall establish a special account for this purpose in accordance with M.G.L. c.44, §53G. Expenditures from this account shall be made at the direction of the Planning Board without further appropriation and shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be

collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the Permit. When the review fee account is depleted, an additional deposit shall be made by the applicant.

The applicant may appeal the selection of the outside consultant to the Board of Selectman within 14 days of notification of consultant designation from the Planning Board. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications, as specified in M.G.L. c. 44, §53G.

Review fees may only be spent on services rendered in connection with the specific project for which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project, shall be refunded to the applicant, or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest.

### 6.2.3 OTHER PERMITS AND VARIANCES

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The applicant shall list on the application and provide copies of all variances, permits and other approvals previously issued by town boards or State and Federal Agencies, and a list of any variances, permits or approvals required to complete the proposed work. This list should include but not be limited to any permits from the Board of Health, the Conservation Commission, the Zoning Board of Appeals, the Planning Board, the Board of Selectmen, the State Department of Public Works, the Army Corps of Engineers, and MassDEP; and certificates issued by the Secretary of Environmental Affairs under the Massachusetts Environmental Policy Act.

**Note:** If any other permits are required, the Applicant is hereby strongly advised to make the applications for such additional permits concurrently with this Application.

## 6.3 PUBLIC HEARING PROCEDURE

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An Application for a Special Permit submitted with a subdivision request shall be advertised as one public hearing, and heard together.

### 6.3.1 REQUIREMENTS FOR NOTICE OF A PUBLIC HEARING

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Notice must be published once in each of two successive weeks with the first publication not less than 14 days before the date of the hearing in a newspaper of general circulation in the Town of Easton.

Notice of hearing must be posted in a conspicuous place in Town Hall for a period of not less than 14 days before the day of the hearing.



All parties in interest are to be notified by the Planning & Zoning Board. "Parties in interest" shall include:

- The applicant;
- Abutters;
- Owners of land directly opposite on any public or private street or way;
- Abutters to the abutters within 300 feet of the property line of the applicant as they appear on the most recent applicable tax list, even if the land is in another city or town;
- The Planning Board of every abutting city or town.

An interoffice memo is to be sent to various Town departments at least 10 days prior to the hearing.

### 6.3.2 DECISION

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- Decisions shall be made within 90 days following the date of the public hearing.
- The vote of four (4) members of the Board shall be necessary in any action taken by the Board. The record shall show the vote of each member upon each question, or if absent or failing to vote indicate such fact. It shall also clearly set forth the reason or reasons for its decision.
- The Special Permit Granting Authority must make specific findings including:
  - o That the use is in harmony with the general purpose and intent of the zoning ordinance and by-law.
  - o That the use complies with the provisions which are set forth in the Zoning By Law.
  - o Decision time can be extended if requested of and voted for by the Board.

Failure of the Board to take action within 90 days of the date of the public hearing, or extended time, shall be deemed a grant of the Special Permit.

- Within 14 days of the expiration of the 90 days, or extended time, the Special Permit Granting Authority must file a detailed record of the proceedings with the Town Clerk and notify the parties in interest. The original decision must be filed with the Town Clerk.
- A notice of the decision shall be mailed to petitioners, the applicant or appellant, to parties in interest and to persons who requested a notice at the public hearing. The notice shall specify that appeals, if any, shall be made pursuant to M.G.L. c.40A, §17 and shall be filed within twenty (20) days after the date the decision is filed in the office of the Town Clerk.
- The Special Permit decision shall contain:
  - o The name and address of the owner;
  - o An identification of the land affected;

- Description of how the Special Permit complies with the statutory requirements for issuing a Special Permit, including expressly any required findings;
  - Certifications that copies of the decision have been filed with the Town Clerk; and,
  - Specification that appeals, if any, shall be filed within twenty days after the filing of such notice with the Town Clerk.
- At the end of the twenty-day appeal period, the **applicant must record a copy of the original decision**, which should be obtained from the Town Clerk, at the Registry of Deeds.
  - The rights granted by a Special Permit **shall lapse after two years**, if not exercised within that time.

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### 6.3.3 REVIEW CRITERIA

The Board shall use the review criteria found in Section 12-7 of the Zoning By Law, applicable criteria found in these Rules and Regulations, and any other relevant sections of the Zoning By Law in reviewing and making a decision on applications before it.

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### 6.3.4 VOTING REQUIREMENTS

The concurring vote of four (4) members of the Board shall be necessary to decide in favor of granting a Special Permit, as defined by M.G.L. c. 40A, §9. Only those members of the Board who attended at every session of the public hearing may vote on the application in question unless the record of the Board indicates that a member who missed no more than one (1) meeting has demonstrated compliance with the provisions of M.G.L. c.39, §23D.

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### 6.3.5 APPEALS

Any person aggrieved by a decision of the Planning Board, whether or not previously a party to the proceeding, may appeal such decision within 20 days after the decision has been filed with the Town Clerk, in accordance with M.G.L. c.40A, §17.

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## 6.4 ADULT RETIREMENT DEVELOPMENT

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### 6.4.1 APPLICATION CONTENTS

In addition to the general requirements for a Special Permit and a Definitive Subdivision Plan, an application for an Adult Retirement Development Special Permit shall be accompanied by the following items: The applicant shall provide three (3) copies of full-sized plans at sized 24" X 36" and fourteen (14) reduced copies at 11" X 17", unless otherwise specified.

- An “Existing Conditions Plan” showing topography at 10-foot intervals, soil types, existing streets, structures within and contiguous to the tract, and the names of abutting property owners.
- An “Overall Land Use Plan” showing the location, ownership, and uses of the proposed common land and community facilities; the areas in which dwelling units will be located, the maximum number of residential units proposed, and the maximum number of bedrooms; any amenity or recreation areas serving the residential uses; and the general layout of all roads, access ways and parking areas.
- “Concept Plans” for the proposed ARD (at a scale of not less than 1” = 100’) showing the intended location of each residential building and accessory structure; the intended location of all roads, access ways and parking areas, and approximate finished grades; the intended location of all recreational areas, proposed improvements and structures on the Common Land; and methods for providing water and sewerage facilities.
- A plan or plans showing the proposed grading of the tract (at 10-foot intervals) and the proposed locations, dimensions, materials and types of construction of streets, common drives, parking areas, walks, paved areas, utilities, easements, and the location and outlines of all proposed buildings and structures including, but not limited to dwellings, garages, community facilities and any accessory structures thereto. If the proposed ARD is to be constructed in separate phases, this plan or plans shall clearly indicate the construction phases proposed.
- A plan or plans showing the proposed use of, and access to, the Common Land (whether public or private), including all improvements intended to be constructed thereon; and showing the locations of all public or private protected open space adjacent to the tract.
- A plan or plans showing in a general way existing vegetation (at a scale of 1” = 40’) and detailed landscaping and planting plans (at a scale of 1” = 40’) for all areas to be disturbed and buffer areas. A tabulation indicating the total area, wetlands and buffer areas, and percentage of wetlands and buffer areas for the entire tract, the Common Land, and all lots to be created in the ARD.
- Eight (8) copies of a tabulation of proposed buildings by type, and a ground coverage summary showing the percentages of the tract to be occupied by buildings, parking, other paved vehicular areas, and the amount of open space.
- Eight (8) copies of all instruments to be recorded with the ARD special permit, including the proposed deed(s) for the Common Land, the articles of organization and bylaws of any corporation or trust to be organized to own the land and the language of all restrictions to be to be imposed on the land.
- Eight (8) copies of a Management Plan for the Common Land to be incorporated in deed covenants to be executed with purchasers of land or other interests in the ARD.

- Eight (8) copies of a narrative describing the tract of land, the surrounding neighborhood and the possible impact(s) the development would have on the surrounding area. The narrative shall also include detailed information on the type of housing unit to be used in the development, community and recreational facilities and information about the proposed operation of the ARD including anticipated community rules and regulations.

The Planning and Zoning Board may request additional information and data about site environmental conditions in order to assist it in making the determination required in Section 7.14.G.2 of the Easton Zoning By Law.

The applicant for a special permit shall meet the strict submission requirements. Omission of any requirement, as stated in these Rules and Regulations, shall subject the application to denial by the Special Permit Granting Authority.

## **6.5 AQUIFER PROTECTION DISTRICT**

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No special rules and regulations for Special Permits Uses in the Aquifer Protection Districts have been promulgated at this time. The rules and regulations of this chapter shall apply.

For applications to create a subdivision in the Aquifer Protection District, see *Subdivision Rules and Regulations* §4.2, “Mandatory Preliminary Plans in Aquifer Protection District.”

## **6.6 COMMON DRIVEWAY**

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### **6.6.1 SUPPLEMENTAL APPLICATION REQUIREMENTS**

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In addition to the requirements of Section 6.2 of these Rules and Regulations, applications for a Common Driveway shall be accompanied by:

- Eight (8) copies of a draft required covenant (described below in Section 6.6.2)
- Eight (8) copies of proposed easements and restrictions (for the use and maintenance of the common driveway)

### **6.6.1 REQUIRED COVENANT**

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Specific responsibilities shall be stipulated in a covenant included in the deed for each property served by the driveway, which shall include, but not be limited to, the following provisions:

1. The common driveway shall at no time become the responsibility of the Town of Easton.

2. Each landowner served by the common driveway shall be jointly and severally responsible and liable for the repair and maintenance of all portions of the common driveway, and utilities contained within.
3. Specific standards for maintenance and repair of the driveway and drainage system.
4. Provision for allocating financial responsibility.
5. A procedure for resolution of disagreements

If the permit is granted, said covenant shall be recorded at the Registry of Deeds and shall be made part of every deed to each lot served by the common driveway.

A common driveway shall not be approved until the declaration of covenants, easements and restrictions (for the use and maintenance of the common driveway) has been approved by Town Counsel. Proper execution and recording of the approved covenants shall be a condition of approval for all approved Common Driveways..

## **6.7 ESTATE LOT**

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### **6.7.1 APPLICATION REQUIREMENTS**

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A plan filed as part of an application for an Estate Lot should be suitable for recording as an ANR plan; however, no application for an ANR should be filed until after a decision has been rendered by the Board. If the Board votes to approve the Estate Lot, the applicant should file an application for an ANR, which the Board will review after the twenty-day appeal period for the Special Permit has expired.

## **6.8 OPEN SPACE RESIDENTIAL DEVELOPMENTS**

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### **6.8.1 APPLICATION REQUIREMENTS**

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In addition to the general requirements for a Special Permit and a Definitive Subdivision Plan, an application for an Open Space Residential Development Special Permit shall be accompanied by the following items. The applicant shall provide three (3) copies of full-sized plans at sized 24" X 36" and 14 reduced copies at 11" X 17", unless otherwise specified.

- An "Existing Conditions Plan" showing topography at 10-foot intervals, soil types, existing streets; and structures within and contiguous to the tract.
- An "Overall Land Use Plan" showing the location, ownership, and uses of the proposed Common Land; the areas of single-family residential use, the maximum number of residential units proposed,

and the maximum number of bedrooms; any amenity or recreation areas serving the residential uses; and the general layout of all roads and access ways.

- “Concept Plans” for the proposed OSRD (at a scale of not less than 1” = 100’) showing the intended location of each residential building, accessory structure and facility; the intended location of all roads and access ways, and approximate finished grades; the intended location of all recreational areas, proposed improvements and structures on the Common Land’ and methods for providing water and sewerage facilities.
- A plan or plans showing the proposed grading of the tract (at 10-foot intervals) and the proposed locations, dimensions, materials and types of construction of streets, common drives, parking areas, walks, paved areas, utilities, easements, emergency access ways, and the locations and outlines of all proposed buildings and structures including, but not limited to dwellings, garages, and any accessory structures thereto. If the proposed OSRD is to be constructed in separate phases, this plan or plans shall clearly indicate the construction phases proposed.
- A plan or plans showing the proposed use of, and access to, the Common Land (whether public or private), including all improvements intended to be constructed thereon; and showing the locations of all public or private protected open space adjacent to the tract.
- A plan or plans showing in a general way existing vegetation (at a scale of 1” = 40’) and detailed landscaping and planning plans (at a scale of 1” = 40’) for all areas to be disturbed and buffer areas.
- A plan or plans delineating wetlands as approved by the Conservation Commission through a Determination of Applicability or other filing.
- Eight (8) copies of a tabulation indicating the total area, wetlands and buffer areas (as defined in M.G.L. Chapter 131, Section 40, or in Chapter 227 of the Town of Easton Bylaws), and percentage of wetlands and buffer areas for the entire tract, the Common Land, and all lots to be created in the OSRD.
- Eight (8) copies of a tabulation of proposed buildings by type, and a ground coverage summary showing the percentages of the tract to be occupied by buildings, parking, other paved vehicular areas, and the amount of open space.
- Eight (8) copies of all instruments to be recorded with the Open Space Residential Development special permit, including the proposed deed(s) for the Common Land, the language of all restrictions to be imposed on the land, and the articles of organization and bylaws of any corporation or trust to be organized to own and maintain the land and any private streets or ways.
- Eight (8) copies of a Management Plan for the Common Land to be incorporated in deed covenants to be executed with purchasers of land or other interests in the OSRD.

The Planning and Zoning Board may request addition information and data about site environmental conditions in order to assist it in making the determination required in Section 7.15.D.3.(b).

The applicant for a special permit shall meet the strict submission requirements. Omissions of any requirement, as stated in these Rules and Regulations, shall be subject the application to denial by the Special Permit Granting Authority.

## **6.9 RESIDENTIAL COMPOUND**

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No special rules and regulations for Special Permits for Residential Compounds have been promulgated at this time. The rules and regulations of this chapter shall apply.

See: Subdivision Rules & Regulations.

## SECTION 7. SITE PLAN REVIEW

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### 7.1 APPLICABILITY

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Section 7 of these Rules and Regulations is applicable under Section 7-10 of the Easton Zoning By Law.

### 7.2 OBJECTIVES

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To ensure the orderly development and use of land with the minimum of unsought or detrimental consequences to the physical environment.

The primary concern of the Board is the health and safety of the public. This includes employees on-site as well as others using the site in conjunction with the operation of the facilities. There are also important concerns relating to traffic, drainage, noise, pollution, impact of the operation on neighbors and abutters, maintenance of the rural and historical character of the Town and avoidance of damage to the physical environment.

Due consideration shall be given to:

1. Protection of adjoining premises against seriously detrimental uses on the site.
2. Safety and convenience of vehicular and pedestrian movements within the site and in relation to adjacent streets, property or improvements.
3. Adequacy of the methods of drainage for surface water.
4. Provisions for the off-street loading operation of vehicles incidental to the normal operation of the establishment.
5. Traffic and safety provisions to protect the convenience and welfare of the public.
6. Functional design review.

### 7.3 SUBMISSION REQUIREMENTS

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All applications for Site Plan Approval shall include:

- One (1) original and one (1) copy of the application form, signed by all property owners of record.
- A check, made out to "Town of Easton," in the amount specified by the Fee Schedule (see Appendix A).
- A separate check in the amount of \$1000 as a deposit towards the cost of consultant review of the stormwater drainage system. This payment will be subject to the provisions of M.G.L. 53G.



- Eight (8) copies of requests for any waivers from the administrative requirements (no zoning requirements can be waived).
- Three (3) full-sized (24" X 36") sets of plans, as described in Sections 7.2.1 of these Regulations.
- Fourteen (14) reduced-sized (11" X 17") copies of the plans, as described in Section 7.2.1 of these Regulations.
- Three (3) sets of stormwater reports (see, *Easton Subdivision Rules and Regulations*, §8)
- Eight (8) copies of any additional letters or documentation addressed to the Board.

During the review process, each component discussed below is required to be shown on the submitted plan and addressed. The discussion following each item is intended to reflect the general requirements of the Board and is not necessarily comprehensive. At the discretion of the Board, these guidelines may be altered depending upon the special circumstances of the site.

## 7.2.1 SITE PLAN REQUIREMENTS

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A site plan shall be a set of plans, including a cover sheet with index, which shall contain the following sheets:

### **Sheet 1: Cover sheet**

The cover sheet should include:

- Locus Plan: A key map of the site with reference to surrounding areas and existing street locations with plan oriented same direction as the site plan. Adjacent street names shall be indicated. The Locus Plan may be included in another sheet within the Site Plan.
- Index

### **Sheet 2: Existing Conditions Plan**

- Location of all existing buildings and structures, streets, utility poles, utilities, easements, driveways, entrances and exits on the site and within one hundred (100) feet of the site, including both sides of any abutting streets.
- Groundwater protection district, wetlands, and flood plain zones.
- Building setbacks, from front, side and rear lot lines.
- Parking, loading and unloading areas with dimensions, traffic patterns, access lanes and curb radii.
- All existing physical features of the site and within one hundred (100) feet thereof, including streams, watercourses, existing woodlands, existing trees greater than twelve (12) inches in diameter as measured four and one-half (4.5) feet above grade and soil conditions as reflected by a medium

intensity survey (such as wetlands, ledge, and areas of high water table) shall be shown. The Board may require high intensity soils surveys where it deems necessary.

- Existing improvements such as travel ways, roads, curbs, bumpers and sidewalks
- Fire Alarm Boxes and Hydrants. Indicate the location of the nearest fire alarm box and the nearest hydrant. In many cases, a fire alarm master box, pull stations and detectors will be required in the buildings. Buildings over 7,500 square feet require sprinkler systems. Computations for determining square footage applicability shall consist of existing and proposed.
- Locations and design of existing stormwater systems, leaching galleys, swales, and methods to dispose of surface water on-site, refuse disposal systems, potable water supply and methods of solid waste storage and disposal.
- Landscaping, screening and buffering plan showing what will remain and what will be planted with appropriate sizes, indicating botanical and common names of shrubs and trees, dimensions, approximate time of planting and maintenance plans. Show also the approximate tree line and dimensions for width of buffer.

### **Sheet 3: Site Layout**

- The name and address of the owner and site plan applicant, together with names of the owners of all adjacent or adjoining land and of property directly across the street and within one hundred (100) feet of the property as shown by the most recent tax records.
- The zone in which plan is located, and any zoning district lines which may cross the area shown on the plan.
- Location and dimensions of proposed buildings and structures, roads, driveways, parking areas, etc.
- Location of all existing buildings and structures, streets, utility poles, utilities, easements, driveways, entrances and exits within one hundred (100) feet of the site, including both sides of any abutting streets.
- Groundwater protection district, wetlands, and flood plain zones.
- Building setbacks, from front, side and rear lot lines.
- Proposed parking, loading and unloading areas with dimensions, traffic patterns, access lanes and curb radii.
- Improvements such as travel ways, roads, curbs, bumpers and sidewalks with cross sections, design details and dimensions.
- Location of dumpsters of waste disposal area.
- Location of any proposed signs.

#### **Sheet 4: Topographic & Drainage Plan**

- Topography showing both existing and proposed contours at five-foot intervals for slopes averaging five (5) percent or greater and at two-foot intervals for land of lesser slope including grades 25 percent beyond property line.
- A reference bench mark shall be clearly designated. The datum shall be N.G.V.D. Where variations in the topography may affect the layout of buildings and roads, the Board shall require that the topographic maps be based on an on-site survey.
- All facilities and plans for handling stormwater drainage

#### **Sheet 6: Site Layout Details Plan**

- Proposed location of structures, parking, driveways
- Sight distances. Horizontal sight distances on the public way at the entrance in both directions shall be given
- Location of lighting structures
- A table showing parking calculations in accordance with Section VIII, Paragraph 8-6 of the Zoning By Law
- Snow storage areas
- All underground utilities including water, gas, electric, cable, fire alarm, and telephone
- Fire hydrants, fire alarm boxes, f& firefighting facilities
- Facilities for refuse and sewerage disposal, septic facilities including reserve septic areas, etc.
- Locations of all wetlands and floodplain areas
- A note showing the proposed height of the finished floor relative to the topography (if known)

#### **Sheet 7: Landscaping Plan**

- Landscaping, screening and buffering plan showing what will remain and what will be planted with appropriate sizes, indicating botanical and common names of shrubs and trees, dimensions, approximate time of planting and maintenance plans
- Approximate tree line
- Dimensions for width any buffer
- A list of species should be included in the notes on the plan

**Detail Sheet(s) (as necessary)**

- Design details, cross sections, and dimensions of proposed improvements such as travel ways, roads, curbs, bumpers, sidewalks, lighting fixtures, and components of the stormwater management system.
- Entry/exit to structures. Show all means of entry and exit from the building including steps and ramps. Designate the primary entrance (front entrance) and loading docks and other means of access.
- Landscaping details, including species lists.
- Dimensions and details of all new and remaining signs within the site

### 7.3.2 ADDITIONAL REQUIRED INFORMATION

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The Board may additionally require some or all of the following information:

**Circulation Plan**

A circulation plan may be required by the Board to demonstrate compliance with §7.3.2 (Circulation) of these Rules and Regulations. Such a plan should include sketches of pedestrian as well as vehicular routes.

**Isometric Plan, Projection, or Elevation**

The Board may require an isometric line drawing, projection, or elevation drawn at the same scale as the site plan, showing the entire project and its relationship to existing areas, buildings, and roads within 100 feet from the project boundaries.

**Photometric Plan**

Lighting details indicating type and height of standards, locations, radius of light patterns based on foot-candles (photometric plan), intensity in foot-candles, and manufacturers' data for proposed lighting fixtures

**Safety Information**

Where applicable, one (1) copy of the U.S. Department of Labor Material Safety Data Sheet for each hazardous material must be submitted (sample and copy in appendix), which will be submitted to the Building Department. Copies of an evacuation plan may be required for submittal to the Board and the Fire Department, which includes a listing of chemicals stored and means of handling them under extreme circumstances.

If chemicals are kept or used on site, the applicant shall indicate storage and handling capability and provide means of safely responding to accidental spills, fires or other catastrophes. Copies of an evacuation plan may be required for submittal to the Board and the Fire Department, which includes a listing of chemicals stored

and means of handling them under extreme circumstances. Elements required for an evacuation plan will be specifically oriented for each particular case. Operations including loading, filling, mixing and transporting of chemicals will be carefully reviewed.

### **Traffic Report**

Document and explain existing traffic conditions near the proposed project, to describe the volume and effect of projected traffic generated by the proposed project and to identify measures proposed to mitigate any adverse impacts on traffic. This is required for all new commercial uses with access onto state numbered highways.

## **7.4 DESIGN GUIDELINES**

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### **7.4.1 ACCESS & CIRCULATION**

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1. Priority should be given to pedestrian access and circulation. Provision shall be made for safe and convenient pedestrian and vehicular traffic movements within and adjacent to the site, with particular emphasis on layout of parking, off-street loading and unloading and on the movement of people, goods and vehicles upon access roads within the site, between buildings or structures and between buildings and vehicles.
2. All entrance and exit driveways shall be located to afford maximum safety to traffic. Provide for safe and convenient ingress and egress at the site and minimize conflict with the flow of traffic on and off the site. For access to a state highway, see Appendix B.
3. Site access points shall be designed to minimize conflict between vehicles and pedestrians, as illustrated in Figure 1. Driveway entrances shall not resemble that described as “Least Desirable.” Driveway entrances may resemble that described as “Better Design for Some Commercial Driveways.” Driveway entrances should resemble that described as “Most Desirable Design for All Driveways.”
  - a. Where a site occupies a corner of two (2) intersecting roads, the driveway entrance or exit shall be as remote from the intersection as possible.
  - b. No driveway entrance or exit shall be located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of that site.



5. Driveways should intersect the road at an angle of as near ninety (90) degrees as site conditions will permit. In no case shall it be less than sixty (60) degrees.
6. Deceleration lanes may be required where the volume of traffic using the driveway and the volume of traffic on the road would otherwise create unsafe traffic conditions.
7. Two reflectors are required at driveway entrances, one on each side of entrance diagonally placed at forty-five (45) degree angle with the front property line on the inside of driveway face.
8. Pedestrian access to the site entrance must be provided via walkways or by other means assuring protection and separation from vehicular traffic.
9. Traffic Flow. Vehicles must be able to enter, park and exit the property without difficulty. Entrance from public ways must be clearly delineated with a maximum of thirty-six (36) feet in width measured at the throat. Multiple entrances are discouraged and will generally not be allowed. Arrows or signs, mirrors, ground signs, building signs or painted lines on ground to control the traffic flow may be required. Consideration will be given to site access for delivery vehicles and the ability of these vehicles to maneuver on site. In general, passenger vehicles and delivery vehicles should be segregated.
10. At the entrance, the slope of the paved entrance way shall not exceed two (2) per cent for the first twenty-five (25) feet measured perpendicular from the front property line. The maximum height of vegetation at full growth or any other physical object shall not exceed three feet in height to assure sight distance visibility from a vehicle. The entrance shall be clearly delineated by curbing or other approved material along the entire radius of the opening and must extend at least twelve (12) feet beyond each side along the gutter line of the road, and sloped at the end to prevent a vertical obstruction to exist.
11. A single curb opening shall be allowed for any site unless the Board determines that its policy of limited access to the public way can be relaxed and that two openings are not detrimental to the public good for the particular site under consideration.

12. Personnel must be protected from exiting a building into vehicular traffic in an emergency. The applicant shall clearly show by means of a walkway or a protected area for this purpose being a minimum width of the door plus five (5) feet beyond the swing of the door with a bollard suitably placed.

### 7.4.3 PARKING

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A sufficient number of white lined, well located parking stalls must be provided in accordance with Section VIII of the Easton Zoning By-Law.

#### **Design Requirements**

1. The perimeter of the parking area and driveway shall be bounded with bituminous concrete berm or similar type of edge treatment to delineate the parking lot, unless an alternate design is approved by the Board as part of a Low Impact Development strategy to manage stormwater.
2. After the last parking stall in any dead end row not adjacent to a travel lane parallel to the car stall, the Board may require a be a twelve (12) foot long and twenty (20) foot wide turning area beyond the travel lane to allow property maneuvering.
3. Surface water shall not flow across travel lanes or be impeded by natural objects. It should be directed to flow along the head of car stalls and should flow to catch basins located no more than 100 feet apart, with a positive minimum flow of 1/8" per foot.

#### **Parking Area Layout**

1. Parking stalls shall not be located:
  - a. Immediately at entrance;
  - b. In front of exits closer than 6 inches beyond width of door or exit way width;
  - c. In loading dock area; in front of dumpsters;
  - d. In pedestrian ways; in fire lanes;
  - e. In location impeding property traffic flow or maneuvering of other vehicles;
  - f. Any closer than 15 feet from front, rear, or side property line;
2. Special care should be taken to ensure that backing of a vehicle does not impede the entrance traffic.
3. Surface parking areas shall be set back from structures and property lines by a minimum of 5 feet. Other than parallel parking, off-street parking shall be set back from Washington Street by at least 20 feet and from streets/access driveways internal to a site by at least 5 feet.
4. Employee and customer parking areas and delivery areas should be separated and shown on the plan.

### **Parking Stall Size Requirements**

Surface parking stalls shall be 10' X 20,' except that: (a) angled parking shall be sized proportionally (b) handicapped parking spaces shall be sized in accordance with applicable state and federal laws and (c) the Board may approve smaller spaces as part of a comprehensive parking and landscaping plan.

### **Surfacing**

Parking areas shall be graded and surfaced with asphalt, concrete, or other suitable non-erosive material. Pervious paving is encouraged..

### **Travel Lanes**

Travel lanes adjacent to surface parking stalls shall be as follows:

<u>Type of Parking</u>	<u>One Way width</u>	<u>Two Way width</u>
90 degree	22 feet	22 feet
75 degree	20 feet	22 feet
60 degree	18 feet	22 feet
45 degree	16 feet	22 feet
Parallel	10 feet	18 feet

### **Walkways**

Pedestrian walkways through parking areas may require protection (barriers or bollards) or may require lining.

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

### **Wheel Stops**

Wheel stops are required at the head of each car stall where a stall abuts a walkway, pedestrian way or special site feature, such as an abrupt change in grade. Acceptable materials include precast concrete, granite, telephone pole or like material. All wheel stops shall be properly anchored into the ground and located approximately twenty-four (24) inches from head of car stall.

### **7.4.4 SNOW REMOVAL**

1. Areas must be designated for snow removal storage, with consideration for the surface water runoff due to melting of the snow. Snow piled on site must not hinder traffic flow or visibility from



vehicles exiting the site. The size of the snow removal area(s) should be ten (10) percent of the parking area including drives, stalls and travel ways.

2. Snow removal areas shall take into consideration plow blades crossing from parking area to said snow deposit location.
3. Areas to be designated on plan for snow removal purposes are not mandatory for snow placement, but are required to ensure that the applicant has considered snow removal.

#### 7.4.5 LIGHTING

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1. Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Average lighting should be at least two foot-candles throughout the site.
2. Lighting shall be provided around all structures, driveways, driveway entrances, walkways, entrances, pathways or other means of handling pedestrian and vehicular traffic and throughout the entire site. A average of two-foot candles is required throughout the developed portions of the site. The lights should not be allowed to shine on or disturb neighboring property.
3. Location and heights of all light standards and fixtures shall be shown on the plan.

#### 7.4.6 SIGNAGE

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1. Signage shall comply with Section 10 of the Easton Zoning By Law.
2. Signs shall relate to the premises on which they are located and shall only identify the occupant(s) of such premises or advertise the articles or services available within said premises.
3. The top edge of such sign should be placed no higher than the main roof of the highest building located on the premises, or if no building exists, the average height of the main roofs of the buildings on the next adjacent properties where buildings do exist.
4. Information signs (2 square feet) may be required by the Board for safety; e.g., Stop, Turn Left, No Parking, Caution, Do Not Enter. No promotion or identification of a store is allowed on informational signage.
5. Building identification will include the street number on the face of the building; it will be readily visible; have a minimum letter height of four (4) inches and a minimum letter width of 1/4 inch.
6. Upon commencing construction and during the construction period, a temporary sign for emergency and safety reasons shall be suitably placed to identify the location (street number and name).

#### 7.4.7 LANDSCAPING

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Landscaping should be designed to:

- Enhance the pedestrian environment,

- Provide shade,
- Minimize irrigation requirements,
- Integrate buildings and paved areas into the environment, and
- Contribute to stormwater management and treatment.

#### **A. Landscape Design.**

Landscaping enhances the site and provides a pleasing environment. The Board requests that every effort be made by the applicant to provide as much treatment as appropriate. In general, the Board prefers to see plantings in parking areas to break up the "sea of asphalt" appearance. Plantings along the front property line and access to ways should consider sight distance criteria.

1. Existing significant trees should be preserved where feasible.
2. Streets and access drives should be lined with shade trees.
3. Large paved areas should be visually divided and screened with greenery.
4. Buffers should be provided within and around the development, with the provision of continuous planting beds for hedges, shrubs or other plantings to screen pavements, especially parking areas from streets, except that landscaping shall not create undue barriers for pedestrians.
5. Buildings should be integrated into the landscape with plantings, taking care to soften the harshness where buildings meet parking areas.
6. All buildings should have foundation landscaping.
7. The applicant shall provide adequate treatment of the slopes to prevent erosion on all land adjacent to a road, sidewalk, driveway, and the like for a distance of ten (10) feet. The final grade slope of the land shall not exceed one (1) foot vertical to three (3) feet horizontal.

#### **B. Plantings**

1. Plantings shall be indigenous and drought resistant. Plants listed on the Massachusetts Prohibited Plant List shall not be used.
2. Plantings should be selected to provide seasonal interest in foliage, bloom and fragrance, so that pedestrians experience a pleasant environment.
3. Street trees should be used in commercial and residential environments to create overhanging canopies of trees.
4. Trees species should be selected to minimize damage to trees by vehicles and to maintain signage visibility.
5. Trees listed on the Massachusetts Prohibited Plant List shall not be used.
6. Trees shall be indigenous and draught and disease resistant.

#### 7.4.8 ENVIRONMENTAL CONSIDERATIONS

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Environmental elements relating to the prevention of soil pollution and erosion, protection of significant vistas, preservation of trees, protection of watercourses and resources, noise, topography, soil, and animal life shall be reviewed. The design plan shall minimize any adverse impacts on these elements. Natural resources inventory data and environmental impact information shall be used in reviewing the design character of the development in areas having various environmental constraints.

#### 7.4.9 SURFACE DRAINAGE & STORMWATER MANAGEMENT

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All applications for Site Plan Approval, except where specifically provided therein, shall comply with the requirements of Section 8 of the Easton Subdivision Rules & Regulations. Please additionally refer to Section 11-2 of the Town of Easton Zoning By Law for rules pertaining to non-stormwater discharges to the municipal storm drainage system.

#### 7.4.10 FIRE LANES

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Fire lanes shall be provided in accordance with the provision of Section 8-10 of the Zoning By Law. The Planning Board may request that a fire lane be moved or modified at the Fire Chief's request to facilitate emergency vehicle access.

#### 7.4.11 BUFFERING

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1. Buffering is required around the perimeter of the site to minimize the effects of the headlights of vehicles, noise, light from structures, and the movement of people and vehicles to shield adjacent properties from activities. Buffering may consist of fencing, berms, mounds, dense planting of bushes, evergreens, shrubs, deciduous trees, or combinations thereof to achieve the stated objectives both in the horizontal and vertical directions.
2. Minimum side and rear buffering required in the absence of fencing shall be fifteen (15) feet of dense vegetation. Minimum height of plantings is six (6) feet, and maximum horizontal distance between coniferous trees shall be six (6) feet.

#### 7.4.12 DUMPSTERS/RUBBISH REMOVAL

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1. Locations must conform to Board of Health regulations and must allow maneuvering by the truck servicing the dumpster.
2. The applicant shall show the dumpster locations and suitable access thereto for dumpster rubbish removal vehicles.

3. In general, the applicant shall designate nearest hose bib to permit washing down of dumpster area, and screening to protect from public view.
4. The Board may require dumpster areas to be screened.

#### 7.4.13 HAZARDOUS WASTE/CHEMICALS

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If storage is exterior of the building, a fenced-in area six (6) feet in height with a locked gate is required.

Suitable on-site structures may be required to contain spillage or drainage. On-site signage as per OSHA is required.

#### 7.4.14 SITE LAYOUT

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The design and layout of buildings and parking areas shall be efficiently arranged and aesthetically pleasing. Particular attention shall be given to pedestrian and vehicular safety, fire protection, and impact on surrounding development and adjacent buildings and lands.

#### 7.4.15 MISCELLANEOUS STANDARDS

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1. Hydrants shall be installed in compliance with the Fire Department Rules and Regulations. The maximum distance from the hydrant to the furthest location around buildings is 1,000 feet, or as required by the Fire Department.
2. Handicap ramp shall not exceed one (1) foot vertical to twelve (12) feet horizontal. Maximum ramp distance is thirty-two (32) feet. A flat landing area 5 feet by 5 feet shall be located at the bottom of the ramp, or as required by the Massachusetts Architectural Access Board.
3. Abrupt changes in grades greater than eighteen (18) inches require a suitable vertical protective barrier for pedestrians.

### 7.5 PROCEDURE

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#### 7.5.1 PUBLIC MEETING

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Site Plans shall be reviewed and approved or disapproved after a duly noticed and advertised public hearing.

Notice must be published once in each of two successive weeks with the first publication not less than 14 days before the date of the hearing in a newspaper of general circulation in the Town of Easton, in accordance with M.G.L. c.40A §9.

Notice of hearing must be posted in a conspicuous place in Town Hall for a period of not less than 14 days before the day of the hearing.

All parties in interest are to be notified by the Planning & Zoning Board. "Parties in interest" shall include:

- The applicant;
- Abutters;
- Owners of land directly opposite on any public or private street or way;
- Abutters to the abutters within 300 feet of the property line of the applicant as they appear on the most recent applicable tax list, even if the land is in another city or town;
- The Planning Board of every abutting city or town.

An interoffice memo is to be sent to various Town departments at least 10 days prior to the hearing.

### 7.5.2 NONCOMPLIANCE

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Noncompliance with the provisions of the site plan shall result in rescission of the site plan approval.

- a. At the stipulated expiration date, or,
- b. At any other time by vote of the Board.

### 7.5.3 OBTAINING A BUILDING PERMIT

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#### **Required Inspections**

The Board works in conjunction with other municipal authorities to assure compliance with approved site plans. The site must be developed in accordance with approved plans under a schedule approved by the Board. Occupancy permits cannot be issued by the Building Inspector prior to a site inspection by the Board for compliance to the approved site plan and completion of all physical features shown on the approved plan. If, during the construction process, changes are necessary, the applicant is advised to contact the Board. The Building Inspector cannot authorize changes to the plan; any changes incorporated without Board approval are at the owner's risk.

#### **Additional Required Approvals**

Approvals from other Town authorities are necessary, and it is the applicant's responsibility to obtain all such approvals prior to obtaining a building permit.

## SECTION 8. SCENIC ROAD REGULATIONS

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Adopted 3-11-98

### 8.1 DEFINITIONS

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In the absence of contrary meaning established through legislative or judicial action, the following terms contained in M.G.L. c.40, §15C or used herein shall be defined as follows:

“Cutting or Removal of Trees” shall mean the removal of one or more trees, trimming of major branches or cutting of roots, but not trimming or cutting of dead trees or dead branches.

“Repair, Maintenance, Reconstruction or Paving Work”, shall mean any work done within a Scenic Road Layout by any person or agency, public or private. Included within this definition is any work on a portion of a Scenic Road Layout that was not physically commenced at the time the road was designated as a scenic road. Construction of new driveways or alteration of existing driveways is also included, insofar as it takes place within the Scenic Road Layout.

“Road” shall mean any right-of-way used and maintained as a public way including the vehicular traveled way plus the necessary appurtenances within the right-of-way such as bridge structures, drainage systems, retaining walls, traffic control devices, and sidewalks

“Scenic Road” shall mean a road so designated in accordance with M.G.L. c.40, §15C and these regulations.

“Trees” shall include any tree which, either at the time of designation of the Scenic Road or subsequent to such designation, has a diameter of four (4) inches or more and measures four (4) feet above the ground.

### 8.2 PURPOSE

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These regulations are intended to ensure that:

1. Ways will be recommended for designation as Scenic Roads under stated criteria; and
2. Trees and stone walls along designated Scenic Roads will be protected and will not be altered except after a public hearing following notification of interested parties and after consideration of the work project by the Planning and Zoning Board based on stated criteria set forth in Section 6 below.

## **8.3 DESIGNATING A SCENIC ROAD**

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### **8.3.1 PROCEDURE FOR RECOMMENDING DESIGNATION OF A SCENIC ROAD**

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A Scenic Road may be recommended by (a) the Planning and Zoning Board, (b) the Historic Commission, or (c) the Conservation Commission. Citizens wishing to have a road designated as a Scenic Road should seek the support of, and work in conjunction with, one or more of these boards. The Scenic Road Layout Plan, as described in Section 8.3.3 herein, shall be prepared by the proponent and submitted to the Planning and Zoning Board, which shall make a recommendation to Town Meeting regarding the proposal. No proposal shall be submitted to Town Meeting without a favorable recommendation of one or more of the above listed boards. Numbered routes and state highways are ineligible for designation as Scenic Roads.

### **8.3.2 PUBLIC HEARING**

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Prior to making any recommendations to Town Meeting regarding designation of a particular road as a Scenic Road, the Planning and Zoning Board shall conduct a public hearing. Notice of the public hearing shall be given by the Planning and Zoning Board pursuant to the requirement of notice set forth in Section 8.5.2 and 8.5.3 of these regulations. Applicants shall be responsible for all costs associated with notice of the Public Hearing.

### **8.3.3 SCENIC ROAD LAYOUT PLAN**

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Prior to the designation of any Scenic Road, a Scenic Road Layout Plan shall be prepared by the proponent. The proposed Scenic Road Layout may be wider than the right-of-way if appropriate to ensure inclusion of the trees or stone walls warranting protection, but in no case shall exceed the applicable front, side or rear yard setback distances required by the Easton Zoning By-Law. The Scenic Road Layout Plan shall be prepared by a registered engineer or land surveyor and shall be drawn to a scale of 1" = 40' or to a scale approved by the Planning and Zoning Board. Said Plan shall include:

1. Name of street(s), street right-of-way lines (approximated if unknown), date of acceptance (in the case of accepted streets), boundaries of proposed Scenic Road Layout, north arrow, date, and legend.
2. Names of all abutters as they appear on the most recent tax list.
3. Locations, name and width of any intersecting streets.
4. Location of all trees (as defined in Section 1) and stone walls within the proposed Scenic Road Layout.
5. Boundaries of local, state or federally designated historic districts and individual properties so designated.

6. Suitable space to record the action of the Planning and Zoning Board.

### 8.3.4 CRITERIA FOR DESIGNATION

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In determining which roads should be recommended for designation as Scenic Roads, the Planning and Zoning Board shall consider whether the road contains or is characterized by any of the following:

1. Bordering trees of exceptional quality, in terms of type, age, specimen size or spread, density of stand or related flora;
2. Bordering trees which themselves constitute, or are a significant part of, natural or man-made features of aesthetic or historic value, such as trees having spring flowering or high fall color potential; trees which are part of vistas paralleling roadways or which create a frame of reference for more distant views; and trees whose presence contributes substantially to the rural or woodland character of a roadway, particularly in comparison to the more developed or urbanized adjacent areas;
3. Bordering stone walls.

The Planning and Zoning Board shall give due consideration to the rights of the affected property owners.

## 8.4 NOTIFICATION OF DESIGNATION OF SCENIC ROAD

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Upon designation at Town Meeting of any road as a Scenic Road, the Planning and Zoning Board shall promptly take the following steps to give effective notice of such designation:

1. Notify the Historic Commission, Conservation Commission, Director of the Department of Public Works, Superintendent of Streets, Fire Chief, Police Chief, Tree Warden and Fence Viewer.
2. Notify the District 5 office of the Massachusetts Highway Department;
3. Cause a notice to be published in a local newspaper stating that the road or roads have been designated as Scenic Roads and the implication of such designation;
4. Notify all utility companies or other parties that may undertake work within or on the border of such road;
5. Notify abutters as provided by the proponent;
6. Cause street signs to be placed identifying the commencement of a designated Scenic Road (from both directions);
7. Record the Scenic Road Layout Plan at the Bristol County Registry of Deeds;
8. Specifically designate Scenic Road(s) on the Town of Easton, Massachusetts Zoning Map.



## 8.5 OBTAINING WORK PERMITS WITHIN DESIGNATED SCENIC ROAD LAYOUT

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### 8.5.1 FILING

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Any person, organization, public agency or utility company contemplating the cutting or removal of trees, the tearing down or destruction of stone walls, or portions thereof, within the Scenic Road Layout shall first obtain the written consent of the Planning and Zoning Board by filing a request for such work with the Planning and Zoning Board; said request shall include the following information:

- a. A plan (6 copies) showing proposed work and the extent of alterations or removal of trees or stone walls. The plan shall be drawn at the same scale as the approved layout plan for the subject Scenic Road or to a scale approved by the Planning and Zoning Board, and shall show the name of the street or streets, the lines of the Scenic Road Layout, north arrow, names of abutters within one hundred (100) feet of the proposed work, current size (diameter as measured four feet above the ground) and species of all trees to be altered or removed and suitable space to record the action of the Planning and Zoning Board. In instances where relatively minor alterations are proposed, as an alternative to the submission of the above references plans, the Planning and Zoning Board may accept prints of the approved Scenic Road Layout plan with the proposed minor alterations clearly indicated thereon;
- b. A narrative description of the proposed work, including identification of the location of the proposed work in terms enabling readers to locate it with reasonable clarity without need for additional plans or references; description of the proposed changes to trees and/or stone walls; and a statement of the purpose, or purposes, for the changes proposed. The narrative description should also address the criteria that the Planning and Zoning Board will consider when evaluating such applications, as listed in Section 6 herein.
- c. A list of owners of properties located in whole or in part within one hundred (100) feet of the proposed work;
- d. A fee sufficient to cover the cost of advertising and notification;
- e. Any further explanatory material as may be required by the Planning and Zoning Board.

### 8.5.2 NOTICE

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The Planning and Zoning Board shall, as required by stature, give notice of a public hearing regarding the proposed work by advertising twice in a newspaper of general circulation in the . This notice shall contain a statement as to the date, time, place and purpose of the hearing with a reasonable description of the action proposed by the applicant. Copies of this notice shall be delivered or mailed to owners of property located in whole or in part within one hundred (100) feet of the proposed work, the Historic Commission,

Conservation Commission, the Director of the Department of Public Works, Superintendent of Streets, Fire Chief, Police Chief, Tree Warden and Fence Viewer.

### 8.5.3 TIMING OF NOTICE AND HEARING

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The first publication of the notice shall be made as soon as practicable after the Planning and Zoning Board receives the request from the applicant. The last publication shall occur, as required by statute, as least seven (7) days prior to the public hearing. The Planning and Zoning

Board shall hold a public hearing within thirty (30) days of the date upon which a properly filed request is received.

### 8.5.4 TIMING OF DECISION

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Within twenty-one (21) days after the close of the public hearing, the Planning and Zoning Board shall render a written decision on the request.

### 8.5.5 PERFORMANCE GUARANTEE

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Before endorsement of its approval on a plan, the Planning and Zoning Board may required that the proposed work be secured by a bond, sufficient in form and amount in the opinion of the Planning and Zoning Board, to ensure satisfactory performance of the proposed work within the Scenic Road Layout.

### 8.5.6 PUBLIC SHADE TREE LAW/TREE WARDEN

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Whenever a public hearing concerning the proposed action is also required to be held by the Tree Warden pursuant to M.G.L. c.87 (The Public Shade Tree Law), the Planning and Zoning Board and Tree Warden hearings shall be consolidated and notice thereof given by the Tree Warden in accordance with the Provision of M.G.L. c.87. The consent of the Planning and Zoning Board to a proposed action shall not be regarded as inferring consent by the Tree Warden or vice versa. The Planning and Zoning Board decision shall include a condition that no work shall be done until all applicable provisions of the Public Shade Tree Law have been complied with.

### 8.5.7 EXCEPTIONS FOR EMERGENCY WORK

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In the event that emergency work is necessary to ensure public safety, municipal departments of the Town of Easton, public utilities or affected land owners shall be exempt from the above Procedures for Obtaining Permits; however, all work must be supervised by the Tree Warden or Director of the Department of Public Works.

## **8.6 CRITERIA FOR WORK PROJECTS**

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The Planning and Zoning Board's decision on any application for proposed work affecting a designated Scenic Road shall be based on consideration of the following criteria:

1. The degree to which the proposed action would adversely affect the scenic, historic and aesthetic values upon which the scenic road designation was originally based;
2. The necessity for the proposed work in terms of public safety, welfare or convenience;
3. Compensatory action proposed, such as replacement of trees or walls;
4. Availability of reasonable alternatives to the proposed action that could reduce or eliminate anticipated damage to trees or stone walls;
5. Whether the proposed action would compromise or harm other environmental or historical values;
6. Consistency of the proposed work with previously adopted plans and policies.

## **8.7 ENFORCEMENT**

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The Planning and Zoning Board, or its designated representative, is responsible for the enforcement of these rules and regulations. Whoever violates any provision of these regulations shall be liable to a fine of not more than three hundred dollars (\$300) for each citation for any violation AND shall be required to restore any damage.

# **SECTION 9. ADMINISTRATION**

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## **9.1 WAIVER OF COMPLIANCE**

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Strict compliance with these Administrative Rules and Regulations may be waived when, in the opinion of the Board, such waiver is in the public interest and is consistent with the intent and purpose of the Easton Zoning By Law.

A written request for a waiver from these Rules shall be made at the time of filing. If an oral request is made at a hearing or meeting, it shall be reduced to and submitted as a written request prior to the close of the public hearing. Any request must clearly identify the provision or provisions of these Rules from which relief is sought and such request must be accompanied by a statement setting forth the reason or reasons why, in

the Petitioner's opinion, the granting of the waiver would be in the public interest and consistent with the intent and purpose of the Bylaw and these Rules.

## **9.1 ADOPTION**

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These Rules and Regulations are hereby adopted on December 17, 2008 by the Easton Planning & Zoning Board.

## **9.2 VALIDITY**

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In the event of a conflict between the provisions of these Rules and Regulations and the provisions of the Massachusetts Zoning Act and the Easton Zoning By Law, the provisions of the Massachusetts Zoning Act and the Zoning By Law shall apply.

## **9.3 AMENDMENT**

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The Board shall review these Rules and Regulations at a Public hearing at least every July, unless another date is voted upon. The Board may amend these Rules and Regulations at that hearing, or at any other time by a majority vote of the board at a public meeting.



## APPENDIX A. FEE SCHEDULE

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Forms	Description	Fee
<b>(Subject to Change)</b>		
<b>Form A</b>	Approval Not Required Plan	\$300.
<b>Form B</b>	Preliminary Subdivision Plan	\$1,000.00 . This cost may be applied towards the cost of a Definitive Subdivision based on a valid, approved Preliminary Subdivision Plan.
<b>Form C</b>	Definitive Subdivision Plan	<p>\$3,000, plus:</p> <p>Application fee of \$500 per lot when combined with a special permit application (other than Common Driveway); OR \$1000 per lot</p> <p>\$350.00 for advertising and mailing</p> <p>PLUS \$1200 for the first 1200 feet, plus\$5.00 per linear-foot of roadway thereafter towards the cost of any outside consultants, as per §11.1 of the Subdivision Rules and Regulations, up to actual costs incurred</p>
<b>Form D.</b>	Modification of a Subdivision	<p>Minor \$300.00 Major \$1500.00 plus \$350.00 for advertising and mailing notices up to actual costs incurred. For a Major Modification, the applicant should also submit a \$1000 deposit towards review by outside consultants, as per §11.1 of the Subdivision Rules and Regulations</p>
<b>Form E</b>	Performance Covenant for a Subdivision	None

<b>Form F</b>	Certificate of Performance (for lot release)	None
<b>Form G</b>	Bond/Lot Release Form	\$200
<b>Estate Lot</b>	Special Permit: Estate Lot	\$1500; plus \$350.00 for advertising & mailing
<b>Common Driveway</b>	Application for a Special Permit to Construct a Common Driveway	\$350.00 for advertising & mailing, plus \$300.00 per driveway.
<b>Aquifer Protection District</b>	Special Permit: Aquifer Protection	\$1000.00 plus a minimum; plus \$350.00 for advertising and mailing notices up to the actual costs incurred
<b>OSRD</b>	Special Permit: Open Space Residential Development	\$3000.00
<b>Residential Compound</b>	Special Permit: Residential Compound	\$3000.00
<b>ARD</b>	Special Permit: Adult Retirement Development	\$3000.00
<b>Special</b>	Modification of a Special Permit	Minor: \$300.00

**Permit**

Major: \$1500.00, plus \$350.00 for advertising and mailing notices up to the actual costs incurred.

(Note: When modifying a Special Permit and the Definitive Subdivision Plan, both fees apply except that only one advertising fee shall be charged)

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<b>Site Plan Review</b>	Site Plan Review  For all new development, the applicant should also submit a \$1,000 deposit towards the cost of stormwater review. The applicant shall be liable for the full cost of the review.	For New Construction:  UP TO 10,000 S.F. BLDG: \$1,500 10,000-24,999 S.F. BLDG: \$2,500 25,000-99,999 S.F. BLDG:\$4,000 100,000+ S.F. BLDG: \$6,500  For Change of Use, Additions of up to 50% of Existing Square Footage, or Parking Lot Expansions of up to 50% of Existing Area:  UP TO 10,000 S.F. BLDG: \$500 10,000-24,999 S.F. BLDG: \$750 25,000-99,999 S.F. BLDG:\$1,000 100,000+ S.F. BLDG: \$1,500
<b>Preliminary Review Form</b>	Informal Review of any application	First time, free. Second time+, \$200

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## APPENDIX B    DRIVEWAYS ON STATE HIGHWAYS

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*The following is copied from M.G.L. c.81 §21. This text is reproduced for convenience only, and is subject to change without warning. Where any conflict exists between what is printed below and M.G.L. c.81 §21, the State law shall govern.*

No state highway shall be dug up, nor opening made therein for any purpose, nor shall any material be dumped or placed thereon or removed therefrom, and no tree shall be planted or removed or obstruction or structure placed thereon or removed therefrom or changed without the written permit of the department, and then only in accordance with its regulations, and the work shall be done under its supervision and to its satisfaction, and the entire expense of replacing and resurfacing the highway at the same level and in as good condition as before, with materials equal in specifications to those removed, shall be paid by the persons to whom the permit was given or by whom the work was done; but a town may dig up a state highway without the approval of the department in case of immediate necessity; but in such cases it shall forthwith be replaced in as good condition as before at the expense of the town and the town shall notify the department by registered mail, return receipt requested, within seven days of the excavation. In the case of a driveway opening on a state highway, the said department shall not grant a permit for a driveway location or alteration if the board or department in a city or town having authority over public ways and highways has notified the department by registered mail, return receipt requested, of their objection to the driveway; provided, that such objection shall be based on highway safety and accepted by the said department. The department may require a bond to guarantee the faithful and satisfactory performance of the work and payment for any damage to state highways and facilities caused by or resulting from the operations authorized by such permit. The amount of said bond shall be determined by the department not to exceed the estimated cost of the work and possible damage, but shall be not less than two thousand dollars nor more than fifty thousand dollars. Except in case of an emergency no permit for digging up or opening any state highway shall be approved or issued by the department until copies of the notices to public utility companies required by section forty of chapter eighty-two have been filed with the department by the applicant for such permit.

Any person who builds or expands a business, residential, or other facility intending to utilize an existing access or a new access to a state highway so as to generate a substantial increase in or impact on traffic shall be required to obtain a permit under this section prior to constructing or using such access. Said person may be required by the department to install and pay for, pursuant to a permit under this section, standard traffic control devices, pavement markings, channelization, or other highway improvements to facilitate safe and efficient traffic flow, or such highway improvements may be installed by the department and up to one hundred per cent of the cost of such improvements may be assessed upon such person.

The department may issue written orders to enforce the provisions of this section or the provisions of any permit, regulation, order, or approval issued under this section. Any person who violates any provision of this section or any permit, regulation, order or approval issued thereunder:

(a) shall be punished by a fine of not more than one thousand dollars per day for each such violation;  
or

(b) shall be subject to a civil penalty not to exceed one thousand dollars per day for each such violation; provided, however, that each day such violation occurs or continues shall be a separate offense.

The superior court shall have jurisdiction, upon petition of the commissioner of the department, to enforce the provisions of this section or of any permit, regulation, order, or approval issued thereunder.