

MARSHFIELD PLANNING BOARD  
RULES AND REGULATIONS  
GOVERNING DEVELOPMENT WITHIN THE  
PLANNED MIXED-USE DEVELOPMENT  
OVERLAY DISTRICT

TOWN OF MARSHFIELD, MASSACHUSETTS

Date of Adoption: January 27, 2003

With Revisions Dated: March 17, 2003, August 10, 2009 and October 19, 2015

1.0 General Provisions

1.1 Purpose and Authority

The following Rules and Regulations are hereby adopted by the Marshfield Planning Board as provided in Chapter 40A of the Massachusetts General Laws, for the purpose of establishing uniform procedures for the granting of special permits for development within the Planned Mixed-Use Development (PMUD) zoning overlay district pursuant to Section 11.05 of the Marshfield Zoning Bylaws. The purpose of the district, as stated in the Zoning Bylaws, is as follows:

- To provide an opportunity to comprehensively plan land in a pedestrian friendly, campus-like setting, around a public green.
- To ensure high quality site planning, architecture and landscape design to create a distinct visual character and identity for the development that provides an environment with safety, convenience and amenity.
- To ensure any potential traffic impacts of the planned mixed-use development are properly mitigated and in keeping with the character of the Town of Marshfield.
- To generate positive tax revenue, while providing the opportunity for new business growth and additional local jobs.

1.2 Adoption and Amendment:

These Rules and Regulations may be adopted and from time to time amended by majority vote of the Planning Board, provided such adoption or amendment is submitted in writing at a meeting of the Board and action thereon taken after a public hearing.

1.3 Effective Date:

These Rules and Regulations are effective when voted. A copy shall be filed with the office of the Town Clerk, with appropriate endorsements, such as date of adoption, date filed with Town Clerk, and dates of amendments.

## 2.0 Applicant

An application or petition for a Special Permit may be brought by a property owner, agent or prospective purchaser who submits certification of property interest and authority to file such application for the area of land comprising the application locus.

## 3.0 Pre-Application Conference

It is recommended that an applicant meet with the Planning Board staff and Building Department prior to submitting a Special Permit application. The applicant should provide a concept plan (for discussion purposes) for said meeting. A pre-application conference is to assist in the identification of issues and in determining information necessary to meet the requirements of the zoning bylaw for the application. The PMUD Zoning Bylaws (see Section 11.05) was modified in the Fall STM of 2014 and one of the changes was a reduction in the minimum land area requirement from 30 acres to 7 acres per application or element. Individual elements may be phased but the overall site plan submitted for the special permit shall show land out, proposed improvements, uses, parking, drainage, proposed phasing, etc. for the entire site. If changes are proposed to a phase of the individual element's Special Permit, the Planning Board shall determine if this is a minor or major modification to the original decision. It is recommended the applicant use the pre-application conference to work out phases if needed to the element. If determined necessary by staff and requested by the applicant, the Planning Board may hold a pre-application conference at any regular meeting of the Board.

## 4.0 Planned Mixed-Use Development Application Process

These Rules and Regulations are intended to establish specific guidelines regarding submittal requirements, review procedures, and required performance standards.

- The applicant files a Special Permit Application as described in Section 6 5.0 with the Planning Board serving as the Special Permit Granting Authority (SPGA).
- Applications for Special Permits shall contain information on the overall road network, roadway drainage, location of the public green(s), bike and pedestrian ways, lots and proposed uses to assist the Board and public in understanding how the proposed special permit fits into the existing and future applications within the PMUD overlay.

## 5.0

### 5.1 Application Form

Application for Special Permits shall be made on an official form, which shall be furnished by the Town Clerk or the Planning Board Office upon request. All information indicated on this form and listed under Section 5.2 of these Rules and Regulations shall be supplied by the applicant at the time of application. Failure to meet this requirement will be considered a failure to submit a complete application and the Planning Board will open and close the public hearing without testimony and shall deny the proposal. Such denial shall not subject the project to M.G.L. Ch. 40A, Sec. 16 relative to repetitive petitions.

Applicants are encouraged to file any necessary applications for special permits under the Water Resource Protection District Bylaw so that this hearing may be held concurrently.

### 5.2 Contents of an Application

The completed application form, original plan and sixteen (16) copies of all information shall be submitted to the Planning Board with an additional copy filed with the Town Clerk by the applicant. The following information shall be furnished by the applicant:

1. The applicant or applicants must demonstrate proof of ownership of all property subject to the application or a notarized statement by the owner(s) of the property authorizing the applicant to file an application for the property.
2. A locus plan at 1" = 100', 200', or 400' scale showing the location, names, and present widths of the streets bounding, approaching or within reasonable proximity of the site, and including the tracts of land, ownership, and topography from assessor's plans or field survey if available, of properties within the plan locus.
3. A site plan drawn at a scale of 1" = 40', unless another scale is previously requested and found suitable by the Board. The approximate locations of the buildings, setbacks and all other required dimensions, elevations and measurements and may be shown on the site layout. If the Special Permit (Element) is proposed to be done in phases, a phasing plan sheet supported by a written description shall be included in the site plan submittal.
4. The site plans shall include-the following required information:
  - a. The location of existing wetlands, streams and rivers, water bodies, wells, one-hundred year floodplain elevation, slope areas, vistas, geological features including topography (two foot contours), stone walls, fire trails, unique vegetation, historic features, and other natural features that may be important to the site.

- b. All Existing and proposed streets, buildings, structures, parking areas, loading areas, driveway openings, driveways, walkways, access and egress points, service areas, recreation areas and other open spaces, including dimensions and all elevations.
- c. Prepared by a Massachusetts Registered Professional Engineer.
- d. Property line plan by a Massachusetts Registered Land Surveyor.
- e. Drainage calculations for proposed roadways meeting the requirements of the Sec. 4.2 of the Subdivision Rules and Regulations, including measures proposed to prevent pollution of surface water or groundwater, soil erosion, increased runoff, and flooding.
- f. A landscape plan for all proposed roadway rights-of-way to include the total square feet of all landscaped areas, including a depiction of materials to be used, and the quantity, size, and species of plantings.
- g. A narrative describing the manner in which the land designated on the plans as public green(s) will be either placed under a permanent conservation restriction or deeded to the Town of Marshfield. The narrative shall also describe any uses and facilities proposed within the public green(s). If several uses are proposed, the plans shall specify what uses will occur in what areas. The narrative shall also address compliance of the public green(s) with the design requirements in Section 11.05 (4)(Q) of the Zoning Bylaws.
- h. A draft copy of any proposed declaration of covenants and restrictions and/or permanent conservation restrictions governing the public green(s) within the application. Or, if the public green(s) will be deeded to the Town, a statement to that effect.
- i. A draft easement for the maintenance of the public green(s), as specified in Section 11.05 (5.2) of the Marshfield Zoning Bylaws.
- j. The application shall also furnish a summary of the vital statistics of the project. Such statistics shall include: total gross and net acreage of locus; total length of new roadways; area and maintenance plan for public green(s); the acreage of land within the proposal, including the percentage of the total PMUD overlay district, dedicated to the allowable land uses listed in the Required Performance Standards in Section 11.05 (4)(C) of the Marshfield Zoning Bylaws.
- k. Existing and proposed easements within the lot.
- l. Existing and proposed on-site wells, water supply systems, storm drainage systems, utilities, sites for enclosed refuse containers and location and capacity of septic systems.
- m. Percent of building lot coverage.
- n. Height of all buildings, above average finished grade of abutting streets, including architectural details. and the amount(s) in sq. ft. of proposed building(s).
- o. Impervious surface area and open space (natural and landscaped) of the lot.
- p. A traffic study if the land subject to the application will meet the thresholds specified in Section 11.10 of the Marshfield Zoning

Bylaws. Include projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.

- q. Proposed traffic mitigation measures applying to both on site and related off-site conditions, as identified in Sec. 11.05(6.3), Required Performance Standards, of the Marshfield Zoning Bylaws. The scheduling of mitigation measures shall insure that said remedies are in place and functioning properly at the time of project occupancy.
- r. The distance of existing and proposed buildings from the lot lines and the distance between buildings on the same lot.
- s. The location of existing or proposed buildings on the lot shall be shown with the total square footage and dimensions of all buildings, all building elevations and floor plans, and perspective renderings. The information shall be sufficient so that the Board may make recommendations regarding, among other things, the architectural value and significance of the site, building or structure, the general design, arrangement and texture, material and color of the features involved and the relation of such features to similar features of buildings and structures in the surrounding area.
- t. Design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets, and to screen objectionable features from neighbors.
- u. Estimated water consumption and sewage discharge by a professional engineer.
- v. The Board reserves the right to require additional information as may be necessary to protect the public interests outlined in Sec. 11.08 and relevant sections of the Zoning Bylaws.

## 6.0 Special Permit Design Objectives

In exercising its jurisdiction under this section, the Board shall conform to all requirements applicable to the Board when deciding requests for special permits as set forth in General Laws Chapter 40A, Section 9 and Article X of the Marshfield Zoning Bylaws. The Board during its site plan review shall utilize the following objectives, in addition to any standards prescribed elsewhere in these Rules and Regulations. These objectives are intended to provide specific guidelines for the Board and the applicant.

- a. Architectural details – Architectural details of new buildings and additions, and textures of walls and roof materials, should be harmonious with the building's overall architectural style and should preserve and enhance the historic character of Marshfield.
- b. Building Articulation - Building façades in excess of forty (40) feet shall incorporate recesses and projections, of a minimum of two (2) feet in depth,

to break up the building's mass. A minimum of 60% of the building's public green(s) and/or street side façade shall contain windows and other appropriate architectural elements. The windows should be divided by muntins and framed with a casing trim; awnings should be designed as an integral part of the building façade; metal awnings are discouraged. Facades shall emphasize architectural elements (including windows, balconies, porches, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces. This standard may be waived for building facades fronting on Route 139 (Plain Street) where, in the opinion of the Planning Board, the elevated vegetated buffer provides adequate screening.

- c. Building Form and Features – The mass, proportion and scale of the building, roof shape, roof pitch, and proportions and relationships between doors and windows should be harmonious among themselves.
- d. Building Location - Proposed buildings and structures shall be integrated as much as possible within the existing building locations, landscape and terrain. Building location shall be oriented parallel or perpendicular to the public green(s) and/or internal street(s), and shall be oriented around the public green and not Route 139 (Plain Street). Where the minimum setback cannot be maintained, the applicant shall provide adequate spatial definitions through the use of walls, fences and/or other elements, which will maintain the street line. Uses shall be grouped together to maximize pedestrian access by connecting sidewalks and pathways. Retail establishments shall (when adjoining a public green) either provide an entrance to the public green or line the side façade to the public green with uses or amenities to enhance the pedestrian activities and the use of the public green(s).
- e. Building Design - The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roof line, roof pitch, arrangement of openings, color, exterior materials, proportion and scale of a historic coastal New England village or existing buildings in the vicinity.
- f. Spatial Definition - Define various areas both public and private with walks, plantings, walls, fences and other elements that are in keeping with the overall architectural design.
- g. Parking Design – The majority of the parking shall be located to the rear or sides of buildings. All parking and loading areas shall be completely screened from Route 139 (Plain Street) by a minimum 50-foot wide raised and landscaped buffer. Parking lots and loading areas shall be appropriately screened from roadways within the overlay district by a minimum 20-foot wide raised and landscaped buffer. Appropriately designed view corridors of buildings from Route 139 may be allowed.
- h. Parking Spaces – Applicant shall demonstrate adequacy of space for the off-street loading and unloading of vehicles, goods, products, materials, and

equipment incidental to the normal operation of the establishment. Reduction in parking space requirements may be permitted where by design and use it is shown to the Board's satisfaction that the parking is compatibly shared by multiple uses. Special Features - Exposed machinery, utility structures and areas for parking, loading, storage, service and disposal shall be screened from adjoining properties and streets as deemed necessary by the SPGA.

- i. Lighting – All lighting and other sources of illumination, whether interior or exterior, and all intense light emanating from operations or equipment shall be shielded from direct view at normal eye level from adjacent properties. Lighting should match the architectural style of the building and comply with the Zoning Bylaws Sec. 8.09.
- j. Pedestrian Furnishings – The Board shall evaluate convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements. Benches, bicycle racks, bollards, pedestrian scale lighting, street trees, refuse containers, flowers boxes, and canopies shall be provided where deemed appropriate by the SPGA and shall be consistent with the character of the development.
- k. Disposal - The Board shall review adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses permitted or permissible on the site, and the methods of drainage for surface water including consideration of groundwater recharge.
- l. Protection - The Board shall ensure protection of adjoining premises against detrimental or offensive uses on the site.
- m. Submittals Compliance - The Board shall review all submittals for compliance with the Required Performance Standards under Section 11.05(4) of the Zoning Bylaws, and with the Criteria for Review and Approval under Section 11.05(6) of the Zoning Bylaws.

## 7.0 Fees

### 7.1 Administrative Expenses:

Fees for the review and staff time required to process the application by the Planning, Conservation, Health, Fire, Police, Highway, Sewer, Water, and Building/Zoning Departments, or consultants used in lieu of departmental staff, shall be \$ 900.00.

### 7.2 Review Fees/Special Accounts

Applicants for a Special Permit shall deposit review fees in the amount of \$ 4,500.00 into a special account. The consulting review fee may be expended as specified in the Rules and Regulations for review of the special permit application.

### 7.3 Other Costs and Expenses:

The applicant is responsible for mailing public hearing notices to abutters by certified mail, return receipt requested. Return receipts are to be submitted to the Planning Board prior to the public hearing.

### 7.4 Special Permit Modification

The administrative fee for a modification to an existing special permit is four hundred dollars (\$400). The applicant shall submit a check made out to the Town of Marshfield at the time of the request to modify the PMUD special permit.

### 7.5 Fee Waiver

Fees can be waived for applications from the Town of Marshfield, Religious and Non-profit Organizations, at the discretion of the Planning Board on a case-by-case basis.

## 8.0 Planning Board Review

### 8.1 Distribution of Plans:

Upon filing of a complete application, the Planning Board shall distribute copies of the plans and supporting information to the following departments: Planning Board, Planning Board Engineering Consultant, Planning Board Water Scientist (if within WRPD), Assessors, Town Clerk, Zoning Board of Appeals, Conservation Commission, Engineering Department, Water Department (2), Highway Department, Housing Authority, Board of Health, Building Department, Historical Commission, Police Department and Fire Department. Such distribution shall be completed within ten days of the receipt of the plans and application by the Planning Board. In addition, where the property abuts or is accessed within 100' of a state highway (Route 3A or Route 139), the Planning Board shall mail a copy of plans and supporting application materials, by certified mail, to the regional office of the Massachusetts Highway Department.

### 8.2 Submittal of Comments:

These departments shall have thirty-five days to review and submit written comments to the Board. Failure of the various Boards and Commissions to make comment or recommendations within the 35 day time frame shall be deemed by the Planning Board as lack of opposition thereto. Notwithstanding this deadline, the Planning Board reserves the right to request comments from Boards that have failed to do so based on issues raised at the public hearing and to consider those comments in making its final decision.

### 8.3 Decision Report:



The Board shall, within ninety (90) days of the close of the public hearing, issue a decision pertaining to each complete application. Each decision shall include an approval, an approval with conditions, or a denial with specific citations stating where the application did not comply with the Required Performance Standards and/or the Criteria for Review and Approval. If the special permit does not incorporate the suggestions or requirements of any reports from town departments or is issued contrary to their recommendations, the Planning Board shall in its written decision state the reasons for not following the recommendations or requirements of said reports.

#### 8.4 Modification:

The Board shall have the power to modify or amend its approval of a Special Permit and/or Site Plan Review on application of the owner, lessee or mortgagee of the premises, or upon its own motion if such power is reserved by the Board in its original approval. All of the provisions of these Rules and Regulations and Sec. 11.05 of the Marshfield Zoning Bylaws shall, where apt, be applicable to such modification or amendment.

### 8.0 Disposition of Application:

#### 8.1 Withdrawal of Application:

An applicant may withdraw an application without prejudice by notice in writing to the Clerk of the Board at any time prior to the first publication of the notice of the public hearing. After such notice, withdrawal of an application shall be permitted only by majority vote of the Board.

#### 8.2 Reconsideration:

No vote on an application may be reconsidered after the meeting at which the decision was rendered has been adjourned.

#### 8.3 Appeals:

Any person aggrieved by a decision of the Board as Special Permit Granting Authority may appeal such decision as provided in MGL 40A, Section 17 within twenty days (20) after such decision has been filed in the office of the Town Clerk.

#### 8.4 Reapplication:

No application which has been unfavorably and finally acted upon by the Board shall be reconsidered for a Special Permit within two (2) years after the date of the said final unfavorable action, unless the Board finds by vote of four members specific and material changes in the conditions upon which the previous unfavorable action was based and such changes are described in the record of the Board's proceedings, and after notice is given to parties in interest of the time and

place of the proceedings to reconsider in the same manner as provided for in these Rules and Regulations.

**8.5 Effectiveness of Special Permit:**

No special permit shall take effect until certification by the Town Clerk is recorded in the Registry of Deeds and indexed under the name of the record owner of the land that twenty (20) days have elapsed after the filing of the decision and no appeal has been filed.

**8.6 Lapse of Special Permit:**

Every special permit authorized by the Board shall contain the express condition that it will lapse if substantial use under the permit is not commenced within two (2) years from the date of final action by the Board, except for good cause or the final determination of an appeal.

**9.0 Waiver of Full Compliance:**

Full compliance with these regulations may be waived by the Board, provided such waivers are deemed to serve the public interest and are not conflicting with Chapter 40A, MGL.

**10.0 Performance Guarantee:**

As a condition to a Subdivision and Land Classification Plan, the applicant shall post a performance guarantee as described in the Subdivision Rules and Regulations Sec. 3.3.6. to cover the period of construction or provide other safeguards in the form and amount or penal sum acceptable to the Board prior to the commencement of construction, unless the Board shall specify otherwise. The purpose of the guarantee for Phase I Subdivision and Land Classification Plans is to assure completion of roadways, landscaping, drainage, erosion control or safety problems which may affect abutters or the public.

As a condition to a Special Permit, the applicant shall post a performance guarantee as described in the Subdivision Rules and Regulations Sec. 3.3.6. to cover the period of construction or provide other safeguards in the form and amount or penal sum acceptable to the Board prior to the issuance of a building permit, unless the Board shall specify otherwise. The purpose of the guarantee for Phase II Special Permits is to assure completion of parking lots, landscaping, public green(s) or safety problems which may affect abutters or the public.

If the applicant is not the owner and must purchase to assume such obligations, he shall comply within twenty (20) days following the date of purchase. Upon completion of construction work, and satisfactory inspection by the Planning Board or its agent, the bond shall be returned to the applicant. In the event of any dispute, the Planning Board shall have the right to require "as-built" plans

certified by the appropriate registered architect, professional engineer, or surveyor as a basis for its findings.

#### 11.0 Severability:

The provisions of these Rules and Regulations are severable. If any provision is held invalid, the other provisions shall not be affected thereby. If the application of these Rules and Regulations or any of its provision to any person or circumstances is held invalid, the application of these Rules and Regulations and their provisions to other persons and circumstances shall not be affected thereby.

**SPECIAL PERMIT APPLICATION  
PLANNED MIXED-USE DEVELOPMENT**

DATE \_\_\_\_\_

<i>Sketch Plan: Locus</i>

Name of Applicant \_\_\_\_\_ Phone # \_\_\_\_\_  
Address \_\_\_\_\_

Name of Owner \_\_\_\_\_  
Signature of Owner \_\_\_\_\_ Phone # \_\_\_\_\_  
Address \_\_\_\_\_

Name of Engineer \_\_\_\_\_ Phone # \_\_\_\_\_  
Address \_\_\_\_\_

Name of Registered Land Surveyor \_\_\_\_\_ Phone # \_\_\_\_\_  
Address \_\_\_\_\_

Name of Proposed Development \_\_\_\_\_  
Location \_\_\_\_\_

Assessor's Parcel(s) # \_\_\_\_\_  
Number of Lots \_\_\_\_\_ Zoning District(s) \_\_\_\_\_

Proposed Street Name(s) \_\_\_\_\_

Abutting Streets Serving Location \_\_\_\_\_

Is Town Water Available? \_\_\_\_\_ Is Town Sewer Available? \_\_\_\_\_

**Land Classification Plan:** Please provide the approximate acreage of land within this proposal, including the percentage of the total PMUD overlay district, dedicated to the allowable land uses listed in the Required Performance Standards in Section 11.05 (4)(C) of the Marshfield Zoning Bylaws, as follows:

Use	Percentage of the proposed use in relationship to the Total PMUD	Proposed use in acres
Major Retail and Services		
Retail and services mixed use (including but not limited to residential units above)		
Office/Research/Medical		
Age-Restricted Adult Village		
Nursing Home/Assisted Living		
Hotel/Motel (With Conference Center)		
Educational Campus (including residential units above)		
Profit Recreational		
Total		

Total Gross Area of Locus: \_\_\_\_\_ Acres  
Total Net<sup>1</sup> Area of Locus: \_\_\_\_\_ Acres  
Total length of new roadways: \_\_\_\_\_ Linear feet  
Area Shown as Public Green(s) \_\_\_\_\_ Acres

Public Green(s) will be:

Deeded to Town? \_\_\_\_\_

Placed under permanent conservation restrictions? \_\_\_\_\_

Description of Proposed Traffic Mitigation: \_\_\_\_\_

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<sup>1</sup> Gross land area minus roadway rights-of-way, public green(s) and drainage structures.