



Town of West Bridgewater

65 North Main Street
West Bridgewater, MA. 02379

Application for:

**** Official Use Only ****

Hearing before the

☐

Planning Board

☐

Zoning Board of Appeals

Type of Submittal:

☐

Special Permit

☐

Site Plan Approval

☐

Variance

☐

Appeal the decision of the Building Commissioner

Please Print Clearly & Legibly

Name of Applicant or Appellant: _____ Date: _____

Street Address: _____ City/Town: _____

State: _____ Zip: _____ Phone #: _____

Email: _____ Cell #: _____

Location of Property: _____

Plymouth County Registry of Deeds: Book # _____ Page # _____

Applicant is:

☐

Owner

☐

Tenant

☐

Prospective Purchaser

☐

Licensee

Nature of Application :

**** Official Use Only **** Applicable section(s) of The Town of West Bridgewater's Zoning By-laws:

Building Commissioner's Signature: _____ Date of Denial: _____

I hereby request a hearing before the Site Plan, Permit, Special Permit Granting Authority with reference to the above noted application or appeal.

Printed name of Applicant: _____ Applicant's Signature: _____

Official Use Only Received from the applicant, the sum of \$ _____ for the filing fee. Check # _____

Clerk's Signature: _____ Date: _____

Abutter notification, engineering review & advertising fees will be Paid by the applicant.

Submittal information for Planning & Zoning Boards

You will need to submit the following for Site Plan /Special Permit (Zoning Board or Planning Board)

- 1) If you are submitting for a property that has been newly created or subdivide, you must have a street address assigned to your property and be included as the address on all your plans and submittal documents. (the Fire Chief and Assessor will collaborate and come up with a street address.)
Fire Chief – Lincoln Thibeault 508-586-3232 , lthibeault@wbridgewater.com
Assessor –Anne Williams 508-894-1212 , awilliams@wbridgewater.com
- 2) Please submit the abutters list along with a check for \$40.00 made out to " Town of West Bridgewater " to the Assessors department they can be reached at 508-894-1212 if you have questions, they will supply the certified list of abutters and 3 sets of mailing labels. This must be done BEFORE you submit the package to the Building Dept.
- 3) Include a check made out to: Town of West Bridgewater " for \$50.00 -Filing Fee –Zoning Board, Planning Board \$150.00
- 4) There will be a fee of around \$400.00 for advertising to " The Enterprise "This will be billed afterwards
- 5) Zoning Board of Appeals or Planning Board application for modification to existing Special Permit and Site plan review
- 6) Please submit 20 stamped engineered stamped site plan copies / full size paper (24" x 36")
- 7) Please provide 3 electronic copies of all paperwork/ plans / pictures on USB drives
- 8) Please submit 20 copies of any floor plans and elevations of any structures to be placed on the property
- 9) Please provide 20 copies of a narrative of the project, include the following:
 - A) Location of the property – Street address, map, parcel
 - B) Property Owners name and contact information
 - C) Name of proposed business
 - D) Business owner name & contact information
 - E) Description of Proposed business /operation at location
 - F) Hours of operation
 - G) Number of employees
 - H) Number of customer parking spaces
 - I) Describe any heavy construction equipment that will be stored outside onsite, such as front end loaders, bulldozers, dump trucks, tractor trailers / bodies, bobcats, forklifts etc.
 - J) Describe any piles of mulch, wood, tires, chemicals that may be stored onsite
 - K) are there plans to sub lease any part of the property? If yes –please describe

J) If in the Water Resource Protection District - include you plan/ procedure to deal with an accidental discharge, how it will be mitigated, training of employees and equipment that will be onsite to mitigate hazard.

10 Ensure on the stamped engineered site plans that along with all the requirements of the Town of West Bridgewater's Zoning section -7.2.3 – 7.2.4.1 See attached copies) the following information is on the plans:

- A) Snow Storage
- B) Parking calculations –per Town of West Bridgewater's Zoning
- C) A rendition of any wall mounted signs
- D) A rendition of any free standing signs
- E) Dumpster pad and enclosure
- F) Show any areas – with a count of any equipment /vehicles that will be stored / parked onsite, such as front end loaders, excavators, dump trucks, tractor trailers, storage containers, forklifts, tires, wood, mulch, any chemicals stored on the property etc.

11) Please check with the Conservation Commission, your project may require a wetlands filing or a Storm Water filing. These may be done concurrently with your trip to the Zoning Board of appeals or the Planning Board.

Conservation / Storm Water agent – Tim Hay 508-894-1264 , thay@wbridgewater.com

Once all of this is submitted to the Town Clerk's Office, we can review it for compliance and forwarded it to all the other Town Departments for review and to get you onto the Zoning / Planning Boards meeting agenda on an upcoming meeting.

Twenty (20)

7.2.2.1. ~~Seventeen (17)~~ paper copies of the site plan and supporting documentation and ~~one~~ electronic/digital copy of the site plan and supporting documentation shall be submitted to the Town Clerk together with an application on a form supplied by the Inspector of Buildings. Said submission shall be filed during normal business hours and immediately shall be forwarded to the Inspector of Buildings.

Three USB Drive

a. All residential uses shall be acted on by the Inspector of Buildings unless a Special Permit or Variance is required.

b. All non-residential uses shall be reviewed by the Inspector of Buildings and, if the submission is complete, forwarded to the Planning Board or the appropriate Special Permit Granting Authority for action or in the case of a variance, to the Board of Appeals.

7.2.2.2. For all uses for which site plan submittal to the Inspector of Buildings is required, the application for site plan review and the site plan may be submitted at the same time as the application for a building permit. For all uses for which site plan submittal to the Planning Board is required, the application for site plan review and the site plan shall be submitted at least twenty-one (21) days prior to the application for a building permit.

7.2.2.3. Within five (5) days of receiving a site plan which complies with all submission requirements, the Inspector of Buildings shall submit five (5) copies of the site plan to the appropriate site plan reviewing authority and one (1) copy of the site plan and supporting documentation to each of the remaining Boards: Planning Board, Board of Selectmen, Conservation Commission, Board of Health, Board of Appeals, Historical Commission, ADA Compliance Committee, Fire Department, Police Department, Highway Superintendent and the Forestry Department/Tree Warden, each of whom shall return comments within thirty (30) days to the Inspector of Buildings or reviewing authority, whichever is appropriate.

7.2.2.4. The Special Permit Granting Authority, or the Board of Appeals in the case of variances, shall not conduct a public hearing for a Special Permit or variance until the appropriate reviewing office or board reviewed the site plan and submitted a report to the Special Permit Granting Authority or Board of Appeals or until after thirty days from the filing of the site plan have elapsed. Notice of the public hearing shall be provided in accordance with the rules and regulations of the Special Permit Granting Authority, or the Board of Appeals, as appropriate, and in accordance with Massachusetts General Laws.

7.2.2.5. Approval of a site plan shall be by:

- a. The Inspector of Buildings for uses covered by paragraph 7.2.2.1.a. above.
- b. The Planning Board for all other uses which do not require a special

permit or variance.

- c. The Special Permit Granting Authority for all other uses requiring a special permit and the Board of Appeals in cases requiring a variance.

7.2.2.6. If the site plan complies with the provisions of this By-law, it shall be approved. If it does not so comply, it shall be disapproved. If disapproval, the plan can be revised and resubmitted without prejudice. The applicant may request an extension in writing to correct the plan for compliance with the By-law. Said extension may be granted at the discretion of the appropriate site plan approval authority. Within forty-five (45) days from the date of submission of the plan, the applicant shall be notified of the action taken, except in the case of a site plan submitted with an application for a Special Permit or a variance. Failure to act within forty-five (45) days shall constitute approval. In the case of a Special Permit or a variance, action and notification shall comply with the time requirements for a Special Permit or a variance established by Chapter 40A of the General Laws. *65 DAYS*

7.2.2.7. If a use shown on an approved site plan is to be changed or expanded, a revised site plan may be required by the Inspector of Buildings.

7.2.2.8. No building permit shall be issued for any building or structure for which site plan approval is required unless approval thereof shall have been obtained in compliance with this Section.

7.2.3. Contents and Format

7.2.3.1. The site plan shall be prepared and certified by a professional architect, registered professional land surveyor, landscape architect or registered professional engineer as required by the General Laws, Chapter 112. It shall show the items described in the following subsections, whether or not development is to be phased, unless an item or items are waived in writing by the Inspector of Buildings, Board of Appeals or Planning Board, as appropriate.

7.2.3.2. For all one (1) and two (2) family dwellings, and farming site plans:

- a. Location map at six hundred (600) feet per inch or such other scale as is appropriate.
- b. The name of the owner or owners of property shown and the name of the applicant.
- c. Perimeter survey of lot, indicating locations of all easements, rights-of-way, property boundaries, dimensions, lot area and zoning district boundaries, existing and proposed.

- d. Topographic plan indicating existing and proposed contours at intervals not greater than one (1) foot. Sufficient information to clearly indicate areas in the site and within fifty (50) feet of the site where gravel or loam removal or filling is proposed and the approximate volume in cubic yards. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark (NGVD).
- e. The location and boundaries of all wetlands as defined by the General Laws, Chapter 131 and the one hundred (100) year flood line as defined by the Federal Emergency Management Act (FEMA) maps on file with the Town Clerk.
- f. All other data required to make a determination of compliance with off-street parking and loading requirements.
- g. Schematic design plans which accurately locate all existing and proposed buildings and structures, parking areas, driveways, driveway openings, and sewerage. *Snow Storage*
- h. Perc test and soil report.

7.2.3.3. For site plans for the Town Center District: In the Town Center (TC) District, the following design standards shall be incorporated in the site plan:

- a. All requirements as set forth in 7.2.3.2.
- b. Mixed residential and commercial uses are encouraged within the same building.
- c. The adaptive reuse of existing residential structures for commercial use is encouraged.
- d. Buildings shall be located a minimum of five (5) feet from the front property line, but not more than fifteen (15) feet from the property line. Front yards shall be appropriately landscaped and not covered with impervious surface.
- e. Parking lots should be located to the side or rear of the principal building on the locus.
- f. Driveway curb cuts shall be located so as not to interfere with existing intersections. Adjacent businesses are encouraged to share driveway curb cuts and to connect parking areas to minimize traffic hazards.
- g. Sites should be developed to encourage pedestrian access within the locus and the locus and the TC District.

7.2.3.4. For all other uses site plans:

Narrative

Hours of operation

of employees

- a. All requirements as noted in 7.2.3.2. above.
- b. Schematic design plans which accurately locate all service areas, usable open space, landscaped areas and the proposed treatment thereof (including fences, walls, planting areas and walks), lighting, signs, all facilities for storm drainage, refuse, other waste disposal, and other utility systems, and which define all materials, finishes, structural and mechanical systems, and floor areas (including the proposed uses thereof).
- c. Building elevations which thoroughly illustrate and define the features of the entire project.
- d. Business signs, traffic signs and street signs, security or parking lot lights located on site.
- e. Traffic flow patterns within the site, egresses and entrances, loading and, unloading areas, curb cuts on site and within one hundred and fifty (150) feet of the site, surface construction
- f. A plan for control of erosion, dust and silt, both during and after construction. Such plan shall include all existing and proposed slopes, construction sequencing, temporary and permanent erosion control, special construction and swale and stream scour protection.
- g. One (1) or more tables indicating, by zoning classifications, the required and proposed front, side and rear setback distances, the intended use of the site and all buildings, the number of people anticipated on site, existing and proposed floor area and number of units and parking areas, with their locations.

7.2.3.5. For all uses requiring a Special Permit, or with drive-in or window services, or more than 100 parking spaces:

- a. All requirements as noted in 7.2.3.2. and 7.2.3.3. above.
- b. Estimated daily hour and peak traffic levels on site and all abutting public and private ways.

7.2.4. Guidelines

7.2.4.1. In considering any site plan submittal the following concerns shall be reviewed:

- a. The protection of visual corridors.

- b. The use of landscaping and/or fencing to establish buffers and screens between incompatible land uses.
- c. The provision of open spaces and pedestrian amenities available to the public.
- d. The arrangement of access points, service roads, driveways, parking areas, lighting, and pedestrian walkways in a manner which facilitates interior circulation and minimizes conflict between vehicles and pedestrians.
- e. Ease of access, travel and on site movement for fire and police equipment and other emergency services for public safety.
- f. Provision for underground placement of utilities.
- g. Provision for surface run-off and the protection of the site and adjacent properties from erosion as a result thereof.
- h. The siting of buildings, structures, and open spaces to permit maximum use of passive solar energy and to permit maximum protection of pedestrian areas from adverse impacts of winds, vapors or other emissions, shadows and/or noise.
- i. Historical considerations and compatibility with abutting properties and the area in which it is located.
- j. Provision for maintenance of common areas.

7.3. Board of Appeals

7.3.1. Establishment

7.3.1.1. There shall be a Board of Appeals of five (5) members and two (2) associate members.

7.3.1.2. Members of the Board in office at the effective date of this By-law shall continue in office. Thereafter, as terms expire or vacancies occur, the Board of Selectmen shall make appointments pursuant to the provisions of Chapter 40A, Section 12 of the General Laws.

7.3.2. Powers

7.3.2.1. The Board of Appeals shall have the following powers:

- a. Appeals. To hear and decide upon appeal by any officer or Board of the Town, or by any person aggrieved by any order or decision of the Inspector of Buildings, or selectmen, in

violation of any provision of Chapter 40A of the General Laws, as amended, or any provisions of this By-law.

An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from an administrative official under the provisions of Chapter 40A of the General Laws as amended, or under this By-law, or by any person including an officer or Board of the Town aggrieved by an order or decision and shall be taken within thirty (30) days from the date of the receipt of written notice of such order or decisions and not otherwise.

- b. Special Permits. The Board may grant a special permit when authorized by this By-law in accordance with the provisions of Section 7.4.
- c. Variances. The Board shall have the power to hear and decide petitions for variances in accordance with Section 10 of Chapter 40A of General Laws, as amended, except for use variances, which are prohibited, provided that:
 - 1. The Board shall require evidence be heard and specifically find that owing to circumstances relating to soil conditions, shape, or topography of such land or structure and especially affecting such land or structures but not affecting generally the zoning district in which it is located, that a literal enforcement of the provisions of the By-law could involve substantial hardship, financial or otherwise, to the petitioner and appellant, and the desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of this By-law.
 - 2. The Board may impose conditions, safeguards, and limitations of time and of use, including the continued existence of any particular structures but excluding any particular condition, safeguards or limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant petitioner or any owner. If rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse and may be reinstated only after notice and a new public hearing.

7.3.3. Procedure

7.3.3.1. Rules: The Board shall adopt rules to govern its proceedings pursuant to Chapter 40A and 40B. Such rules shall be made available to the public and a copy shall be filed with the Town Clerk.

7.3.3.2. Public Hearings: Within sixty-five (65) days of receipt of appeal of petition, or a request for a Special Permit, the Board of Appeals shall hold a hearing giving notice thereof in accordance with Chapter 40A of the General Laws.

7.3.3.3. Decisions: The Board of Appeals shall make a decision on the appeal or petition within one hundred (100) days of filing and on the request for a Special Permit within ninety (90) days of filing.

- a. The decision of the Board of Appeals shall be filed with the Town Clerk. The decision shall recite the evidence heard, specific findings made on the evidence heard, the Board's vote on each of the findings required by M.G.L., Chapter 40A, and shall recite the overall decision of the Board and the vote.
- b. The Board shall not grant greater relief, use or rights not requested in the application for appeal, petition or request for Special Permit.
- c. A copy of the decision of the Board shall also be sent to the Selectmen, Inspector of Building, the Planning Board and to the applicant.

7.3.3.4. No appeal, application or petition which has been unfavorably and finally acted upon by the special permit granting or permit granting authority shall be acted favorably upon within two years after the date of final unfavorable action unless said special permit granting or permit granting authority finds, by a unanimous vote of a board of three members or by a vote of four members or a board of five members or two-thirds vote of a board of more than five members, specific and material changes in the condition upon which the previous unfavorable action was based, and unless all but one member of the Planning Board consents thereto.

7.4. Special Permit Granting Authority

7.4.1. The Special Permit Granting Authority will issue special permits in accordance with the procedure and provisions of Section 9 of Chapter 40A and of Section 7.5., Special Permits of this By-law.

7.4.2. Unless otherwise specified in this By-law, the Special Permit Granting Authority is the Planning Board.

7.5. Special Permit

7.5.1. Construction or operations under a building or special permit shall conform to any subsequent amendment of the By-law unless the use of construction is commenced with a period of not more than six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

7.5.2. Procedure

7.5.2.1. A Special Permit shall be required for all uses which are designated in this By-law as requiring a Special Permit before the Inspector of Buildings may issue a building or occupancy permit.

7.5.2.2. Each application for a Special Permit shall be on forms supplied by the Inspector of Buildings and shall be filed in quadruplicate with the Town Clerk who shall transmit copies thereof to the appropriate Board, Inspector of Buildings and the Planning Board, if it is not the Special Permit Granting Authority. The Planning Board and the Inspector of Buildings shall at any time up to fourteen (14) days after the date of the public hearing held as provided below, transmit to the appropriate Board, a report accompanied by such materials, maps or plans as will aid the Board in judging the application and in determining special conditions and safeguards.

7.5.2.3. Each application for a Special Permit shall be subject to the provisions of Section 7.2., Site Plan Approval.

7.5.2.4. The Special Permit Granting Authority shall, at the expense of the applicant, give public notice of the appeal in the manner provided in Chapter 40A, Sections 9 and 11 of the General Laws.

- a. The decision of the Special Permit Granting Authority must be made within ninety (90) days following the date of public hearing, and failure of the said Board to take final action within said ninety (90) days shall be deemed to be a grant of the Special Permit.

7.5.2.5. Any Special Permit, which has been granted by a Special Permit Granting Authority under Section 9 of Chapter 40A and under this By-law, except a Special Permit granted under Section 9A of Chapter 40A and Section 7.5.3.3 of this By-law, shall lapse within two (2) years from the grant thereof if a substantial use thereof has not sooner commenced, except for good cause, or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

7.5.3. Considerations for Approval of Special Permit

7.5.3.1. The Special Permit Granting Authority shall not approve any such application for a Special Permit unless it finds that, in its judgment, use of the site is in harmony with the general purpose and intent of this By-law and subject to and consistent with the conditions, safeguards and limitations herein set forth and subject to all the following conditions:

- a. The specific site is an appropriate location for such a use, structure or condition.
- b. The use as developed and operated will not adversely affect the neighborhood.

- c. There will be no nuisance or hazard to vehicles or pedestrians or volume greater than the capacity of the streets affected.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- e. Access to the site over streets is appropriate for the type of vehicle involved.

7.5.3.2. In addition to the items listed in Section 7.5.3.1., any such application for a use in the Water Resource Protection District shall be subject to the following conditions:

- a. The use is appropriate to the hydrogeology, natural topography, soils and other characteristics of the site to be developed.
- b. The use will not, during construction or thereafter, have any adverse environmental impact on any of the zones of the Water Resource Protection District; and
- c. The use will not adversely affect an existing or designated future public well.

7.5.4. Adult Entertainment Uses. In addition to the considerations for granting a Special Permit contained in Section 7.5.3.1, an application for a Special Permit required by this By-law for an adult bookstore, adult cabaret, adult motion picture theater, adult paraphernalia store and adult video store, all as defined in Section 2.0 hereof, shall not be granted unless each of the standards set forth below are fully satisfied:

7.5.4.1. Standards for Granting a Special Permit. No adult entertainment establishment shall be located within the following designated areas:

- a. Five hundred feet (500') from the nearest boundary line of any residential zoning district or from the nearest property line of any residential use;
- b. Five hundred feet (500') from the nearest property line of any public or private school;
- c. Five hundred feet (500') from the nearest property line of any church or other religious facility;
- d. Five hundred feet (500') from the nearest property line of any public park or recreation area and any principal or accessory private recreational facility use;
- e. Five hundred feet (500') from the nearest property line of any group day