

Town of Ayer Site Plan Regulations

Adopted by the Ayer Planning Board

July 10, 2018

I. Introduction:

These Site Plan Regulations are adopted in accordance with Section 3.5.6 of the Ayer Zoning Bylaw. Massachusetts General Laws (MGL) Chapter 40A designates regulatory oversight of site planning to local governments. The Ayer Planning Board is authorized by Section 3.5 of the Ayer Zoning Bylaw to review and approve applications for Site Plan Review. These Site Plan Regulations are intended to supplement and provide guidance on site plan issues identified in the Ayer Zoning Bylaw.

II. Applicability:

- A. Site plan review by the Planning Board shall be required for the following uses or activities in all districts:
 - 1. Construction, alteration or expansion of or change of use within a municipal, institutional, commercial, industrial, or multi-family structure;
 - 2. Construction or expansion of any parking lot for a municipal, institutional, commercial, industrial, or multi-family structure or purpose involving five (5) or more new or additional parking spaces;
 - 3. Clearing or grading more than 10,000 sq. ft. of land, unless specifically exempt under Section 9.6 of the Ayer Zoning Bylaw;
 - 4. Any use requiring a special permit, except that where single-family or two-family dwellings require a special permit, site plan review shall not apply.
 - 5. All new commercial or industrial construction.

- B. Exceptions.
 - 1. Any activity, construction or installation conducted solely for the purpose of environmental remediation, approved by the United States Environmental Protection Agency (EPA) or the Massachusetts Department of Environmental Protection (DEP), shall not be subject to Site Plan Review per Section 3.5 of the Ayer Zoning Bylaw.
 - 2. New construction or alteration of a detached single-family dwelling or two-family dwelling shall not be subject to Section 3.5 of the Ayer Zoning Bylaw except when such alteration is associated with any use other than a single-family dwelling or two-family dwelling.

- C. **Minor Site Plan Review** (*Space holder for future provisions*)

III. Application Procedures:

- A. Any application for a building permit to perform work as set forth in Section 3.5.1 of the Ayer Zoning Bylaw shall be accompanied by a site plan approved by the Planning Board.
- B. Submittal Requirements. Site plan submission requirements and procedures, including fees, shall be in accordance with the Rules and Regulations of the Planning Board and Section IV. of these Site Plan Regulations.
- C. The Planning Board shall hold a site plan review meeting with the applicant no later than forty-five (45) days from the date of submission of a complete proposed site plan. Other town boards, commissions, and departments shall forward their comments, in writing, to the Planning Board no later than thirty-five (35) days from the date of their receipt of the Site Plan.
- D. All site plans must be prepared by a Massachusetts registered professional engineer, registered land surveyor, landscape architect or architect. All Site Plans shall be signed and sealed by a Massachusetts registered Professional Engineer, even in cases when the plan has largely been prepared by another professional. The Planning Board may waive this requirement by majority vote in the case of *minor Site Plans* as may be defined herein. The Site Plan shall show the entire area under consideration for development and show the limits of disturbance in association with site work and construction.
- E. The applicant shall also notify all abutters (owners of record within 300 feet of all property lines of the subject property) by certified mail, the list of which shall be submitted by the applicant and certified by the Ayer Assessing Department (Chapter 40A, Section 11).
- F. Following determination of applicability under Section 3.5.1 of the Ayer Zoning Bylaw, the owner of record, or his agent, shall first file a copy of the application and plans with the Administrative Coordinator and the Ayer Town Clerk, and ten (10) copies of the application, including date and time of filing as certified by Town Clerk, and plans shall be submitted, with check for total fees.
- G. All Site Plans shall be on standard 24" x 36" sheets, along with six (6) 11" x 17" copies of the main plan view sheets (*not including drainage plans and detail sheets*), as well as one (1) electronic copy in PDF format submitted on a CD or USB stick.
- H. The Administrative Coordinator to the Planning Board shall then transmit one copy each of the application and plans to the following departments:
 - Building Commissioner
 - Board of Health
 - Conservation Commission
 - Board of Selectmen

- Department of Public Works
- Fire Department
- Police Department
- Tax Collector
- Town Assessor
- Community and Economic Development

- I. The Town Clerk shall prepare a new file folder for the Board's copy of application, plans, and input of Town departments.
- J. Town departments and other officials shall have 35 days to report in writing and their failure to report within 35 days shall constitute approval of the adequacy of the submittal, and also that, in the opinion of that agency, the proposed project will cause no adverse impact. The Planning Board shall not act on a Site Plan application until comments have been received by Town departments and officials that have received a copy of the Site Plan application for review, or an indication that such department or official has no comments on the proposed Site Plan.
- K. The Site Plan review meeting date shall be set, posted at least 14 days before said meeting, and advertised twice in a local newspaper. The first time advertisement shall be at least 14 days before the meeting date - all according to Ch. 40A, Sec. 11, so that 35 days are allowed for receipt of reports from Town agencies.

IV. Plan Submittal Requirements:

The following information shall be included on all Site Plans and/or provided in writing when applicable:

A. General Information:

- 1. **Date of Site Plan.** All revisions shall be noted and dated and when appropriate, indicate all changes from a previous version of the Site Plan, when applicable.
- 2. **North arrow.**
- 3. **Title or name of project.**
- 4. **Locational information for the project:**
 - a. Street address
 - b. Property Assessor’s Map and Parcel number(s)
 - c. Any other locational information that may be pertinent

5. **Owner of Record:** name, address, and contact information, including email(s) and cell phone numbers when applicable. If the owner of record is a corporation or trust, the name and address of the president or lead agent shall be submitted.
6. **Plan Preparer(s):** name, address and contact information of a similar nature to that provided for the owner of record shall be submitted.
7. The name, address and contact information for the main point of contact on the application, if different from the owner of record.
8. **Scale:** A scale of 1" = 20', 1" = 40' or 1" = 80', whichever is most appropriate for the project and/or particular plan sheets. All distances shall be in feet and decimals of a foot and all bearings shall be given to the nearest ten seconds. The error of closure shall not exceed one in ten thousand.
9. **Locus map** at an appropriate scale showing the location of the subject property in relation to the neighborhood out to a distance of 500 feet from the property lines of the parcel that is the subject of Site Plan review. Adjacent streets and notable features should be shown on the locus map.
10. The **names of all owners of record** of all adjacent property, and the Property Assessor's Map and parcel number(s) of each property (within 300 feet of all property lines shown on the locus of the site to be developed).
11. **Current zoning designation** and all applicable lot sizes, setbacks and dimensional requirements of the applicable zoning district(s).
12. **Adjacent zoning districts** within 500 feet of the subject property. This can be shown on the locus map.
13. A **written description** of the proposed use or uses.
14. The **area of the parcel undergoing development**, in both acres and square feet.
15. **Existing contours** with intervals of two feet where the slopes are greater than three (3) percent but less than fifteen (15) percent, and five (5) feet where slopes are fifteen (15) percent or greater. Where any changes in contours are proposed, finished grades should be shown as solid lines.
16. **Location of existing buildings to remain and all other existing structures**, such as walls, fences, culverts, bridges, roadways, driveways, etc., with spot elevations of such structures included.
17. **Location of existing buildings and structures** to be removed shall be noted on the Site Plan as "to be removed".
18. **All applicable building and wetland resource setbacks** between structures and improvements from the property lines and key topographical features, such as wetlands, shall be depicted.

19. **Location and boundaries for existing lots, streets, easements, rights-of-way, restricted areas, etc.**, on and within one-hundred (100) feet of the parcel undergoing development. Application materials shall include all information necessary to clearly identify the status and disposition of the property referenced.
20. **A Table or Chart** indicating the proposed number or amount and types of uses, lot area, lot width, front, side and rear setbacks, building footprint, building height, lot coverage, floor area, parking spaces, and area and percentage of impervious areas both pre and post-development.
21. For new buildings, uses or projects, **a table containing the following information** must be submitted:
 - a. Area of the building to be used for a particular use such as retail, office, kitchen, dining area, storage, etc.
 - b. Maximum number of employees in total and for the largest shift or period of operation.
 - c. Maximum seating capacity, if applicable.

B. Buildings, Structures and Appurtenances:

1. The **proposed use and location of all buildings**, including proposed grades and structure height. The area of all buildings shall be given in square feet.
2. **Layout of proposed buildings and structures** including elevations and architectural renderings.
3. **Exhibits, as appropriate, to indicate the visual impact on the surrounding area.** The intent of the exhibits is to demonstrate how the proposal's design takes the surrounding area into context and contributes to overall aesthetic harmony.
4. All **existing non-conformities** shall be indicated.
5. The location, dimensions, height, lighting and other characteristics of all **proposed signs**.

C. Landscaping, Open Space, Drainage, Stormwater and Environmental Features:

1. The location and area (in square feet) of all **areas to be rendered impervious** by the proposed development.
2. The Site Plan shall show the location of existing wetlands, water bodies, wells, the one-hundred year flood elevation, and natural features including but not limited to streams, drainage channels, areas with slopes equal to or greater than fifteen percent (15%), rock outcroppings, unique vegetation and other environmental features on the site.
3. All **jurisdictional wetland resource areas** shall be delineated in accordance with 310 CMR 10.00; the Wetlands Protection Act.

4. The location and description of **proposed natural and manmade open space** and recreational areas, including outdoor patios, gardens and seating areas.
5. The location and estimated yield of any **groundwater aquifers** on the site, as well as the boundaries of any Zones I and II for public or private water supply wells.
6. The **estimated habitat areas** of any plant or animal species listed in the Natural Heritage and Endangered Species program, 321 CMR 10.18.
7. Identification and short description of all **measures proposed to prevent pollution** of surface or groundwater, soil erosion, runoff, and flooding.
8. The location, description and proposed containment of any **hazardous materials** to be located or stored on site in amounts greater than those associated with normal household use.
9. The location of current and proposed **aboveground and underground storage tanks**.
10. The location of **existing and proposed septic systems and leach fields** and their distance from any natural resource features identified herein.
11. The location of all subsurface **soil boring and test pits** shall be shown on the Site Plan.
12. Location and description of **proposed storm drainage structures** and related infrastructure, whether publically or privately owned, with pipe sizes, grades, and direction of flow indicated on the Plan.
13. Proposed **stormwater management** systems shall be designed in accordance with the Massachusetts Stormwater Management Standards.
14. **A landscaping plan and description of on-site open space** that meets the requirements of Sections 9.1.6 and 9.2 of the Ayer Zoning Bylaw.

D. Utilities:

1. The location of all **electric, telephone, cable TV and other utilities**. If existing utility lines are underground, the estimated location of the lines shall be shown.
2. The location of all **proposed utilities**.
3. Location of any **fire alarm and terminal boxes**.
4. The **location of fire hydrants**, size and location of water mains and other information relative to fire control and safety.
5. Estimated **water consumption and wastewater generation** from the activities associated with the uses on the lot(s) subject to Site Plan review.
6. The location and description of all **proposed water and sewer lines**, valves, and related infrastructure.

E. Vehicular Traffic, Circulation and Parking:

1. **Traffic flow patterns** within the site, entrances and exits, loading and unloading areas, size and location of curb cuts on the site and within one hundred (100) feet of the site.
2. A **traffic impact statement** that provides detailed information on the following:
 - a. The projected **number of motor vehicle trips** to enter and exit the site, estimated for daily and weekly peak hour traffic volumes;
 - b. The **projected traffic flow pattern** including vehicular movements at all major intersections likely to be affected by the proposed use of the site.
 - c. A detailed assessment of the **traffic safety impacts** of the proposed project or use on the carrying capacity and level of service (LOS) of any adjacent local road or state highway, including the projected number of motor vehicle trips to enter and depart from the site at daily hour and peak hour traffic levels, road capacities and impacts on LOS at nearby intersections.
 - d. A plan to minimize traffic and safety impacts through such means as physical design and layout, staggered employee work schedules, the promotion of public transit or carpooling and other appropriate means.
 - e. An interior traffic circulation plan designed to minimize conflicts and safety problems.
3. The **number and location of existing and proposed parking spaces**, based on the requirements of Section 9.1.2 of the Ayer Zoning Bylaw.
4. Any proposed **provisions for shared parking** with abutting land-uses that may be anticipated.
5. Copies of all existing or proposed agreements by which private drives, access ways and roads will be maintained, including snow removal.

F. Pedestrian and Bicycle Circulation and Safety:

1. The location and dimensions of any **existing or proposed sidewalks** on and adjacent to the site undergoing site plan review.
2. The location and dimensions of any **existing or proposed pedestrian or bicycle paths** or ways adjacent to and on the site undergoing site plan review.
3. The location and characteristics of any **bicycle facilities** such as racks, storage areas, etc.
4. Any **existing or proposed striping of pedestrian and/or bicycle lanes** both on site and in the immediate area serving the site.

G. Outdoor Lighting:

1. **Details of all outdoor lighting fixtures** shall be provided. This shall include their location, height off the ground, and type of fixture. All outdoor lighting shall be full-cutoff unless waived by the Planning Board in specific cases.
2. **Photometric plans** shall be provided for all proposed outdoor lighting.

H. Other / Misc.: (space holder)

V. Planning Board Review and Approval Process:

- A. No site plan application shall be reviewed by the Planning Board until the Town Planner and the Ayer Planning Board find that the plan is complete in terms of required submittal requirements. The Board shall make such finding before the Site Plan review meeting on any Site Plan application is opened.
- B. The Planning Board has 45 days to hold a Site Plan review meeting, and after due consideration of the recommendations, the Board shall take final action within 90 days from the date of submission.
- C. After the Site Plan review meeting is closed, and after deliberation as may be needed, the Planning Board shall formally vote to approve (*a majority of the Planning Board is required to approve a Site Plan*), or deny the petition, and then must file its written decision with the Town Clerk within 14 days after the decision is made.
- D. The written decision of the Board, with general and special conditions, and "findings", if any, may be "roughed out" by the Town Planner or Administrative Coordinator (or Planning Board Clerk in his/ her absence) at the meeting where the decision is voted, and later typed with members signing both the decision and final plan after the 20 day appeal period has expired (M.G.L. c. 40A, Section 17). Following the filing of the decision with the Town Clerk as specified above, the Administrative Coordinator shall mail a copy, as time-stamped and certified by the Town Clerk, to the petitioner, and to anyone else so requesting it at the public hearing.
- E. Site Plan decisions are filed with the Building Inspector, and a signed copy shall be kept with the applicant's file in the special Site Plan Review file drawer in the Planning Board office.
- F. The Ayer Building Department shall not issue a building permit for use of an applicable property until a copy of the Site Plan Review approval is received, and only in accordance with all conditions, limitations and safeguards set down in the decision. In no case shall a building permit be issued for any application denied by the Planning Board, unless directed by a Court as the result of an appeal.

- G. The Planning Board's decision to **approve** (*with general conditions*), **approve with special conditions**, or **deny** the site plan shall be by a majority of those present, and shall be in writing.
- H. If no action is taken within ninety (90) days from the date of submission, the application shall be deemed approved as submitted except where the Planning Board and the applicant have agreed in writing to extend the review period.
- I. The Planning Board may impose reasonable site plan approval conditions at the expense of the applicant, including performance guarantees as established under Section 3.5.5 of the Ayer Zoning Bylaw, to promote these objectives. The Planning Board's conditions shall become binding zoning requirements of the project. Noncompliance with the site plan or the conditions placed on said plan by the Planning Board shall be cause for action by the zoning enforcement officer of the Town of Ayer.
- J. The Planning Board may deny a site plan only if the applicant's submission does not include the specific information required to make the determinations under subsection A on plan completeness above.
- K. Approval of a site plan shall not substitute for the requirement of obtaining a special permit or other permits or approvals required by this Bylaw.
- L. Performance Guarantee: As a condition of site plan approval, the Planning Board may require a performance bond or cash security to be posted with the Town to guarantee completion of site improvements in compliance with the plans submitted and approved hereunder, or for land restoration not having to do with the construction of site improvements.

The amount of security shall be determined by an estimate from the applicant's engineer, which may be confirmed or increased by the Planning Board. The Town may use the secured funds for their stated purpose in the event that the applicant does not complete all improvements in a manner satisfactory to the Planning Board, as provided in the approval.

- M. Combined Special Permit and Site Plan Review: For any use requiring a special permit from the Planning Board, the special permit and site plan applications shall be combined as a single submission. The procedures for a special permit with site plan review from the Planning Board shall be the same as any other special permit and shall conform to the requirements of G.L. c. 40A, § 9, as amended, and Section 3.4 of the Ayer Zoning Bylaw.
- N. For any use requiring a special permit from the Board of Appeals, the site plan application shall be submitted to the Planning Board in accordance with Section 3.5.3. Whenever possible, the Board of Appeals shall consider incorporating the Planning Board's conditions of site plan approval as conditions of the special permit.

O. **Criteria for Approval:** The Planning Board shall approve a site plan if it determines that:

1. The site plan meets all applicable requirements of the Ayer Zoning Bylaw;
2. Given the location, type and extent of land use proposed by the applicant, the design of building form, building location, egress points, grading, and other elements of the site plan could not reasonably be altered to:
 - a. Reduce clearing and grading on the site, or reduce the volume of cut and fill, the number of removed trees, the length of removed or altered stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, or threat of air or water pollution,
 - b. Reduce the risk of groundwater contamination from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances,
 - c. Improve pedestrian, bicycle or vehicular safety, both on the site and egressing from it,
 - d. Improve access to each structure for fire and other emergency service equipment,
 - e. Reduce visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned,
 - f. Improve building design or scale, or site design, to strengthen compatibility with surrounding properties,
 - g. Reduce glare from headlights, reduce light trespass from luminaires onto adjacent lots or the street, or light overspill into the night sky,
 - h. Avoid the removal or disruption of historic, traditional or significant structures or architectural elements,
 - i. Reduce obstruction of scenic views from publicly accessible locations; and
3. Any variances or special permits required from the Board of Appeals have been granted.

VI. Post-Approval:

- A. One copy of the approved site plan shall be provided each to the applicant, the Building Commissioner, the Department of Public Works, the Police Department, the Fire Department, the Conservation Commission, and the Board of Health. One (1) copy of the approved site plan shall remain in the records of the Planning Board.
- B. **“As-Built” Plans** certified by a Licensed Professional Engineer or Surveyor must be submitted to the Ayer Planning Department prior to the issuance of any Certificate of Occupancy or Certificate of Completion by the Ayer Building Commissioner.

- C. A **Pre-Construction conference** must be held prior to the start of land clearing, land disturbance and/or construction of any elements of the approved Site Plan. Representatives of the Department of Public Works, Conservation Commission, the Building Commissioner and Town Planner, as applicable, will schedule and hold such conference with the applicant or representative(s) shortly after the issuance of a building permit and prior to the issuance of any certificates of occupancy or completion, as the case may be. The Town Planner will write up any findings or recommendations coming out of such conference and file them with the Planning Department, DPW and Building Commissioner.
- D. All applicable policies of the Ayer Board of Selectmen, Fire Department, Police Department, Department of Public Works, Conservation Commission, Board of Health, and other Town departments concerning the construction and installation of project facilities and site work shall be followed.
- E. During and after construction the applicant / owner shall be responsible for maintaining all ways and parking areas on the site. All sidewalks and walkways, parking areas, trails and fire lanes shall be maintained in good condition and be kept free of snow or other accumulation year-round, including access to all catch basins, fire hydrants and firefighting equipment. No snow accumulation that will obstruct views for vehicular traffic at driveways entering and exiting the site shall be permitted.
- F. All landscaping shall be kept in good condition. Dead and dying plants will be replaced as soon as possible taking time of year and weather conditions into consideration.
- G. All buildings and individual units shall be clearly numbered and lettered in accordance with pertinent Town of Ayer bylaws and regulations.
- H. A trash disposal system for the site, acceptable to the Ayer Board of Health, shall be provided by the applicant prior to the issuance of a Certificate of Occupancy or Completion.
- I. Fire Department:
 - a. Information shall be provided which demonstrates how fire alarm and terminal boxes shall be installed for the fire alarm system in accordance with the standard specifications of the Fire Department.
 - b. All blasting shall be conducted in accordance with MGL Chapter 148 and 527 CMR 13.01. All blasting at the site shall be conducted under conditions established by the Ayer Fire Department.

VII. Site Development Standards and Guidelines:

Note: *The following Site Development Standards and Guidelines are taken from Section 9.0, General Regulations, of the Ayer Zoning Bylaw (March 19, 2018).*

Unless specifically waived by the Ayer Planning Board, the following standards as found in Section 9.0, General Regulations, of the Ayer Zoning Bylaw (March 19, 2018) shall apply to all Site Plans proposed within the town of Ayer. The purpose or summary clause of each section is reproduced here, with the full standards as found in the sections of the Ayer Zoning Bylaw referenced herein. All section references below are to the Ayer Zoning Bylaw.

A) Off-Street Parking and Loading (from Sections 9.1.1, 9.1.2, 9.1.3, 9.1.4, 9.1.5)

Except as provided in Section 9.1.4, the minimum number of off-street parking and loading spaces shall be as set forth in Section 9.1.2 Off Street Parking Requirements. Where fractional spaces result, the minimum number of spaces shall be the next highest whole number. For certain uses, a maximum number also applies. Off-street parking requirements for a use not specifically listed below shall be as specified by the Building Inspector based on a listed use of similar characteristics of parking demand.

B) Landscaping and Lighting (Section 9.1.6)

Landscaping and lighting requirements are found in Sections 9.1.6 and 9.2 of the Ayer Zoning Bylaw.

C) Pedestrian Accommodation (Section 9.1.7)

The pedestrian accommodation requirements of Section 9.1.7 shall apply to all new construction or substantial reconstruction of nonresidential uses and mixed-use developments in the Downtown Business, Mixed-Use Transitional, General Business District, and Health Care Services District.

D) Reserve Parking (Section 9.1.8)

The Planning Board may authorize a reduction in the number of off-street parking spaces required under Section 9.1.2, subject to the following conditions:

The decrease is not more than thirty (30) percent of the total number of spaces required under Section 9.1.2. The waived parking spaces shall not be used for building area and shall be labeled as "Reserve Parking" on the site plan.

The proposed decrease in the number of required spaces will not create undue congestion, traffic hazards, or a substantial detriment to the neighborhood, and does not derogate the intent and purpose of this Bylaw.

The reserve parking spaces shall be properly designed as an integral part of the overall parking development.

In no case shall any reserve parking spaces be located within areas counted as buffer, parking setback or open space.

If, after one (1) year from the date of issuance of a certificate of occupancy, the Building Inspector or Planning Board finds that all or any of the increased reserve spaces are needed, the Planning Board may require that all or any portion of the spaces identified as increased reserve spaces on the site plan be constructed within a reasonable time period, as specified by the Planning Board. A written notice shall be sent to the applicant at least seven (7) days before the matter is next discussed at a meeting of the Planning Board.

E) Bicycle Accommodation (Section 9.1.9)

In any zoning district, the requirements of Section 9.1.9 shall apply to all uses except single-family or two-family dwellings unless waived or modified by the Planning Board.

Bicycle parking facilities shall be provided for any new building, addition or enlargement of an existing building, or for any change in the occupancy of any new building that results in the need for additional vehicular parking facilities.

F) Open Space and Landscaping Standards (Sections 9.1.6 and 9.2)

The standards of Sections 9.1.6 and 9.2 shall apply to open space and landscaped areas in all new construction and substantial reconstruction in the Business and Industrial Districts and in multi-family developments in any district.

G) Commercial Development Standards (Section 9.3)

Applications for site plan review in the Business Districts and Health Care Services District shall demonstrate compliance with the standards of Section 9.3, which address appearance and architectural design standards, lighting standards and details traffic impact statements.

H) Environmental Performance Standards (Section 9.4)

Any use permitted by right or special permit in any district shall not be conducted in a manner as to emit any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactive or other hazard; noise or vibration, smoke, dust, odor or other form of environmental pollution; electrical or electro-magnetic, or other disturbance; glare; liquid or solid refuse or wastes; conditions conducive to the breeding of insects, rodents, or other substance; conditions or element in any amount as to affect adversely the surrounding environment. The performance standards of Section 9.4 address emissions, erosion control, hazardous activities, hazardous materials storage, and stormwater management.

I) Signs (Section 9.5)

Signs associated with any project subject to Site Plan Review must adhere to the standards of Section 9.5 and Appendix C of the Ayer Zoning Bylaw.

- J) Stormwater Management – Proposed stormwater management systems shall be designed in accordance with the Massachusetts Stormwater Management Standards