

**MARSHFIELD PLANNING BOARD  
RULES AND REGULATIONS  
FOR HEARINGS UNDER THE STORM WATER  
MANAGEMENT OVERLAY ZONING DISTRICT BYLAW**

2010 JUN 24 PM 2:31

**1.0 AUTHORITY**

- 1.1 The Rules and Regulations contained herein have been adopted by the Marshfield Planning Board in accordance with the Town of Marshfield Storm Water Management Overlay District Zoning Bylaw, (Section 13.04) and M.G.L. c.40A.
- 1.2 The Storm Water Management Overlay District Regulations apply to all activities listed in the Town of Marshfield Storm Water Management Overlay District Zoning Bylaw Section 13.04. Nothing in these Rules and Regulations is intended to replace or be in derogation of the requirements of the Town of Marshfield Wetlands Protection Bylaw or the Floodplain Zoning Bylaw or any Rules and Regulations adopted thereunder.

**2.0 SITE PLAN REVIEW PROCEDURES AND REQUIREMENTS**

- 2.1 Applicant - The Board may receive and consider applications from any owner of land as defined by the Marshfield Zoning Bylaw, or aggrieved party as defined by law. While the applicant can be a representative of the property owner, the Site Plan Approval must be issued to the property owner. Any person representing a property owner must provide a letter signed by the property owner stating that they are authorized to represent them.
- 2.2 Approved Forms - Every appeal, petition, or application to the Board shall be complete in all respects and shall be submitted on approved forms adopted for that purpose. The applicant shall be required to submit the site plan, application form, filing fee, consultant review fee as set forth herein, drainage calculations and any other application information required by the Board. Approved forms are incorporated into these Rules and attached as Exhibit A. Any other communication, whether or not it purports to be an appeal, petition or application, shall constitute mere notice of intention to seek relief, until such time as it is properly submitted on an approved form.
- 2.3 Complete Application - The applicant shall file with the Planning Board fifteen (15) copies of a completed application package for Site Plan Review. The applicant shall submit 15 full size 24" x 36" plans and 10 11" x 17" plan sets. If the applicant is not the owner, the applicant shall provide documentation that they have been authorized to file the

application on the owner's behalf. The application package shall include the following:

- (A) A completed Site Plan Review application form with original signatures of all owners;
- (B) Site plan prepared and stamped by a Massachusetts Registered Professional Engineer that shows all existing conditions and proposed development of the property. The site plan shall contain all of the information required to demonstrate compliance with the development performance standards contained in the Zoning Bylaw section 13.04 (5.1-5.6), including:
  - i. Existing and proposed 2 foot contour elevations.
  - ii. Mature trees that are 6" caliper diameter at breast height or larger;
  - iii. All proposed retaining walls;
  - iv. Storm Water Management Plan;
  - v. Storm Water Operation and Maintenance Plan;
  - vi. Site Plan Review fees;
  - vii. Inspection and Maintenance Agreement;
  - viii. Erosion and Sediment Control Plan;
  - ix. Soil Logs;
  - x. Drainage Calculations;
  - xi. Technical Review Fee;
  - xii. Street Improvement Plan, if applicable;
  - xiii. Building Tabulation – a tabulation of proposed buildings, number of buildings, number of units and bedrooms per building, building type;
  - xiv. Utilities Plan – indication of approximate location of all existing and proposed utilities;
  - xv. Any other relevant information required by the Planning Board or its authorized agent.

### **3.0 ENTRY**

Filing an application for a permit grants the Planning Board and/or its agent, permission to enter the site to verify the information on the site plan and to inspect for compliance with the resulting permit.

### **4.0 FEES**

- 4.1 Application Fee - The applicant shall submit a Site Plan Review Application fee in an amount established by the Planning Board to cover the Town's expenses connected with the review of the Site Plan. The fee shall be an amount specified for the type of project listed in the Fee Schedule at the end of these Rules and Regulations. Application fees are payable at the time of application submission and are non-refundable.

- 4.2 Technical Review Fee - A Project Technical Review Fee ("Technical Review Fee") for engineering and consultant review shall also be submitted to the Planning Board, by separate check, at the time of submitting a Site Plan Review application package. The fee shall be deposited with the Planning Board. The Technical Review Fee shall be replenished by the applicant within ten (10) days after notice from the Planning Board that the amount remaining on deposit is insufficient to cover further engineering reviews required. Expenditures from this special account may be made at the direction of the Planning Board or their agent without further appropriation. Expenditures from this special account shall be made only in connection with the review of a specific project or projects for which a review fee has been or will be collected from the applicant. Failure to pay the Technical Review Fee or to replenish the same as provided above shall be grounds to deny the application.

The Technical Review Fee must be sufficient to cover costs associated with professional review services for the project. The Planning Board is authorized to retain a Registered Professional Engineer or other professional consultants to advise them on any or all aspects of the Site Plan. The Technical Review Fees are listed in the fee schedule at the end of these Rules and Regulations. The services for which a fee may be utilized include, but are not limited to, wetland survey and delineation, hydrologic and drainage analysis, storm water quality analysis, site inspections, as-built plan review and analysis of legal issues.

Applicants must pay the Application and Technical Review Fee before the plan review process may begin.

- 4.3 Following project completion and final inspection, any remaining balance in the Technical Review Fee account will be returned to the applicant, upon written request, within forty-five calendar days.

## **5.0 HEARING**

- 5.1 All hearings shall be open to the public. An applicant may appear in his/her own behalf or be represented by an agent or attorney. In the absence of any appearance on behalf of an applicant, the Board may decide the matter based upon the information in the file.
- 5.2 Order of business - The Chair or designated Hearing Officer shall call the hearing to order. Fifteen minutes will be allowed for the applicant or their representative to present the case to the Board. The following parties will be allowed to comment on the application in a timely manner at the sole discretion of the hearing officer: (a) other town boards or their designees; (b) abutters; and (c) other interested parties. The applicant will have the

opportunity to respond to concerns raised by (a) through (c) referenced above. Speaking times for such parties will be determined at the sole discretion of the Hearing Officer. During the hearing, the Board may ask questions. The applicant is permitted, but not required, to submit a legal brief or other document in support of its application.

- 5.3 Withdrawal - The applicant may withdraw their application without prejudice by notice in writing to the Board. If the withdrawal is made after any expenditure of a Technical Review Fee, that portion of the fee committed or expended shall be retained by the Board.
- 5.4 Waiver - Notwithstanding the foregoing, the Board may, in its discretion, for cause stated, and in public session, waive any of these procedural rules.

## **6.0 DECISION**

- 6.1 The Planning Board's action on the Site Plan Review application will be provided in writing to the applicant and Town Clerk and shall consist of either:
- a. Approval of the Site Plan Review application based upon determination that the proposed plan meets the requirements of section 13.04 of the Zoning Bylaw, or
  - b. Approval of the Site Plan Review application subject to any conditions, modifications or restrictions required by the Planning Board which will ensure that the project meets the Standards in Section 13.04 of the Zoning Bylaw and adequately protects water resources and public safety as set forth in this bylaw.
- 6.2 All decisions shall be made in writing. The decision shall contain the following: (a) date it was rendered, (b) the applicant's name and address, (c) the owner's name and address along with mailing address, (d) time, date and place of the hearing, (e) statement that the hearing was held and description of the relief or action sought, and (f) statement of the action taken on the application and its reasons.
- 6.3 A written notice of decision shall be mailed to the applicant and owner (if different).

## **7.0 PLAN CHANGES**

The applicant must notify the Planning Board in writing of any changes to the site plan or alteration in the storm water management system approved under Site Plan Review before any change or alteration is made. If the Planning Board

determines that the change or alteration is significant, the Planning Board may require that an amended Site Plan application be filed.

Should a land-disturbing activity associated with an approved Site Plan not commence within 180 days following permit issuance, the Planning Board may evaluate the existing storm water management plan to determine whether the plan still complies with the Site Plan Review requirements and to verify that all design factors are still valid. If the Planning Board finds the previously filed plan to be inadequate, a modified plan shall be submitted and approved prior to the commencement of land-disturbing activities.

## **8.0 PROJECT COMPLETION**

At completion of the project, the applicant shall submit three as-built drawings of the approved site plan, to be recorded at the Plymouth County Registry of Deeds, which shall include all structural storm water controls and treatment for best management practices required for the site. The as-built drawing shall show deviations from the approved plans, if any, and be stamped by a Registered Professional Engineer.

## **9.0 AMENDMENTS**

These Storm Water Management Rules and Regulations may be adopted and periodically amended by a majority vote of the Planning Board after a public hearing.

Adopted by a majority vote of the Marshfield Planning Board on:

6/21, 2010.

## **SITE PLAN REVIEW SCHEDULE**

- A. Application fee for Administrative Review: \$500 per lot.
- B. Consultant Technical Review fee: \$1,500 per lot.
- C. Construction Inspection fee: \$500 per lot

The Planning Board may increase, reduce or waive the administrative filing fee or technical review fee, if in their opinion the specific circumstances warrant such action.