

RULES AND REGULATIONS OF PLANNING BOARD
RELATIVE TO SPECIAL PERMITS

Adopted May 1, 1980
Amended August 12, 1982
Revised June 14, 1989
Revised February 24, 1993

1. All requests for a Special Permit issued by the Planning Board of the Town of Westborough under Sections 2150, 2200, 2300, 4300 and 4600 of the Zoning Bylaws shall be submitted in writing, by filing an application with the Town Clerk, Town Hall, Westborough, Massachusetts. All applications must be accompanied by copies of a plan as required. Fees shall be charged as follows:

Commercial/Office/Industrial Projects

For projects up to 100,000 square feet of building area a minimum administrative filing fee of \$2,000.00 (two thousand dollars), plus \$.02 (two cents) per square foot for each square foot above 100,000 square feet of building area. Building area shall be counted for each story.

In addition, for projects proposing up to 100,000 square feet of building area, a minimum escrow deposit of \$2,000.00 (two thousand dollars), plus \$.02 (two cents) per square foot for each square foot above 100,000 square feet shall be made to cover the cost of professional assistance to review plans. Building area shall be counted for each story. Any unused deposit funds shall be returned to the applicant.

Residential Projects

For Residential Projects requiring Special Permits under the Zoning Bylaw Section 2150 and 4300, administrative and escrow fees shall be charged as required under the Planning Board Rules and Regulations Governing the Subdivision of Land, Concept Plan, Section III,B.,1.

A summary of those fees is as follows:

An administrative filing fee of \$300.00 (three hundred dollars) is required for processing at the time of the filing of the application and concept plans. In addition, an escrow deposit of \$75.00 (seventy-five dollars) per lot is required to cover the cost of an outside consultant to review plans. Unused funds are returned to the subdivider.

2. Notice of the public hearing shall include name of the applicant, description of the area or premises including a street address, if any, or other adequate identification of the location of the area or premises, the subject matter, date, time and place of the hearing and the nature of the action requested. Copy shall be submitted to the Planning Board for approval including final editing and establishment of the date of public hearing prior to publication. Publication arrangements and costs shall be borne by the applicant.

The hearing notice is published once for two successive weeks. The first publication of the hearing notice may not be less than 14 days before the day of the hearing. Notices of the public hearing shall be posted in a conspicuous place in the Town Hall not less than 14 days before the hearing. Notice of the public hearing shall be mailed to parties of interest which shall include; the petitioner, abutters, owners of land directly opposite on any public or private street or way, the owners of land within three hundred feet (300') of the property line, and the Planning Boards of every abutting city or town. The applicant shall provide proof of notification by certified mail receipt. The Assessors Office shall certify the names and addresses of parties in interest. Letters shall be sent by Certified Mail. The Planning Board shall be provided with a copy of the publication.

3. Minutes of all hearings held by the Planning Board shall be sent to the Board of Selectmen, Town Clerk and Zoning Board of Appeals.
4. The Chairman of the Planning Board shall preside over and conduct the hearings before said Board; and in the event of his absence, the senior member of the Board shall preside. He shall rule on the relevance of all questions asked, when properly raised by those in attendance.
5. After the hearing is duly called to order, the applicant shall be required to make a presentation of the matter requiring a Special Permit. The presentation shall include all drawings, plans, proposed buildings, lots, roads, structures, pavement, parking, internal layout, plantings, drainage, sewers, lighting and access and egress.
6. The Chairman shall recognize all parties in turn who wish to speak or question.
7. Decisions of Permit Granting Authority
 - A. All decisions of the Planning Board shall be in writing and where required by law and the provisions of Section 1330, 2150 & 4300 of the Zoning Bylaw contain such findings based upon the evidence in justification of their decision.
 - B. In determining whether the application for a Special Permit falls within the exception to the normal granting of said permit as described in Section 1330 or 2150 of the Zoning Bylaws, the Planning Board may consider the following factors:
 1. The need for the proposed use in the proposed location.
 2. Access to the site from existing or proposed streets, and to proposed structures thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in case of fire or emergency.
 3. The adequacy and configuration of off street parking and loading areas, including their nuisance and economic impact on adjoining properties and on properties

generally in the district.

4. Visual and noise screening and buffering.
5. Special Permits requested under Section 4600 of the Zoning Bylaws shall adhere to the Subdivision Rules and Regulations of the Town of Westborough except that dimensional requirements shall be established by the Planning Board as provided under Section 4600. Positive action under Section 4600 for a Special Permit shall also establish the dimensional schedule to be utilized in the subdivision of said land under the provisions of Chapter 41 Section 81 (as amended). Positive action under Section 4600 will also require subdivision approval by the Planning Board. Concurrent hearings may be held if proper application has been made and it is agreeable to the Planning Board.
6. Special Permits requested under Section 2150 or 4300 of the Zoning By-Law shall adhere to the Subdivision Rules and Regulations of the Town of Westborough, except that dimensional requirements shall be established by the Planning Board for Open Space Communities as provided under Section 4300. Action for a Special Permit under Section 2150 shall be taken with due consideration as to whether the plan is superior to a conventional plan in: a) preserving open space for conservation, agriculture, or recreation, b) utilizing natural features of the land, and, c) allowing more proficient provision of public service.

8. Conditions Attached to Special Permits

Special Permits shall normally be granted unless, because of a condition peculiar to the particular case but not generally true for similar permitted uses on other sites in the same district, it appears that nuisance, hazard, or congestion will be created, or for other reasons there will be substantial harm to the neighborhood or derogation from the intent of the Zoning Bylaws of the Town of Westborough.

- A Notwithstanding the aforesaid, upon consideration of the standards and/or criteria listed in Section 7, the Planning Board may attach such conditions or modifications to a Special Permit, in addition to any that may be required by provisions elsewhere in the Town's Zoning Bylaw, that it finds necessary to further the purposes of said Bylaw. Violation of any of these conditions shall be a violation of these regulations. Such conditions may include, but are not limited to, specifications for: type of construction, increased setbacks and yards, landscaping and screens or buffers, operational procedures or controls, sureties, deed restrictions, restrictive covenants, locations or design of parking and loading areas, location of signs, drainage facilities; or any other conditions or modifications necessary to fulfill the purposes of the Zoning Bylaw.
- B In addition to the information required to complete an application for a Special Permit, the Planning Board may require the applicant to furnish that additional

information it deems necessary to establish its decision.

9. The decision of the Board shall be made within ninety (90) days from the public hearing for a Special Permit; said public hearing to be held within sixty-five (65) days from the date of filing of the application for a Special Permit. Copies of the reason or reasons for its decision and of its other official actions, shall be filed in the office of the Town Clerk and shall be public record. Notice of its decisions shall be sent to the Board of Selectmen, Zoning Board of Appeals, and those parties in interest as designated in Section 15 of MGL Chapter 40A and to every person present at the hearing who requests that notice be sent to him by giving the Clerk a stamped self addressed envelope.
10. Upon the granting of a limited or conditional Special Permit, the Planning Board shall issue to the land owner a notice, certified by the Chairman or Clerk, containing the name and address of the land owner, identifying the land affected, and stating that limited or conditional Special Permit has been granted which is set fourth in the decision of the Board on file in the office of the Town Clerk. No such Special Permit shall take effect until such notice is recorded by the applicant at the applicant's expense in the Worcester County Registry of Deeds and conforms to Section 11 of Chapter 40A.

WESTBOROUGH PLANNING BOARD

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