

APPENDIX A
Draft Chapter 43D Rules and Regulations

Original November 5, 2007
Revision #1 November 30, 2007
Revision #2 January 7, 2008

Jurisdiction: Board of Selectmen

Title: Chapter 43D Governing Body Administrative Regulations

- A. Purposes. The purposes of this section are to:
1. Establish administrative rules, regulations and procedures for the Shrewsbury Board of Selectmen ("Governing Body") to carry out its roles and responsibilities under M.G.L. c.43D ("Chapter 43D");
 2. Provide guidance for bringing the rules, regulations and procedures of development permitting boards and officers ("Issuing Authorities") into conformance with the requirements of Chapter 43D; and
 3. Identify the powers and duties of various municipal officers with respect to Chapter 43D.
- B. Definitions. Unless otherwise noted, the definitions of terms used herein shall be the definitions set forth in Chapter 43D and 400 CMR 2.00 et seq.
- C. Municipal Liaison. The Town of Shrewsbury's Municipal Liaison for Chapter 43D shall be the Engineer/Planner, hereinafter known as the Permitting Coordinator. The powers and duties of the Permitting Coordinator shall be to:
1. Assist applicants with determining the permits and approvals required for a proposed development;
 2. Coordinate the duties of the Technical Review Team, as provided in Section D below;
 3. Review permit applications for completeness and advising the Board of Selectmen of the same; and
 4. Act as the Board of Selectmen's agent with respect to decisions made or actions taken by the Board in its capacity as Governing Body under Chapter 43D.
- D. Technical Review Team. There shall be an administrative unit known as the Technical Review Team to assist applicants during the Pre-Application Process as set forth in Section E below, assist with reviewing and determining the completeness of permit applications, assist the Board of Selectmen and applicable Issuing Authorities with Chapter 43D compliance, and assist with resolving issues that arise during the permitting

process. The Technical Review Team shall consist of the following officials or their designees:

1. Town Manager, who shall chair the Technical Review Team;
2. Assistant Town Manager;
3. Building Inspector;
4. Town Engineer;
5. Engineer/Planner/Permitting Coordinator;
6. Engineer/Conservation Agent;
7. Director of Public Health;
8. Highway Superintendent;
9. Water and Sewer Superintendent;
10. Fire Chief;
11. At the discretion of the chair of the Technical Review Team, one representative each from the Governing Body, Planning Board, Conservation Commission or Board of Health.¹

E. Pre-Application Process. No application for development permits or approvals for a Chapter 43D Priority Development Site (PDS) shall be submitted to any Issuing Authority until the following procedures have been completed by the Applicant, Permitting Coordinator and Technical Review.

1. It shall be the Applicant's responsibility to initiate the pre-application process under this section. Toward this end, the Applicant shall meet informally with the Permitting Coordinator to discuss the proposed project and submit thereafter a Permit Guidance Request (PGR) to the Permitting Coordinator.
2. The Permitting Coordinator shall convene the Technical Review Team no later than ten (10) business days from receipt of the PGR, and shall distribute a copy of

¹ Author's Note: The Zoning Board of Appeals is not permitted to serve on the Technical Review Team. See 400 CMR 4.02, Definitions.

Board of Selectmen

the PGR to each member of the Technical Review Team prior to the meeting. The Applicant shall attend the Technical Review Team meeting.

3. The Technical Review Team shall assist the Applicant by identifying the permits and approvals required for the project; identifying the submission requirements for each Issuing Authority; and identifying a planned sequence of submissions to individual Issuing Authorities and timetables, where appropriate, including an identification of "critical path" or first-tier permits that will require action prior to other permits or approvals. The product of this process shall be a Permitting Plan tailored to the particulars of the proposed development. It is anticipated that the Technical Review Team will complete the process of providing pre-application technical assistance in not more than two (2) meetings with the Applicant.
4. For a major development, the pre-application process may include a joint scoping session for issuing authorities with jurisdiction over the project, the Applicant and, as appropriate, the Technical Review Team. The purposes of a scoping session shall be to consider the Applicant's development concept, identify plans or studies that may be required for review of permit applications by one or more issuing authorities, and identify potential issues with the Applicant's proposal. The scoping session shall be a public meeting that conforms to the requirements of the Open Meeting Law, M.G.L. c.39, s.23B, and it shall not substitute for any public meetings or public hearings required by statute or local bylaw following the receipt of a permit application.
5. The Permitting Coordinator shall prepare the Permitting Plan and distribute the same to the Technical Review Team for comment no later than five (5) business days from the date of the Technical Review Team's final meeting with the applicant.
6. Technical Review Team members shall provide the Permitting Coordinator with comments or corrections to the Permitting Plan within five (5) business days. Failure to provide such comments or corrections shall be deemed as no opposition to the content of said Plan.
7. The Permitting Coordinator shall send the Permitting Plan to the Applicant by certified mail, return receipt requested, and to the Governing Body.

- F. Master Permit Application (MPA)
1. The Applicant shall submit a Master Permit Application (MPA) to the Governing Body on the form supplied by the Permitting Coordinator. The MPA shall include, at minimum:
 - (a) Complete applications for all permits or approvals required from any Issuing Authority in the Town of Shrewsbury, unless the Permitting Plan includes a phased submission process, in which case complete applications for all first-phase permits shall be submitted at the time of submission of the MPA;
 - (b) A Certification of Intent to submit each remaining application for any other permit or approval included in the Permitting Plan, within the timetables established by the Technical Review Team, signed by the Applicant;
 - (c) A complete copy of the Permitting Plan, signed by the Applicant. Submission of the Permitting Plan with the MPA shall constitute the Applicant's written acceptance of, and agreement to adhere to, said Plan;
 - (d) A certification by the Applicant as to the completeness of the MPA; and
 - (e) The MPA filing fee, which shall be in addition to the application fees payable to any Issuing Authority subject to Chapter 43D and shall be set by the Governing Body.
 2. No application for any permit or approval shall be filed individually with any Issuing Authority or with the Town Clerk until such time as the Permitting Coordinator has determined the MPA to be a complete submission in accordance with Section G below.
- G. Review for Completeness
1. Upon receipt of the MPA, the Permitting Coordinator shall review the MPA for completeness. The Permitting Coordinator shall consult with the Technical Review Team about the completeness of the MPA.
 2. No later than twenty (20) business days from the date of receipt of the MPA, the Permitting Coordinator shall notify the Applicant and the Board of Selectmen of one of the following determinations:

Board of Selectmen

- (a) A Determination of Completeness shall be made if the Permitting Coordinator determines that the MPA as submitted by the Applicant is complete; or
 - (b) A Determination of Incompleteness shall be made if the Permitting Coordinator determines that the MPA requires additional information, in which case the Permitting Coordinator shall notify the Applicant, in writing, of the additional information the Applicant must submit in order for the Issuing Authority(ies) to review and act upon the MPA.
3. Upon receipt of the additional information required by the Permitting Coordinator under (2) above or receipt of a resubmitted MPA, the Permitting Coordinator shall conduct a review and notify the Applicant and Board of Selectmen within twenty (20) business days, in writing, whether any additional information is required.
4. No later than one (1) business day following the date that the Permitting Coordinator sends a Determination of Completeness to the Applicant and the Board of Selectmen, permit applications to any Issuing Authority contained within the MPA shall be filed with the Town Clerk.
5. The 180-day period for a decision on all required permits and approvals shall commence, as required under Chapter 43D and 400 CMR 2.08, as of the date of the Determination of Completeness.
6. Failure of the Permitting Coordinator to notify the Applicant of the completeness review under subsection (2) or (3) above within twenty (20) business days shall cause the MPA to be deemed complete.
7. If the Applicant is required to provide additional information under (2)(b) or (4) above and does not furnish the same within ninety (90) calendar days, the MPA shall be considered withdrawn and the Board of Selectmen shall notify the Interagency Permitting Board that the permitting process has been discontinued.
8. All notifications described herein shall be sent to the Applicant by certified mail, return receipt requested.
9. The submission requirements and procedures for permits issued by the Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health or Board of Sewer Commissioners shall be in accordance with these regulations and the rules and regulations of the applicable Issuing Authority.

10. Permits, licenses or other approvals issued by the Shrewsbury Fire Department, Highway Department, Water Department or other municipal department except those identified under subsection (9) above shall be applied for as part of the MPA, in accordance with the Permitting Plan, and shall be issued no later than the 180-day permitting period set forth in subsection (5) above.

H. Consolidation of Review Procedures

1. Consolidation of permitting procedures, including merged submission documents and a combined public meeting or public hearing process, shall be required in the following instances:
 - (a) Site plan review consolidated with a special permit issued by the Planning Board; or
 - (b) One or more variances and a special permit heard concurrently by the Zoning Board of Appeals.
2. During the 180-day permitting period, the Applicant may request in writing that any of the consolidated processes in (1) above be waived by the Issuing Authority for good cause, and that the permit applications be reviewed and acted upon separately. The Issuing Authority shall provide its answer in writing within five (5) business days of the request being made at a public meeting of said body.
3. The Planning Board and Zoning Board of Appeals may, by mutual agreement and with the consent of the Applicant, conduct a joint public hearing for Site Plan Approval and a special permit under Section VII(F) of the Zoning Bylaw, or a petition for one or more variances and submission of a preliminary subdivision plan, where applicable.
4. In addition, the Planning Board, Conservation Commission and Sewer Commission may, by mutual agreement and with the consent of the Applicant, convene to discuss and reach resolution on matters of stormwater management approval, including a consolidated hearing process. Said action may involve the authority of subdivision control, special permit with site plan review, National Pollutant Discharge Elimination System Phase II water quality review, or the Massachusetts Wetlands Protection Act.

Board of Selectmen

- I. Extensions
 1. The Board of Selectmen may consent to an extension of the 180-day permitting period for good cause:
 - (a) If the Applicant requests such extension, in writing, or
 - (b) If any Issuing Authority requests such extension and the Applicant consents, in writing.
 2. The Board of Selectmen may extend the 180-day period if it determines that an additional permit or approval is required and such permit or approval was not identified in the original Permitting Plan, provided that such a determination is made within 150 days following the Determination of Completeness.
 - (a) The Board of Selectmen shall notify the Applicant of the additional permit or approval, by certified mail, and transmit a copy of the notice to the Interagency Permitting Board.
 - (b) The extension period shall not exceed the greater of thirty (30) days from (1) the date of the notice to the Applicant or (2) the close of the public hearing on such additional permit application, where a public hearing or comment period is required by law.
 3. The Board of Selectmen may assist any local Issuing Authority with requesting an extension from the Interagency Permitting Board if substantial modifications have been made to a proposed development since the submission of the MPA, and such modifications make it infeasible for the Issuing Authority to act within the required 180-day decision period.
- J. Effective Period of Permits and Approvals; Provision for Periodic Reviews
 1. In accordance with Chapter 43D, permits and approvals issued under these regulations shall remain in effect for five (5) years from the expiration of the applicable review period.
 2. Issuing authorities may require progress reports from the Applicant in the event that a permit is not acted upon within a reasonable period, to be specified in the regulations of the applicable issuing authority. For permits or licenses issued by municipal departments under the direction of the Board of Selectmen or Town Manager, the Applicant shall submit a progress report once every twelve (12)

Board of Selectmen

months on any permit not activated. Failure to submit a progress report may result in revocation of the permit.

Jurisdiction: Planning Board

Title: Chapter 43D Site Plan Regulations

- A. Purposes. These rules and regulations are adopted by the Planning Board for the purpose of establishing the requirements for a Site Plan Approval submission under M.G.L. c.43D ("Chapter 43D") and Section VII(F) of the Shrewsbury Zoning Bylaw.
- B. Definitions. Unless otherwise noted, the definitions of terms used herein shall be the definitions set forth in Chapter 43D and 400 CMR 2.00 et seq., the Town of Shrewsbury Zoning Bylaw or the Town of Shrewsbury Chapter 43D Administrative Regulations, as applicable.
- C. Submission Requirements.
 - 1. An application for Site Plan Approval for a Chapter 43D Priority Development Site (PDS) shall be submitted to the Town of Shrewsbury Permitting Coordinator as part of a Chapter 43D Master Permit Application (MPA), consistent with the Permitting Plan for the project.
 - 2. The Site Plan component of the MPA shall be deemed complete only when all information required in Section VII(F) of the Zoning Bylaw, the Permitting Plan and this section has been submitted and all applicable fees have been paid to the Town.
 - 3. A Chapter 43D Site Plan application shall include, in addition to the requirements in Section VII(F)(3)(f) of the Zoning Bylaw, the following information:
 - (a) Exterior elevations of all sides of the proposed new buildings and/or proposed remodeling, prepared and stamped by a registered professional architect. For additions, elevations shall be show existing conditions and the proposed addition.
 - (b) A landscaping plan showing the location, name, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps and paths, prepared by a registered landscape architect.
 - (c) For projects involving more than one tenant in a building or more than one building on a lot, a master signage plan.
 - 4. The Planning Board may waive the submission of technical information or documents where the Applicant demonstrates that, due to the simplicity of the

Planning Board

proposal, such information is not necessary for or applicable to the Planning Board's Site Plan Approval decision. The Permitting Coordinator shall make every reasonable effort to confirm the Planning Board's requirements prior to providing the applicant with the Permitting Plan.

D. Review and Decision Procedures

1. The Planning Board shall hold a public hearing on the Applicant's request for Site Plan Approval within forty-five (45) days of receipt of a complete Site Plan submission, as provided in Section VII(F)(3) of the Zoning Bylaw. For a Site Plan submitted in conjunction with an application for a Special Permit under Section VI and Section IX of the Zoning Bylaw, the Planning Board shall consider both applications in a consolidated public hearing process. Where the Zoning Board of Appeals is the Special Permit Granting Authority, every effort shall be made to conduct a joint session with the Zoning Board of Appeals to consider the Site Plan and Special Permit together, as applicable.
2. Public notice of the hearing shall be in accordance with M.G.L. c. 40A, § 11 and Section IX(F) of the Shrewsbury Zoning Bylaw.
3. The Planning Board may continue the public hearing to allow sufficient time for municipal departments to provide comments on the application, or to allow sufficient time for other components of Chapter 43D MPA to be acted upon by other local Issuing Authorities, provided the applicant agrees to such extension in writing and the extension is not inconsistent with the Permitting Plan.
4. No later than sixty-five (65) days following the public hearing, the Planning Board shall provide a written decision on the Site Plan application to the Permitting Coordinator and Town Clerk, unless the Planning Board agrees to grant an extension at the Applicant's request and such extension is not inconsistent with the Permitting Plan. Failure to act on the Site Plan application within 65 days shall be deemed a constructive grant of approval, except as set forth in M.G.L. c.43D, § 8.
5. For Site Plan Review consolidated with a special permit, the Planning Board shall make its decision no later than ninety (90) days following the close of the public hearing as provided in M.G.L. c.40A. Except when doing so is contrary to the Permitting Plan, the Planning Board shall not render a decision on the special permit until all other plan review decisions have been made by other issuing authorities with jurisdiction over the project.

Planning Board

- E. Joint Hearings. Planning Board may, by mutual agreement with the Conservation Commission or Sewer Commission, convene to discuss and reach resolution on matters of stormwater management approval, including a consolidated hearing process to consider applications filed under the Wetlands Protection Act, subdivision control, site plan review (with or without a special permit), and National Pollutant Discharge Elimination System Phase II water quality review.
- F. Site Plan Modifications or Amendments
1. Upon receipt of a petition to amend a previously approved Site Plan, the Planning Board shall notify the applicant within twenty (20) business days whether the requested modification is approved, denied, determined to be substantial, or additional information is required in order for the Planning Board to make a decision.
 2. If additional information is required, the Planning Board shall notify the applicant within twenty (20) business days of receiving such additional information whether the requested modification is approved or denied, or whether additional information is still needed in order for the Planning Board to make a decision.
 3. Insubstantial Modifications. The following Site Plan modifications shall be presumed to be insubstantial and shall be reviewed by the Planning Board at a posted meeting unless the Planning Board, by majority vote, delegates such authority to the Town Engineer:
 - (a) Underground changes;
 - (b) Reduction in project size; or
 - (c) Change in the location of buildings, parking, retaining walls or drainage facilities, as long as they do not move closer to the lot line of any adjacent lot owned or controlled by a party other than the applicant.
 4. Substantial Modifications. The following shall be presumed to constitute substantial modifications to an approved Site Plan. In such cases, the same standards and procedures applicable to an original Site Plan Review application shall apply to such modification, and a public review meeting shall be required by the Planning Board or, in the case of Site Plan Review incorporated within a special permit, the Planning Board shall hold a public hearing.

Planning Board

- (a) Any change in the composition or number of uses on the site that results in an increase in traffic generation of five percent (5%) or more above the vehicle trips identified in the applicant's original Site Plan submission;
 - (b) Changes in the location of buildings, roadways, parking areas and other accessory structures that decrease the setbacks from lot lines indicated on the approved Site Plan;
 - (c) Increases in the number of parking spaces by more than five percent (5%) of the number indicated on the approved Site Plan, except for additional parking spaces to be constructed in any reserve parking areas delineated on the approved plan;
 - (d) Changes that result in a net reduction of open space or net increase in lot coverage indicated on the approved Site Plan, except for an uninhabitable accessory structure not exceeding 2,000 sq. ft.;
 - (e) Changes to buildings that increase the total floor area of the project beyond that shown on the approved Site Plan; or
 - (f) Changes to the architectural character of buildings shown on the approved Site Plan.
- G. **Effective Period; Renewal.** In accordance with Chapter 43D, Site Plan Approval by the Planning Board shall be effective for five (5) years from the expiration of the appeal period for a site plan decision. If construction has not commenced within two (2) years of the date of the Planning Board's Site Plan Approval decision, the Applicant shall submit a progress report to the Planning Board once every twelve (12) months until such time as a building permit has been issued for at least one building or structure in the development, up to the five-year effective period established by Chapter 43D. Upon expiration of the five-year effective period, the Applicant shall be required to apply for renewal of the Planning Board's Site Plan Approval decision following the submission requirements and procedures outlined in these regulations and the Town of Shrewsbury's Chapter 43D Administrative Regulations.

Jurisdiction: Conservation Commission

Title: Chapter 43D Wetlands Protection Regulations

- A. Purposes. These regulations have been promulgated by the Shrewsbury Conservation Commission under the authority of M.G.L. c.43D ("Chapter 43D") in order to establish administrative procedures for permits associated with a Chapter 43D Priority Development Site.
- B. Definitions. Unless otherwise noted, the definitions of terms used herein shall be the definitions set forth in Chapter 43D and 400 CMR 2.00 et seq., the Massachusetts Wetlands Protection Act ("WPA"), M.G.L. c.131, s.40, and the Town of Shrewsbury Chapter 43D Administrative Regulations, as applicable.
- C. General Policies.
 - 1. In addition to the minimum application requirements listed in the WPA, the Department of Environmental Protection's Wetlands Protection Regulations at 310 CMR 10.00 et seq. and DEP General Instructions, the Shrewsbury Conservation Commission requires the following:
 - (a) Two (2) copies of each application and supporting calculations, and four (4) copies of plans.
 - (b) A complete application shall be submitted at least two (2) weeks prior to the Conservation Commission meeting at which the application will be reviewed. New information for continued public meetings and public hearings shall be submitted at least one (1) week prior to the meeting.
 - 2. Plan Requirements. Plans submitted to the Conservation Commission shall conform to the following minimum requirements:
 - (a) Plans shall have a scale no smaller than 1" = 40'. In addition for projects covering large areas, one additional cover plan shall be submitted showing the entire project and wetland resource areas at a smaller scale if necessary;
 - (b) Construction sequence plan;
 - (c) Erosion control plan;
 - (d) Existing and proposed topography;
 - (e) Survey benchmark location;

Conservation Commission

- (f) Footing drain locations for buildings;
 - (g) Building elevations;
 - (h) Driveways and roadways;
 - (i) North arrow;
 - (j) Property locus;
 - (k) Property abutters;
 - (l) Wetland flag locations and flag numbers;
 - (m) 100-year flood zones and USGS topography datum for projects near flood zones;
 - (n) Construction details and cross-sections for retaining walls;
 - (o) Wetland crossings and wetland fill area cross-sections;
 - (p) Buffer Zone construction cross-sections where filling or cutting exceeds four (4) feet in elevation;
 - (q) Plans shall be stamped by a Registered Professional Engineer or Registered Land Surveyor unless specifically exempted by the Commission.
3. The Commission strongly discourages proposals involving buildings located closer than thirty (30) feet to a Resource Area. Plans showing buildings within forty (40) feet of a Resource Area shall provide the following information in addition to the above requirements:
- (a) Identification of building distance to wetlands;
 - (b) Provision for a wetlands barrier that will delineate and provide protection to the Resource Area. Examples include fences, fence and shrub combinations, granite markers, stone walls, etc.

D. Procedures.

- 1. Any application for a Request for Determination of Applicability (RDA), Abbreviated Notice of Resource Area Delineation (ANRAD), Notice of Intent or

Conservation Commission

Abbreviated Notice of Intent shall be filed with the Conservation Commission in accordance with 310 CMR 10.00 et seq., these regulations and the Town of Shrewsbury Chapter 43D Administrative Regulations.

2. Within twenty-one (21) days of receipt of a complete application, the Commission shall hold a public meeting or a public hearing, as applicable. Notice of the time and place of the public meeting or public hearing shall be given by the Commission at the expense of the Applicant, in accordance with M.G.L. c.131, s. 40. Abutter notification, where required, shall be in accordance with 310 CMR 10.05(4).
 3. The Commission shall have the authority to continue the public meeting or public hearing to a date certain. The Applicant may also request to continue a meeting or hearing to a date certain. Should the Applicant refuse to continue the hearing or refuse to provide additional information requested by the Commission, the Commission shall close the public hearing and issue a decision within 21 calendar days.
 4. Once the Commission closes the public meeting or public hearing, it shall issue a decision within 21 calendar days. In no event shall the date of the Commission's Determination extend beyond the 180-day permitting period under Chapter 43D without the concurrence of the Board of Selectmen.
- E. Joint Hearings. The Conservation Commission may, by mutual agreement with the Planning Board or Sewer Commission, convene to discuss and reach resolution on matters of stormwater management approval, including a consolidated hearing process to consider applications filed under the Wetlands Protection Act, subdivision control, site plan review (with or without a special permit), and National Pollutant Discharge Elimination System Phase II water quality review.
- F. Recording in Registry of Deeds or Land Court. In no case shall any work or construction commence unless and until the Order of Conditions or Order of Resource Delineation has been recorded at the Registry of Deeds or Land Court and the proof of recording is delivered to the Conservation Commission.
- G. Validity. In accordance with Chapter 43D, a Determination of Applicability, Order of Resource Delineation and Orders of Conditions shall be effective for five (5) years from the date of issuance.

Board of Health

Jurisdiction: Board of Health

Title: Subsurface Disposal of Sanitary Sewage

Action: Amend the Board of Health's Rules and Regulations by adding the following new section:

8. For a Chapter 43D Priority Development Site, application to the Board of Health shall be in accordance with the Permitting Plan developed for the project under the Town of Shrewsbury's Chapter 43D Administrative Regulations. The application shall conform to these rules and regulations and any supplemental requirements of the Health Department, which shall be identified in the Permitting Plan. The Board of Health shall issue a decision on the Application to Construct or Repair an On-Site Sewage Disposal System no later than the conclusion of the 180-day permitting period for a Priority Development Site as set forth in Chapter 43D and 400 CMR 2.00 et seq.

Board of Sewer Commissioners

Jurisdiction: Board of Sewer Commissioners

Title: Chapter 43D Stormwater Management Permit Interim Regulations

- A. Purposes. These interim rules and regulations have been promulgated by the Board of Sewer Commissioners under the authority of M.G.L. c.43D ("Chapter 43D") in order to establish application, review and decision procedures for permits associated with a Chapter 43D Priority Development Site.
- B. Definitions. Unless otherwise noted, the definitions of terms used herein shall be the definitions set forth in Chapter 43D and 400 CMR 2.00 et seq., the Town of Shrewsbury Chapter 43D Administrative Regulations, and the Shrewsbury Stormwater Management By-law, as applicable.
- C. Basic Requirements.
1. Any permit application required under the Shrewsbury Stormwater Management By-law shall be submitted to the Board of Sewer Commissioners as part of a Master Permit Application under the Chapter 43D Administrative Regulations and the Commission's stormwater management rules and regulations.
 2. The Commission shall make a decision on a stormwater permit in accordance with the Stormwater Management By-law, provided that the date of the Commission's decision does not exceed the 180-day permitting period under Chapter 43D without the concurrence of the Board of Selectmen.
 3. In accordance with Chapter 43D, a stormwater management permit issued for a Priority Development Site shall be effective for five (5) years from the date of issuance.
- D. Joint Hearings. The Sewer Commission may, by mutual agreement with the Planning Board or Conservation Commission, convene to discuss and reach resolution on matters of stormwater management approval, including a consolidated hearing process to consider applications filed under the Wetlands Protection Act, subdivision control, site plan review (with or without a special permit), and National Pollutant Discharge Elimination System Phase II water quality review.
- E. Plan Modifications.
1. Upon receipt of a petition to amend a previously approved stormwater management permit, the Board of Sewer Commissioners shall notify the applicant within twenty (20) business days whether the requested modification is

Board of Sewer Commissioners

approved, denied, determined to be substantial, or additional information is required in order for the Commission to make a decision.

2. If additional information is required, the Board of Sewer Commissioners shall notify the applicant within twenty (20) business days of receiving such additional information whether the requested modification is approved or denied, or whether additional information is still needed in order for the Commission to make a decision.

Board of Sewer Commissioners

Jurisdiction: Board of Sewer Commissioners

Title: Rules and Regulations for the Installation and Connection of Building Sewers and for the Use of Public Sewers

Action: Amend the Commission's Rules and Regulations by adding to the section entitled "Permits" the following new words:

At the end of 3.10, add: "For a Chapter 43D Priority Development Site, the required plans, specifications or other information shall be identified in the Permitting Plan, as provided in the Town of Shrewsbury's Chapter 43D Administrative Regulations."

At the end of 3.14, change the existing period to a comma and add: "...except that for a Chapter 43D Priority Development Site, the sewer connection permit shall be effective for five (5) years from the date of issuance, as required by Chapter 43D."

Jurisdiction: Zoning Board of Appeals
Title: Rules and Regulations

Action: Amend the Zoning Board of Appeals Rules and Regulations by adding the following new section:

Article VII
Chapter 43D Priority Development Site Applications

In addition to the provisions of Articles I-VI herein, the following shall apply to any Priority Development Site designated by Town Meeting pursuant to M.G.L. c.43D.

Section 1. Application to the Board

The filing of an application to the Zoning Board of Appeals shall be consistent with these Rules and Regulations and the Permitting Plan developed under Section E of the Town of Shrewsbury Chapter 43D Administrative Regulations.

Section 2. Hearings

In addition to the provisions of Article III of these Rules and Regulations, the following shall apply to a Priority Development Site:

- a) When one or more applications for variances or a special permit are submitted concurrently to the Board, the required public hearings shall be conducted concurrently unless the petitioner requests that they be conducted separately.
- b) When a special permit application is filed for a Priority Development Site, the Zoning Board of Appeals shall make every reasonable effort to conduct a joint hearing with the Planning Board to consider the special permit and site plan approval under Section VII(F)(H) of the Zoning Bylaw.

Section 3. Decision Timetable

The date of the Board's decision on a special permit or variance application shall be in accordance with the timetables set forth in M.G.L. c.40A, ss. 9 and 15, and shall not exceed the 180-day permitting period under Chapter 43D.

Highway Department

Jurisdiction: Shrewsbury Highway Department

Title: Specifications for Road Openings and Patchings in the Town of Shrewsbury

Action: Amend the Highway Department's Specifications by adding a new Section O, as follows:

- O. Road Opening Permit for Chapter 43D Priority Development Site
1. Any application for a road opening permit shall be submitted to the Shrewsbury Highway Department as part of a Master Permit Application under the Town of Shrewsbury Chapter 43D Administrative Regulations and the Highway Department's rules and regulations.
 2. The Highway Superintendent shall make a decision on a road opening permit in accordance with the Highway Department's rules and regulations, provided that the date of the Superintendent's decision does not exceed the 180-day permitting period under Chapter 43D without the concurrence of the Board of Selectmen.
 3. In accordance with Chapter 43D, a road opening permit issued for a Priority Development Site shall be effective for five (5) years from the date of issuance.
 4. Upon receipt of a petition to amend a previously approved road opening permit, the Highway Superintendent shall notify the Applicant within twenty (20) business days whether the requested modification is approved, denied, determined to be substantial, or additional information is required in order for the Superintendent to make a decision.
 5. If additional information is required, the Highway Superintendent shall notify the applicant within twenty (20) business days of receiving such additional information whether the requested modification is approved or denied, or whether additional information is still needed in order to make a decision.

Water Department

Jurisdiction: Water Department

Title: Rules and Regulations for Water Line Installation

Action: Amend the Water Department's Rules and Regulations by adding a new paragraph under "Water Connection Permit," as follows:

For a Chapter 43D Priority Development Site, the water connection permit shall be effective for five (5) years from the date of issuance, except that any substantial modification to an approved plan shall require review and approval by the Water Superintendent.

DRAFT FOR LOCAL REVIEW
Revision #1

For Use by Permitting Coordinator: Date Received: _____ Determination of Completeness: _____ Additional Information Received: _____ Application Withdrawn: _____
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TOWN OF SHREWSBURY
MASTER PERMIT APPLICATION
Chapter 43D Priority Development Site

Priority Development Site: _____
Location (Street Number and Street Name)

Section I. Applicant Information:

Project Name: _____

Applicant: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

Property Owner: _____

Address: _____

Section II. Basic Site and Project Information:

Assessor's Parcel Identification Numbers: _____

Site Characteristics

Site Area: _____ Sq. Ft.
Existing Floor Area: _____ Sq. Ft.
Zoning: _____
Area in:
Wetlands: _____ Sq. Ft.
Flood Plain: _____ Sq. Ft.
Aquifer Protection District _____ Sq. Ft.

Project Characteristics

New Construction: _____ Sq. Ft.
Total Gross Floor Area: _____ Sq. Ft.
Distribution of Uses:
Commercial: _____ %
Industrial: _____ %
Residential: _____ %
Other: _____ %
Total Parking Spaces: _____
Total Building Coverage: _____ %
Total Impervious Coverage: _____ %

Section III. Master Permit Application Contents: This MPA consists of applications to the following issuing authorities for the permits listed below.

Permit Type and Name	Issuing Authority
<input type="checkbox"/> Zoning	
<input type="checkbox"/> Variance(s)	Board of Appeals
<input type="checkbox"/> Special Permit	Board of Appeals or Planning Board
<input type="checkbox"/> Site Plan Approval	Planning Board
<input type="checkbox"/> Site Plan Review	Building Inspector
<input type="checkbox"/> Wetlands Protection	
<input type="checkbox"/> Request for Determination	Conservation Commission
<input type="checkbox"/> ANRAD	Conservation Commission
<input type="checkbox"/> Notice of Intent	Conservation Commission
<input type="checkbox"/> Abbreviated Notice of Intent	Conservation Commission
<input type="checkbox"/> Title V On-Site Sewage Disposal System	Board of Health
<input type="checkbox"/> Stormwater Management Permit	Sewer Commission
<input type="checkbox"/> Sewer Extension Permit	Sewer Commission
<input type="checkbox"/> Sewer Connection Permit	Sewer Commission
<input type="checkbox"/> Water Connection Permit	Water Department
<input type="checkbox"/> Explosives or Inflammable Materials	Fire Department
<input type="checkbox"/> Curb Cut Permit	Highway Department
<input type="checkbox"/> Road Opening Permit	Highway Department
<input type="checkbox"/> Shade Tree Act	Tree Warden
<input type="checkbox"/> Other: (Identify)	

Section IV. Required Attachments: The following documents must be attached to this MPA.

- Application checklist for each permit or approval identified in Section III, and the plans, data and other supporting documentation marked on each checklist
- Chapter 43D Permitting Plan and Certification

Master Permit Application Submitted By:

Applicant or Authorized Signatory

Date

SITE PLAN APPROVAL

Applicability: All uses identified in Section VII(F)(2) and (F)(3) of the Shrewsbury Zoning Bylaw.

A Site Plan Approval application shall include all of the information and meet all of the specifications outlined below.

- 1) The submission shall include ten (10) copies of a complete Site Plan application and eight (8) copies of prints, no smaller than eight and one-half by eleven inches (8.5" x 11"), showing an outline of the site plan with all ways, street names and street numbers.
- 2) The site plan shall be prepared utilizing the most current release of AutoCAD or another Town-approved drawing package. A disk containing the AutoCAD design shall be submitted with the application for Site Plan Approval.
- 3) The site plan shall be prepared and stamped by a Massachusetts registered professional engineer or registered land surveyor. As applicable, other plans shall be prepared by a registered architect or landscape architect.
- 4) The submission shall include a certified list of abutters.
- 5) All plans shall be at a scale of one inch equals forty feet (1" = 40') and shall include the following information:
 - (a) All property boundaries, area and zoning classification, use and ownership of adjacent land, and the location and use of any building thereon within two hundred (200) feet of the boundary of the subject property. The Town of Shrewsbury Assessor Maps, as amended to the date of filing said site plan, shall be acceptable to show the use and ownership information required by this subsection;
 - (b) A locus map showing the project within the Town at a scale of one (1) inch equals one hundred (100) feet;
 - (c) Location of site with regard to the Aquifer Protection Overlay District as shown on the Town of Shrewsbury Zoning Map;
 - (d) Location of site with regard to flood plains as described in Section VII(I) of the Zoning Bylaw;
 - (e) Existing and proposed topographical contours of the property taken at two-foot (2') contour intervals by a registered engineer or registered land surveyor;

TOWN OF SHIREWSBURY
Chapter 43D Master Permit Application
Submission Requirements by Type of Permit

- (f) Location of all wetlands or water bodies on the property and within one hundred feet (100') of the perimeter of the development activity, and groundwater levels;
- (g) The nature, location and size of all significant existing natural land features, including, but not limited to, tree, shrub, or brush masses, all individual trees over four inches (4") in caliper, grassed areas, and soil features;
- (h) Engineering cross-sections of proposed new curbs and pavements, sight lines and vision triangles measured in feet from any proposed curb cut along the street on which access is proposed.
- (i) Proposed surface treatment(s) of paved areas and the location and design of drainage systems, with drainage calculations prepared by a registered professional engineer.
- (j) Parking and circulation plan, showing location and dimensions of proposed parking spaces, dividers, bumper stops, landscaping, stormwater management measures, the location and dimensions of proposed pedestrian walkways, and provisions for accessible parking and circulation for persons with disabilities.
- (k) Location, height, elevations, interior and exterior dimensions and uses of all buildings or structures, both proposed and existing; location, number and area of floors; number and type of dwelling units or proposed leasable areas; location of emergency exits, retaining walls, existing and proposed signs;
- (l) Provisions for water supply, wastewater, solid waste disposal, drainage, dust, erosion control and other utilities;
- (m) Lighting plan showing the location, direction and intensity of existing and proposed external light fixtures; and
- (n) Landscaping plan showing the location, name, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps and paths.
- (o) Projected total and peak-hour trip generation, and existing and proposed traffic controls.
- (p) Phasing plan for projects to be built in phases, indicating the total amount of construction and distribution of uses in each phase, the anticipated duration of each phase, an estimated timetable for project completion, and the proposed timetable for mitigation measures.

- 6) For projects anticipated to generate more than N vehicle trips per day, as determined by the most recent edition of the Institute of Traffic Engineers Trip Generation Manual, a traffic study shall be required.
- 7) Supplemental Reports and Data. All applications for Site Plan Approval shall be accompanied by the following reports:
 - (a) Analysis of environmental impacts, considering the project's potential impacts on the quality of air, surface water, wetlands and groundwater, energy utilization and provisions for renewable energy; flooding potential; erosion and sedimentation impacts from proposed land clearing and grading activities; increases in impervious surfaces; hazards from radioactive emissions or other hazardous materials; solar access to adjacent properties; and noise and light impacts, both during construction and post-project completion.
 - (b) Analysis of infrastructure impacts, including roads, water, sewer, drainage and other public utilities, and proposed mitigation, as applicable.
- 8) Additional Submission Requirements for Special Permit Uses (Excluding Earth Removal):
 - (a) Analysis of visual and neighborhood impacts, considering the overall visual character of the project, architectural compatibility with surrounding buildings, focal points, discordant features, design elements intended to mitigate adverse impacts (if any) on neighboring uses, pedestrian movement, relationship to nearby historic structures or sites.
 - (b) Analysis of fiscal impacts, including an analysis of the municipal or school services most likely to experience an increase in demand as a direct result of the project, both during construction and post-project completion; estimated total recurring revenue to the Town, the estimated cost of recurring municipal or school services, and net revenue; and one-time or non-recurring revenue sources and costs. For projects to be built in phases, the fiscal impacts analysis shall be presented as the net present value of all revenue sources and service costs for each phase, through two years following project completion.
- 9) Additional Submission Requirements for Earth Removal Site Plans:
 - (a) Excavation and removal plan, including the applicant's plan for meeting the regulations and performance standards in Section VII(H);
 - (b) Estimated volume of earth to be removed;

TOWN OF SHREWSBURY
Chapter 43D Master Permit Application
Submission Requirements by Type of Permit

- (c) Existing structures and earth removal operations, as applicable;
- (d) Proposed timetable for completing all earth removal operations;
- (e) Proposed provisions for dust control;
- (f) Location of twenty (20) foot buffer zone to abutting properties and street lines, including proposed landscaping or fencing.
- (g) Final grading plan, indicating the proposed condition of the site upon completion of earth removal operations.

SPECIAL PERMIT

Applicability: Any use requiring a Special Permit from the Zoning Board of Appeals or Planning Board under Section VI or Sections VII(I) through (O) of the Shrewsbury Zoning Bylaw.

TOWN OF SHREWSBURY
Chapter 43D Master Permit Application
Submission Requirements by Type of Permit

WETLANDS PROTECTION

Applicability: any activity subject to M.G.L. c.131, s. 40.

ON-SITE WASTEWATER DISPOSAL SYSTEM

Applicability: Any subsurface wastewater disposal system to be constructed under Title V of the Massachusetts Environmental Code.

STORMWATER MANAGEMENT

Applicability: Any activity subject to Article 21 of the Shrewsbury General Bylaws.

SEWER CONNECTION PERMIT

Applicability: any project requiring a sewer connection permit under the Sewer Commission's rules and regulations (excluding sewer extension permits under state jurisdiction).

WATER CONNECTION PERMIT

Applicability: Any project requiring a water connection permit from the Water Department.

ROAD OPENING PERMIT

Applicability: any project requiring a curb cut permit in order to provide access to an existing roadway under the Town's jurisdiction.

KEEPING, STORAGE, MANUFACTURE OR SALE OF FLAMMABLES OR EXPLOSIVES
Applicability: any activity requiring a license or permit under M.G.L. c.148, ss.13-14.