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Proposed Changes to the Rules and Regulations

November 17, 2021

Chapter 405, Subdivision of Land

Chapter 414, Planned Mixed-Use Development Overlay District

New Chapter 415, Mixed Use Residential Over Commercial

Proposed Changes to the Planning Board's Rules and Regulations for the Subdivision of Land Chapter 405 of the Marshfield Code

The following changes are proposed for the Planning Board's Rules and Regulations for the Subdivision of land:

1. Article III, Section 405-8 Definitive Plan, A,1,a (Page 405-27): to change the number of definitive plan sets (24"*36" size) from 14 to **4 3**.
2. Article III, Section 405-8 Definitive Plan, A,1,a (Page 405-27): to change the number of Drainage Calculations (bound documents) from 4 to **2**.
3. Article III, Section 405-8 Definitive Plan, A,1,a (Page 405-27): to add the following statement; **"The applicant shall also submit ~~a USB thumb drive~~ an electronic version of the complete application submittal package including plans in pdf format."** To the paragraph of statements just below the table of Information requirements.
4. Article IV, Section 405-9 Streets, E,(1) (Page 405-42): to change the length of a dead end street from 600 feet to **800 feet**.
5. Article IV, Section 405-9 Streets, E,(2) (Page 405-42): to add the following sentence at the end of the paragraph. **The cul-de-sac bulb may be either the "off set" design as shown in the typical cul-de-sac detail drawing or a "on center" design.**
6. Article IV, Section 405-9 Streets, E,(4) (Page 405-42): to replace the second sentence with the following language: **The only stormwater management facilities allowed within the center island of a cul-de-sac are landscaped bio-retention areas or a drainage forebay. When a drainage forebay is proposed the applicant shall provide a landscape design that accommodates for easy of cleaning of the forebay without destruction of the landscaping.**
7. Article IV, Section 405-12, Other Facilities, C, Vegetation, (Page 405-51); to replace the last sentence of the paragraph with the following language: **Street trees may be planted within the right of way or within a twenty foot wide street tree easement shown on both sides of the right of way. It is recommended that the street trees be planted a minimum distance of ten (10) feet from the roadway pavement or sidewalk.**
8. Article IV, Section 405-12, Other Facilities, E, Fire Alarm Systems, (Page 405-52); to remove Section 405-12, Other Facilities, E, Fire Alarm Systems in it's entirety.

9. Article IV, Section 405-12, Other Facilities, F, Parks and open spaces, (Page 405-52): to replace the existing language with the following: **F. Open space and trails. Before approval of the plan by the Board, it may require a trail connection from the roadway or sidewalk to the onsite open space or abutting open space. The Planning Board shall seek comments from the Conservation Commission, the Recreational Trail and Open Space Committees.**

10. Article V, Section 405-14 Curbs, (Page 405-53): to replace the first sentence of the paragraph with the following: **When vertical or slope block granite street curbing is required, it shall be in accordance with the standards set forth below. Vertical granite curbing shall be used on the inside radius of all cul-de-sacs and curves with a radius of 60 feet or less.**

Chapter 414

DRAFT

Planned Mixed-Use Development Overlay District

[**HISTORY: Adopted by the Planning Board of the Town of Marshfield 1-27-2003; as amended 3-17-2003; 8-10-2009. Subsequent amendments noted where applicable.**]

GENERAL REFERENCES

Zoning — See Ch. 305.

Subdivision of land — See Ch. 405.

§ 414-1 **General provisions.**

- A. Purpose and authority. The following rules and regulations are hereby adopted by the Marshfield Planning Board as provided in MGL c. 40A 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 § 305-13.06 of the Marshfield Zoning Bylaw. The purpose of the district, as stated in the Zoning Bylaw, is as follows:
- (1) To provide an opportunity to comprehensively plan a large tract of land in a pedestrian-friendly, campus-like setting, around a public green.
 - (2) 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.
 - (3) 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.
 - (4) To generate positive tax revenue, while providing the opportunity for new business growth and additional local jobs.
- B. 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.
- C. 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.

§ 414-2 **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.

§ 414-3 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 to discuss site plan requirements and design objectives. 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. 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.

§ 414-4 Planned mixed-use development application process.

A Planned mixed-use development is a Special Permit Application, which allows the Town and an applicant greater flexibility in the development of the land within the overlay district. 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 § **414-5** with the Planning Board, serving as the special permit granting authority (SPGA), for an element (or combination of elements). An element may be a single use or group of uses within a phase of the overlay district. An element is a tract of land in single or consolidated ownership at the time of application and shall be a minimum of seven (7) acres in size and contain at least 150 feet of frontage within the PMUD Overlay District as shown on the Town of Marshfield Zoning Map, as amended. An element can be planned for and developed in phases. Additional land can be added to or substituted within a phase, from time to time, provided that the seven-acre minimum locus is preserved and that a revised application and plan is filed. Each element shall contain or provide for the overall road network, roadway drainage, location of the public green, bike and pedestrian ways, lots and proposed uses.

§ 414-5 Special Permit Application Process

A. Application form.

- (1) 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 § **414-5B** 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 MGL c. 40A, § 16, relative to repetitive petitions.
- (2) Applicants are encouraged to file any necessary applications for with the Planning Board at the same time so that the hearings may be held concurrently.

B. Contents of an application. The completed application form, original plan and 3 copies of all information shall be submitted to the Planning Board with an additional copy filed with the Town Clerk by the applicant. All plans and information shall also be provided to the Board in an electronic (PDF) form. The Board shall, within 10 days after receipt thereof, distribute such plans as provided in § 414-

8A herein. 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 a scale of one inch equals 100 feet, 200 feet, or 400 feet 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) Site Plans shall meet the requirements of the Marshfield Subdivision Rules and Regulations, § **405-8B(1)(a) to (w)**, and including the following required elements:
 - (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) Existing and proposed street, parking, drainage, and utility systems prepared by a Massachusetts registered professional engineer.
 - (c) Property line plan by a Massachusetts registered land surveyor.
 - (d) Drainage calculations for proposed roadways meeting the requirements of § **405-10** of the Subdivision Rules and Regulations, including measures proposed to prevent pollution of surface water or groundwater, soil erosion, increased runoff, and flooding.
 - (e) All existing and proposed 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.
 - (f) Existing and proposed easements within the lot.
 - (g) 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.
 - (h) The location and description of all existing and proposed topographic features on the lot and adjoining areas within 50 feet of said lot, including two-foot contours, walks, fences, walls, planting areas, and greenbelts.
 - (i) Percent of building lot coverage.
 - (j) Impervious surface area and open space (natural and landscaped) of the lot.

- (k) The distance of existing and proposed buildings from the lot lines and the distance between buildings on the same lot.
- (4) 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.
- (5) 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 § 305-11.05D(14) of the Zoning Bylaw.
- (6) 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.
- (7) A draft easement for the maintenance of the public green(s), as specified in § 305-13.06E(2) of the Marshfield Zoning Bylaw.
- (8) 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); and the acreage of land within the proposal.
- (9) A traffic study shall include information as specified in § 305-13.10 of the Zoning Bylaw. This overall traffic study will assist the Town and applicants (within the PMUD) to determine the overall impact of the development of each element of the PMUD and determine the best mitigation package for the Town and development. It is also to provide the Planning Board and the applicant(s) a method to determine a fair share of the required mitigation package. 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.
- (10) Height of all buildings above average finished grade of abutting streets, including architectural details, and the amount(s) in square feet of proposed building(s).
- (11) Proposed traffic mitigation measures applying to both on-site and related off-site conditions, as identified in § 305-13.05F(3), required performance standards, of the Marshfield Zoning Bylaw. The scheduling of mitigation measures shall ensure that said remedies are in place and functioning properly at the time of project occupancy.
- (12) 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.

(13) Number of parking spaces, and estimated water consumption and sewage discharge.

(14) The Board reserves the right to require additional information as may be necessary to protect the public interests outlined in § 305-11.05 and relevant sections of the Zoning Bylaw.

C. Special permit review standards. 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 MGL c. 40A, § 9, and Article X of the Marshfield Zoning Bylaw. 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:

- (1) Access to Route 139 (Plain Street) from a PMUD shall be through a secondary street as defined in the Planning Board Subdivision Rules and Regulations at a signalized intersection.
- (2) A public green shall be required for each phase of development within the PMUD, and a public green can serve more than one development phase. The public green(s) shall be a minimum of one-half (1/2) acre in size per every 7 acres within an element and be designed as a pedestrian-friendly park. The public green(s) shall contain some combination of benches, tables, playground equipment, sidewalks, lighting and landscaping. Each green shall be used solely for active and passive recreation purposes and shall be open to the public. The total acreage of the green in each element may be used toward the land area calculations to determine allowable density for one of the uses within that element.
- (3) 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.
- (4) Building articulation. Building facades in excess of 40 feet shall incorporate recesses and projections, of a minimum of two 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 facade 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 facade; 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.
- (5) 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.

- (6) 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 street 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. The large retail establishment shall either provide an entrance to the public green or side facade to the public green shall be lined with uses to enhance the pedestrian activities and the use of the public green(s).
- (7) Building design. The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roofline, roof pitch, arrangement of openings, color, exterior materials, proportion and scale of existing buildings in the vicinity.
- (8) 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.
- (9) 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 fifty-foot-wide raised and landscaped buffer. Parking lots and loading areas shall be appropriately screened from roadways within the overlay district by a minimum twenty-foot-wide raised and landscaped buffer. Appropriately designed view corridors of buildings from the roadways within the overlay district shall be allowed.
- (10) 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. However, in no case shall a parking requirement reduction exceed 20% of those parking spaces required under normal application of requirements for the nonresidential uses proposed.
- (11) 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.
- (12) 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 Bylaw, § 305-8.09.
- (13) 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, flower boxes, and canopies shall be provided where deemed appropriate by the SPGA and shall be consistent with the character of the development.

- (14) 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.
- (15) Protection. The Board shall ensure protection of adjoining premises against detrimental or offensive uses on the site.
- (16) The Board shall review all submittals for compliance with the required performance standards under § 305-13.05D of the Zoning Bylaw and with the criteria for review and approval under § 305-13.05F of the Zoning Bylaw.

§ 414-7 Fees.

[Amended 7-24-2017]

- A. Administrative expenses. Fees for the review and staff time required to process the application by the Planning Department, Conservation Commission, Board of Health, Fire Department, Police Department, Building Department and Highway, Sewer and Water Divisions, or consultants used in lieu of departmental staff, shall be as provided in Chapter **420**, Fee Schedule.
- B. Review fees/special accounts. Applicants for special permits shall deposit review fees in the amount as provided in Chapter **420**, Fee Schedule, into a special account subject to guidelines set forward in § **405-8A(6)** of the Subdivision Rules and Regulations. The consulting review fee may be expended as specified in the Subdivision Rules and Regulations for review of the special permit application. No additional fee is associated with the special permit application.
- C. 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.
- D. Special permit modification. The administrative fee for a modification to an existing special permit is as provided in Chapter **420**, Fee Schedule. 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.
- E. Fee waiver. Fees can be waived for applications from the Town of Marshfield and religious and nonprofit organizations, at the discretion of the Planning Board, on a case-by-case basis.

§ 414-8 Planning Board review.

- A. 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 the Water Resource Protection District), Assessors, Town Clerk, Conservation Commission, Engineering Division, Water Division (two), Highway Division, Housing Authority, Board of Health, Building Department, Historical

Commission, Police Department and Fire Department. Such distribution shall be completed within 10 days of the receipt of the plans and application by the Planning Board. In addition, where the property abuts or is accessed within 100 feet 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 Department of Transportation. **[Amended 7-24-2017]**

- B. Submittal of comments. These departments shall have 35 days to review and submit written comments to the Board. Failure of the various boards and commissions to make comment or recommendations within the thirty-five-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.
- C. Decision report. The Board shall, within 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.
- D. Modification. The Board shall have the power to modify or amend its approval of a Phase I subdivision and land classification plan or Phase II 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 § 305-11.05 of the Marshfield Zoning Bylaw shall, where apt, be applicable to such modification or amendment.

§ 414-9 Disposition of application.

- A. 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.
- B. Reconsideration. No vote on an application may be reconsidered after the meeting at which the decision was rendered has been adjourned.
- C. Appeals. Any person aggrieved by a decision of the Board as special permit granting authority may appeal such decision as provided in MGL c. 40A, § 17, within 20 days after such decision has been filed in the office of the Town Clerk.
- D. Reapplication. No application which has been unfavorably and finally acted upon by the Board shall be reconsidered for a special permit within two 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.

- E. 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 20 days have elapsed after the filing of the decision and no appeal has been filed.
- F. 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 years from the date of final action by the Board, except for good cause, or the final determination of an appeal.

§ 414-10 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 MGL c. 40A.

§ 414-11 Performance guarantee.

- A. 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, § **405-8E**, 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 measures which may affect abutters or the public. **[Amended 7-24-2017]**
- B. As a condition to a special permit, the applicant shall post a performance guarantee as described in the Subdivision Rules and Regulations, § **405-8E**, 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 measures which may affect abutters or the public. **[Amended 7-24-2017]**
- C. If the applicant is not the owner and must purchase to assume such obligations, he shall comply within 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.

§ 414-12 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 their provisions 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.

Attachments:

[Attachment 1 - Special Permit Application, Planned Mixed-Use Development](#)

**PLANNING BOARD RULES AND REGULATIONS FOR
MIXED-USE RESIDENTIAL ABOVE COMMERCIAL SPECIAL PERMITS**

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GENERAL REFERENCES

Zoning — See Ch. 305.

Subdivision of land — See Ch. 405.

§ 415-1. General provisions.

- A. Purpose and authority. The following rules and regulations are hereby adopted by the Marshfield Planning Board as provided in MGL c. 40A for the purpose of establishing uniform procedures for the granting of special permits for Mixed-Use Residential Above Commercial pursuant to § 305-11.16, 305-13.05, 305-13.11 of the Marshfield Zoning Bylaw. The purpose of these regulations are as follows:
- (1) To provide an opportunity to create residential units above commercial mixed use buildings in a manner that provides for a greater range of housing stock, housing prices and the benefits of residential living in the downtown or village setting.
 - (2) 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.
 - (3) To ensure any potential traffic, parking, drainage and buffering both within and surrounding the property impacts of the mixed-use development are properly mitigated and in keeping with the character of the Town of Marshfield.
- B. 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.
- C. 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.

§ 415-2. 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.

MARSHFIELD CODE

§ 415-3. Pre-application conference.

It is recommended that an applicant meet with the Planning Board staff and Building Department, Conservation Commission staff, Board of Health staff, Department of Public Works, etc., 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.

§ 414-4. Application.

- A. Applicants are encouraged to file any **other** necessary applications ~~for special permits under the Water Resource Protection District Bylaw~~ with the Planning Board at the same time so that ~~this~~ **the** hearings may be held concurrently.
- B. Contents of an application. The completed application form, original mylar plan and 3 copies of the full set of plans and all required information shall be submitted to the Planning Board. All plans and information shall also be provided to the Board in electronic form (PDF). The Board shall, within 10 days after receipt thereof, distribute such plans as provided in § 414-8A herein.
- C. 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 a scale of one inch equals 100 feet, 200 feet, or 400 feet 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(s) drawn at a scale of one inch equals 40 feet, unless another scale is previously requested and found suitable by the Board. Said site plan shall be prepared and stamped by both a Massachusetts registered professional engineer and a Massachusetts registered land surveyor.
 - (4) Height of all buildings above average finished grade of abutting streets, including architectural details, and the amount(s) in square feet of proposed building(s).
 - (5) A traffic study if the land subject to the application will meet the thresholds specified in § 305-11.10 of the Marshfield Zoning Bylaw. 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. Proposed traffic mitigation measures applying to both on-site and related off-site conditions, as identified in §305-11.10C(4), required performance standards, of the Marshfield Zoning Bylaw. The scheduling of mitigation measures shall ensure that said remedies are in place and functioning properly at the time of project occupancy.

- (6) Building elevations and floor plans, and perspective renderings.
- (7) Said site plan(s) shall including the following required elements:
 - (a) All existing and proposed 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.
 - (b) Existing and proposed easements within the lot.
 - (c) 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.
 - (d) Wetlands, streams, bodies of water, and drainage swales.
 - (e) The location and description of all existing and proposed topographic features on the lot and adjoining areas within 50 feet of said lot, including two-foot contours, walks, fences, walls, planting areas, and greenbelts.
 - (f) Percent of building lot coverage.
 - (g) Impervious surface area and open space (natural and landscaped) of the lot.
 - (h) The distance of existing and proposed buildings from the lot lines and the distance between buildings on the same lot if .
 - (i) The location of existing or proposed buildings on the lot shall be shown with the total square footage and dimensions of all buildings, Design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets, and to screen objectionable features from neighbors.
 - (j) Number of parking spaces, and estimated water consumption and sewage discharge.
 - (k) Location of outdoor common area for the residential units. This common area shall provide amenities such as grill, table and seating area available.
 - (l) The Board reserves the right to require additional

information as may be necessary to protect the public interests outlined in § 305-11.16, 305-13.05, 305-13.11 and relevant sections of the Zoning Bylaw.

§ 414-5. Design Standards.

- A. 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 MGL c. 40A, § 9, and Article X, 305-10.10 of the Marshfield Zoning Bylaw. The Board during the plan review shall utilize the following standards:
- (1) 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 enhance the sea side and historic character of Marshfield.
 - (2) Building facades in excess of 40 feet shall incorporate recesses and projections, of a minimum of two feet in depth, to break up the building's mass. A minimum of 60% of the building's the street side facade shall contain windows and other appropriate architectural elements.
 - (3) 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. 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.
 - (4) Proposed buildings and structures shall be integrated as much as possible with existing building locations, landscape and terrain.
 - (5) The applicant shall provide adequate spatial definitions through the use of walls, fences and/or other elements which clearly separate public space from areas to be used by the residents of the mixed use buildings.
 - (6) Uses shall be grouped together to maximize pedestrian access by connecting sidewalks and pathways.
 - (7) The majority of the parking shall be located to the rear or sides of buildings. Parking lots and loading areas shall be appropriately screened from roadways by fencing, walls and /or landscaping. In the B-1 and BRVO districts parking in front of the mixed use buildings but not directly onto a state route maybe considered.
 - (8) 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.
 - (9) 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.

- (10) 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 Bylaw, § 305-8.09.
- (11) 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, flower boxes, and canopies shall be provided where deemed appropriate by the SPGA and shall be consistent with the character of the development.
- (12) 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.
- (13) The Board shall ensure protection of adjoining premises against detrimental or offensive uses on the site.
- (14) The Board shall review all submittals for compliance with the required standards and with the criteria for review and approval under the applicable sub-sections of §11.16, 305-13.05, 305-13.11 of the Zoning Bylaw.

§ 414-7. Fees.

- A. Administrative expenses. Fees for the review and staff time required to process the application by the Planning Department, Conservation Commission, Board of Health, Fire Department, Police Department, Building Department and Department of Public Works, shall be as provided in Chapter 420, Fee Schedule.
- B. Review fees/special accounts. Applicants shall deposit review fees as provided in Chapter 420, Fee Schedule, into a special account. The consulting review fee may be expended as specified in the Subdivision Rules and Regulations for review of the special permit application.
- C. 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.
- D. Special permit modification. The administrative fee for a modification to an existing special permit is as provided in Chapter 420, Fee Schedule. 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.
- E. Fee waiver. Fees can be waived for applications from the Town of Marshfield and religious and nonprofit organizations, at the discretion of the Planning Board, on a case-by-case basis.

§ 414-8. Planning Board Review.

- A. 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 Engineering Consultant, Planning Board Water Scientist (if within the Water Resource Protection District), Assessors, Department of Public Works, Town Clerk, Conservation Commission, Board of Health, Building Department, Historical Commission, Zoning Board of Appeals, Police Department and Fire Department. Such distribution shall be completed within 10 days of the receipt of the plans and application by the Planning Board.
- B. Submittal of comments. These departments shall have 35 days to review and submit written comments to the Board. Failure of the various boards and commissions to make comment or recommendations within the thirty-five-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.
- C. Decision report. The Board shall, within 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.
- D. Modification. The Board shall have the power to modify or amend its approval of the Special Permit and site plan 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 [§ 11.16](#), [305-13.05](#), [305-13.11](#) of the Marshfield Zoning Bylaw shall, where apt, be applicable to such modification or amendment.

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§ 414-9. Disposition of Application.

- A. 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.
- B. Reconsideration. No vote on an application may be reconsidered after the meeting at which the decision was rendered has been adjourned.
- C. Appeals. Any person aggrieved by a decision of the Board as special permit granting authority may appeal such decision as provided in MGL c. 40A, § 17, within 20 days after such decision has been filed in the office of the Town Clerk.
- D. Reapplication. No application which has been unfavorably and finally acted upon by the Board shall be reconsidered for a special permit within two 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.
- E. 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 20 days have elapsed after the filing of the decision and no appeal has been filed.
- F. 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 years from the date of final action by the Board, except for good cause, or the final determination of an appeal.

§ 414-10. 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 MGL c. 40A.

§ 414-11. Performance guarantee.

- A. As a condition to a special permit, the applicant shall post a performance guarantee, 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 is to assure completion of roadways drainage, parking lots, grading, erosion control, landscaping, or safety measures which may affect abutters or the public.
- B. If the applicant is not the owner and must purchase to assume such obligations, he shall comply within 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.

§ 414-12. 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 their provisions 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.