

**TOWN OF NEWBURY**

OFFICE OF  
**THE PLANNING BOARD**

NEWBURY MUNICIPAL OFFICES  
12 KENT WAY  
BYFIELD, MA 01922

**SITE PLAN REVIEW**  
**SUBMISSION REQUIREMENTS AND PROCEDURES**  
**PROPOSED AMENDMENT**

**PURPOSE**

These Submission Requirements and Procedures explain the Site Plan Review process as it pertains to all zoning districts pursuant to § 97-9.A. of the Newbury Zoning By-Laws. The purpose of the Requirements and Procedures is to guide the applicant and others through the Site Plan Review process and to detail the requirements for submission.

**GENERAL**

The first step in the application process is to meet with the Town Planner and the Building Inspector to review the scope of the proposed project, the procedures for filing, and applicable filing fees.

**TELEPHONE NUMBERS**

Town Planner	978-465-0862, ext. 312
Town Clerk	978-465-0862, ext. 314
Assessors	978-465-0862, ext. 308
Building Inspector	978-465-0862, ext. 309
Conservation Commission	978-465-0862, ext. 310

**A. SUBMISSION REQUIREMENTS**

The applicant must file with the Planning Board the following:

- 1) Completed application form;
- 2) Submission fees:
  - a) Site Plan Review:

01) Administrative fee:

- a. Level I: \$350.00
- b. Level II: \$700.00

02) Deposit for Consultant Review:

- a. Level I: \$750.00
- b. Level II: \$1,000.00

Costs for consultant review in excess of these amounts shall be the sole responsibility of the applicant and shall be deposited with the Town upon request;

b) Amendment to Decision of Site Plan Review:

01) Administrative fee: \$100.00;

02) Deposit for Consultant Review: At the discretion of the Board. If the Board decides that consultant review is necessary, the applicant shall be solely responsible for the cost. Upon receipt of a cost estimate from the consultant, the applicant shall deposit the amount with the Town.

3) Certified 300' abutters list from the Assessors' office.

4) Materials for Review: The following information shall be provided for review for a Level I or Level II project. Any of the required information submitted to another Town Board or Commission in connection with the proposed project may be submitted to the Board in lieu of the following.

a) Project Description: A narrative briefly describing the proposed project to assist the Board in its review, including information relative to:

- 01) Proposed use;
- 02) Projected increase in traffic trips;
- 03) Projected Town water and sewer demand, if any;
- 04) A discussion of the status of all other required local, state and federal permits and approvals;
- 05) Size of proposed building or addition;
- 06) Projected number of required parking spaces;
- 07) Proposed methods of screening the premises and parking area(s) from abutting property and the street;
- 08) Landscaping plans;
- 09) Lighting plans;
- 10) Entrance and Egress;
- 11) A calculation of existing and proposed lot coverage;
- 12) How the project conforms with the Master Plan; and
- 13) Compliance with the Town's Zoning By-Laws

- b) Site Plan: Sixteen copies of the project site plan on standard 24" by 36" plan sheets at a minimum scale of 1" = 20' prepared by a Professional Engineer or Landscape Architect registered in the State of Massachusetts, unless indicated otherwise by the Board, plus one 11" by 17" reduced copy of the site plan set and a digital copy (pdf), containing the following information:
- 01) A title block, identifying the location of the lot(s), the name and address of the owner of record, the name of the Applicant, date and scale of the plan, and the name and address of the firm preparing the plan;
  - 02) An inset Locus Plan, measuring a minimum of 2" by 2", at a scale of 1" = 2000', or other reasonable scale;
  - 03) Existing boundaries of the lot(s) and any deeds of easement, rights-of-way, covenants, and any other agreements affecting the use of the site;
  - 04) Zoning classification and location of any Zoning District boundaries which may lie within the locus of the plan;
  - 05) Location, width, and names of adjacent streets;
  - 06) Abutting land under the same ownership, and location, owners' names, map and lot numbers, and addresses of all adjacent properties under different ownership;
  - 07) Existing and proposed topography of the site at two (2) foot contour intervals;
  - 08) The location of wetlands, proposed wetland replication areas, streams, water bodies, boundary of the ACEC, aquifers, aquifer recharge areas, drainage swales, areas subject to flooding, stone walls, and other unique natural and environmental features, including, but not limited to, all ledge outcrops, scenic views, trees over eight inches in caliper, and the general location of the tree line;
  - 09) Existing and proposed structures, including setbacks, exterior dimensions, footprint, total gross floor area, number of stories, floor elevations, and building height(s);
  - 10) The location of existing and proposed parking and loading areas, driveways, access and egress points, bicycle racks, sidewalks, curbs, and curb cuts, bus stops or drop-off areas, with proposed dimensions indicated;
  - 11) Pedestrian, bicycle, and vehicular traffic flow patterns showing adequate access to and from the site and adequate circulation within the site;
  - 12) Existing and proposed exterior lighting, including locations, lighting source, fixture types, intensity, pole height, design and direction. A photometric analysis of proposed lighting shall be submitted;
  - 13) The location, dimensions, height, lighting, and other characteristics of all proposed signs;
  - 14) Existing and proposed landscape features including the locations and a description of buffer areas, screening, fencing, and a planting plan. The Planning Board may require a registered landscape architect to prepare a planting plan, unless the Board deems a licensed plant nursery person or landscape designer appropriate for small projects such as minor additions or alterations;
  - 15) Existing structures on adjacent properties within 50 feet of the property line, including wells and septic systems;
  - 16) Location of existing and proposed utilities, including existing and proposed septic systems or sanitary sewer, and water supply,

- 17) Proposed service and loading areas including dumpster location and method of screening;
- 18) Existing and proposed stormwater management system. The stormwater management system shall be designed in accordance with Newbury's Stormwater Management and Illicit Discharge and Erosion Control By-Law (Chapter 87 of the Code of the Town of Newbury), the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Handbook as most recently amended, whether or not the proposed work falls within the MS4 or within the jurisdiction of the Wetlands Protection Act. Information provided shall be in conformance with the submission requirements of Newbury's Stormwater Rules and Regulations; Temporary and permanent erosion control measures in conformance with Newbury's Stormwater Management and Illicit Discharge and Erosion Control By-Law.

Architectural Drawings: Plans and other drawings shall include architectural elevations of all sides of all new buildings and of those sides of existing building that are proposed to be altered in any way, and shall be prepared by a Registered Architect. Architectural plans and elevations shall be drawn at a minimum scale of 1/8" = 1'-0" and shall show the following:

- 01) Exterior material, including trim, and colors;
  - 02) Type, pitch, and material of roofs;
  - 03) Size, style, and spacing of windows, doors, and other openings;
  - 04) Size, location, colors, and copy of signs affixed to or hanging from the building;
  - 05) The relationship in massing, scale, and height to other existing structures in the immediate vicinity;
  - 06) Elevations or renderings of new construction, renovation, or expansions (or model may be provided at the option of the applicant);
  - 07) Cross sections of the site and buildings;
  - 08) Catalogue cuts of proposed exterior light fixtures.
- c) Other Permits Required:
- 01) All completed or pending actions of local boards and commissions relative to the application, including an estimated schedule of application and approval;
  - 02) A listing of state and federal permits, licenses, and approvals necessary, including Chapter 91.
- 6) For Level II projects, the Planning Board may require that the following impact assessments be submitted with the application, as it deems necessary. The assessments must contain information sufficient to determine the impact of the proposed project on the surrounding area and the Town as a whole. Sixteen copies of the required impact assessments shall be submitted.
- a) Traffic Impact Assessment

The purpose shall be to document the existing traffic volumes, capacities, road condition, hazards and level of service on the site and streets adjacent to the site,

assess the proposed impact of such changes, and to propose and discuss management and structural improvements and mitigation measures, both on and off the site.

b) Environmental Impact Assessment

The purpose shall be to determine the existing and expected post-development environmental conditions, including air and water quality, groundwater pollution, noise levels, harmful or noxious emissions, damage or threat to wetlands and flood plain, and the visual environment. The potential for erosion or sedimentation and the proposed or existing control measures shall be discussed. Smoke, odors, vibration and electromagnetic radiation shall also be identified and addressed. Waste disposal and off-site environmental drainage impacts shall be discussed.

c) Community Impact Assessment and Fiscal Impact Assessment

The assessment shall consider the existing and projected demand for municipal services, revenues to the Town and fiscal economic impacts.

The Site Plan Review application is deemed to be submitted only when all of the required items are delivered to the Planning Board, complete and in the required number of copies and a copy of the application is filed with the Town Clerk by the applicant.

**B. APPLICATION PROCEDURE**

- 1) The Building Inspector will determine if Site Plan Review is required and, if so, shall issue a letter of denial to the Applicant noting whether the project is minor or major (Level I or Level II). Upon receipt of the written denial from the Building Inspector, the Applicant shall submit an appropriate Site Plan Review application (Level I or Level II) to the Planning Board.
- 2) Pre-Application Conference:
  - a) Prior to submission of a Level I – Minor Project Site Plan Review application the Applicant shall meet with the Town Planner to review the requirements and criteria for site plan approval.
  - b) Prior to submission of a Level II – Major Project Site Plan Review application, the Applicant shall file a request with the Town Planner for a mandatory pre-application conference to include, at a minimum, the Town Planner, the Building Inspector, the Conservation Agent, the Health Agent, the Police Chief, the Fire Chief, the DPW Director, and other staff or Board and Commission members as appropriate for the project. The purpose of this pre-application conference is to review with the Applicant the requirements and criteria for site plan approval and to address questions in order to give the applicant advice and guidance prior to submitting a Site Plan Review application, entering into binding commitments, and/or incurring substantial expense in the preparation of plans, surveys, and other data.
- 3) The Town Planner shall review the application prior to submission to determine if it is complete. Incomplete applications will be returned to the applicant for revision.

- 4) Waiver of Submission Requirements: The Planning Board may, upon written request of the Applicant, waive or modify any of the submission requirements listed in the Planning Board's Site Plan Review Submission Requirements and Procedures where the project involves relatively simple development plans or constitutes a Level I – Minor Project. Said waiver requests shall be accompanied by a statement setting forth the reasons why, in the Applicant's opinion, the granting of such a waiver would be in the public interest or the specific information required is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of the By-Law and the Regulations. The applicant should make an effort to include all waiver request(s) with the initial filing of the application so that the Town Planner may render a decision on the application's completeness. The Planning Board shall issue waiver request approvals and waiver request denials in writing. The waiver request decisions may be incorporated in any final site plan approval or disapproval decision. The applicant should be prepared, in the case of a waiver denial, to supply the Planning Board with the missing requirements in a timely manner.
- 5) The Planning Board shall, within five business days of receipt of a complete site plan review application, transmit copies of the application and the site plan to the Building Inspector, the Conservation Commission, the Board of Health, the Director of Public Works, the Board of Selectmen, the Historical Commission, the Fire Chief, and the Police Chief for their advisory review, comments, and recommendations.
- 6) Preliminary Level I and II review shall be conducted by Town staff, including, but not limited to, the Town Planner, the Building Inspector, the Conservation Agent, the Health Agent, the Fire Chief, the Police Chief, and the DPW Director. Town staff comments will be submitted in writing to the Planning Board within 21 calendar days of receipt of a complete Site Plan Review application and these comments will be available to the applicant or authorized representative at least five (5) business days in advance of the date and time at which the application is first considered by the Planning Board at a public meeting or public hearing.
- 7) Level 1 – Minor Project Review Procedures: Following Town staff review, the Planning Board shall review a minor project Site Plan Review application under general business at a regularly scheduled Planning Board meeting within 35 days of the date the complete application was submitted to the Board. The Applicant shall send written notice of the meeting by certified mail return receipt to all immediate abutters. Final action on the site plan shall be taken by the Planning Board within 60 days of the date the application was submitted to the Board.
- 8) Level II – Major Project Review Procedures: Following Town staff review, the Planning Board shall hold a public hearing on a major project Site Plan Review application within 35 days of the date the complete application was submitted to the Board and shall file a decision with the Town Clerk within 25 days of the close of the hearing. Where the Planning Board or another Town Board is the Special Permit Granting Authority for the proposed work, the Public Hearing for the Special Permit shall take place in conjunction with the Public Hearing for the Site Plan Review. Notice of the time, place, and subject matter of the public hearing shall be given by the Planning Board to the Applicant and mailed by the Applicant, at his or her own expense, by Certified Mail Return Receipt to all "parties in interest" as defined in

G.L. c. 40A., §11 as shown on a certified list of abutters obtained from the Newbury Assessors office. In addition, the Planning Board shall also give notice of the time, place, and subject matter of the public hearing, at the expense of the Applicant, by advertisement in a newspaper of general circulation in the Town, once in each of two successive weeks, the first publication being not less than 14 days before the day of such hearing.

- 9) **Technical Consultant Services:** The Planning Board may engage the services of a registered civil engineer, architect, landscape architect, traffic engineer, planner, or other professional consultant to obtain an independent review of any site plan when it believes professional review is necessary to accomplish the purpose of this by-law. The costs for such professional review shall be borne by the Applicant.
- 10) **Extension of Time for Final Action:** The time within which the Planning Board must act on an application may be extended upon mutual agreement in writing upon request of the Applicant. Failure to act within the time limitations established in this article shall be deemed constructive approval of the application.
- 11) **Final action, which shall be a written “Decision of Site Plan Review” that is filed with the Office of the Town Clerk and the Building Inspector, shall consist of either:**
  - a) Approval of the application based on a determination that the proposed project complies with the criteria and design performance standards set forth in this by-law;
  - b) Approval subject to any site plan and design performance conditions, modifications, and restrictions the Planning Board may deem necessary to ensure the health, safety, and general welfare of the community;
  - c) Disapproval of the application based on a determination that insufficient information was submitted for the proposal or the proposal did not meet the criteria set forth in this by-law.
- 12) **Final Action Vote:** A vote of a simple majority of the full membership of the Board shall be sufficient to adopt a Decision of Site Plan Review.
- 13) **Appeal:** Any person aggrieved by a Planning Board Decision of Site Plan Review may appeal such Decision directly to a court of competent jurisdiction in accordance with the provision of MGL c. 40A, § 17 within 20 days from the date the Decision is filed with the Town Clerk.

### **C. DECISION CRITERIA**

Site plan review decision criteria will be in accordance with § 97-9.A.(6) of the Zoning By-Laws.

### **D. CONDITIONS OF APPROVAL**

Conditions of approval will be in accordance with § 97-9.A.(7) of the Zoning By-Laws.

**E. DURATION OF APPROVAL**

The duration of approval will be in accordance with § 97-9.A.(8) of the Zoning By-Laws.

F. Upon completion of construction, and before, release of the full performance guarantee, the applicant shall have prepared and submitted Record Drawings, which shall indicate the actual location of all the following:

- Street Lines
- Roadway edges
- Path Locations
- Permanent Monuments
- Location and inverts of the required utilities and drainage
- Location of any other underground utilities, such as electricity, telephone lines and, street lighting
- Locations such as rain gardens, constructed wet lands, detention ponds, and similar facilities

The Record Drawings shall be stamped by a Professional Engineer retained by the applicant, and approved by the Planning Board's Agent

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**F-G. PERFORMANCE GUARANTEE**

Performance guarantee shall be in accordance with § 97-9.A.(10) of the Zoning By-Laws.