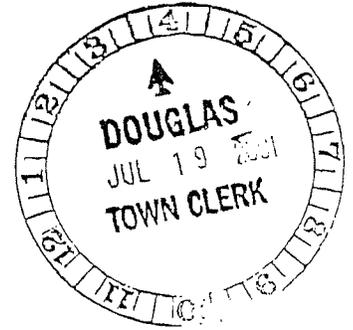


Adopted by ZBA 7-12-01



**TOWN OF DOUGLAS
BOARD OF APPEALS**

Article I – COMPREHENSIVE PERMIT RULES

Section 1 – Authorization

These Rules are authorized by G.L. c. 40B, sec. 21 and GL. c. 44, sec. 53G

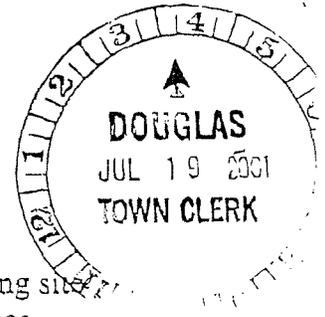
Section 2 – Complete Application and Documentation

It is the intent of the Board to have a complete application and full documentation provided with the application. The Board may deny a comprehensive permit if material information is missing. In addition, the Board may require additional information during the review process, as it deems appropriate.

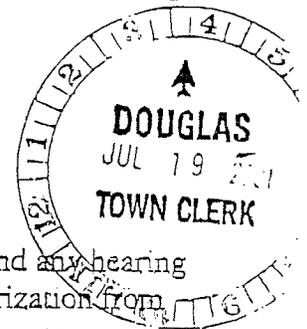
Section 3 – Submittal Requirements

The applicant shall be required to submit the following information.

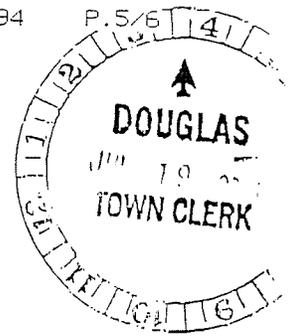
- (a) Preliminary site development plans showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements and open areas within the site. The plans should also include actual topographical features at a minimum scale of 1"= 40', showing 2'-0" contour intervals; with the wetlands delineated by a botanist or certified soils scientist. All site development plans to be signed and stamped by a professional civil engineer registered in the state of Massachusetts;
- (b) Preliminary architectural scaled drawings for building plans including typical floor plans, typical elevations and sections (identifying construction type and exterior finish), along with preliminary architectural renderings. These drawings shall be signed and stamped by a licensed architect registered in the State of Massachusetts;



- (c) A report, together with a plan(s) if applicable, regarding existing site conditions and a summary of conditions in the surrounding areas, showing the location and nature of existing buildings, existing street elevations, traffic patterns and character of open areas, if any, in the neighborhood. The zoning district or districts, if more than one (1) district is involved, shall also be shown on the plan. (If the abutting land is in another district or town; this shall also be shown);
- (d) Projects shall contain a report of the impacts of the project in terms of traffic, public safety, municipal services, school and public facilities, recreation, and the effect on open space and the natural environment including endangered species;
- (e) A tabulation of proposed buildings by type, size (number of bedrooms, floor area), and ground coverage, and summary showing the percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by parks and open space areas;
- (f) Where a subdivision of land is involved, a preliminary or definitive subdivision plan shall be submitted, signed and stamped by a professional civil engineer registered in the State of Massachusetts. If a preliminary plan is submitted, the Board shall have the right to require the applicant to submit any and all information typically required on a definitive plan, if deemed necessary by the board;
- (g) A preliminary plan showing the proposed location of all utilities, including but not limited to; underground electrical, telephone, cable, gas, water, type of sewage, along with water and drainage facilities including hydrants;
- (h) Documents specified in 760 CMR 31.01 to show the status of the applicant and the acceptability of the site;
- (i) Written Documentation
 - 1- Appropriate documentation evidencing the applicant's control of the site.
 - 2- A copy of the deed to the applicant's property showing the Registry of Deeds Book and Page number(s). If the property is under a purchase and sales agreement, a copy of said agreement shall also be provided;
 - 3- If the applicant is not the owner of the property, the owner(s) shall Provide written authorization for the subject application by the applicant on the application, as well as for any applicant's successor in interest.



- 4- If the individual signing the application is unable to attend any hearing on the application, the Board shall require written authorization from the applicant that the designated representative has consent to represent the applicant or to withdraw the application.
- (j) A list of requested exemptions to local requirements and regulations, including local codes, bylaws and/or regulations;
- (k) Certified plan of land prepared, by a registered land surveyor and a registered Professional civil engineer registered in the State of Massachusetts. The plan shall include abutter's information;
- (l) Twenty-five (25) copies of said application/petition with attachments and exhibits shall be submitted to the Town Clerk upon filing (to be distributed to the ZBA members, the ZBA recording secretary and to all of the Town departments). Up to ten (10) additional copies shall be provided to the ZBA upon request;
- (m) An abutters list certified by the Town's Assessor's Office listing all "abutters" as defined in G.L. c. 40A, sec. 11.
- (n) If the proposed project exceeds four (4) house lots, or dwelling units, or exceeds one acre of construction area; the project shall conform to the Massachusetts Stormwater Policy Manual.
- (o) Stormwater Structures shall be designed to accommodate the 100-year, 24-hour storm event. Design calculations for the 2-year, 10-year, 25-year, 50-year and 100-year (24-hour) storm events shall be provided. Calculations shall be performed by a Registered Professional Civil Engineer using the United States Soil Conservation Service Technical Release No. 55 for design of the stormwater infiltration, detention or retention structures. Pipe sizes shall be based upon the Rational Formula for the same storm events. All calculations shall be presented in a clear and concise manner and shall accompany the submittal. The design basis shall be that pre-developed stormwater flows shall be equal to or less than the post-developed stormwater flows with respect to flow and volume. No new point discharges shall be permitted. Routing hydrographs for the pre-developed and post-developed conditions shall also be provided.



Section 4 - Filing Fee

A filing fee, based on a flat fee and the number of housing units proposed shall accompany the application:

\$ 1,000.00 base fee, plus
\$ 100.00 per housing unit proposed.

Section 5 - Outside Consultants and Review Fees

- (a) When reviewing an application for, or when conducting inspections in relation to, a comprehensive permit application, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of a project's potential impacts. The Board may require that applicants pay a "project review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of a proposed project;
- (b) In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, bylaws, and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation. The Board has the right to request the applicant to sign a disclosure regarding any common interest with any of the consultants;
- (c) Funds received by the Board pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only for the services rendered in connection with a specific project or projects for which a project review fee has been collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a review fee shall be grounds for denial of the comprehensive permit application;
- (d) At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or applicant's

successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

- (e) The applicant may make an administrative appeal from the selection of the outside consultant to the Board of Selectmen. Such appeal must be made in writing and may be taken only within 20 days after the Board has mailed or hand-delivered notice to the applicant of the selection. The grounds of such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications. The minimum qualifications shall consist of an educational degree in, or related to, the field at issue and three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

