

Introduction

This document contains the *Rules and Regulations Governing Site Plan Review* in the Town of Winchendon, Massachusetts, adopted by the Planning Board on November 19, 1998 and subsequently amended.

Site Plan Review establishes criteria for the layout, scale, appearance, safety and environmental impacts of commercial or industrial development. It attempts to “fit” larger projects into the community. Site plan review usually focuses on parking, traffic, vehicular and pedestrian access, drainage, roadway construction, signage, utilities, screening, lighting, and other aspects of the proposal to arrive at the best possible design for the location. For applicable projects, site plan approval must be obtained before the building permit or occupancy certificate is issued.

In Winchendon, the Planning Board administers the Site Plan Review process, assisted by staff of the Department of Planning and Development. The Board schedules and conducts public hearings for proposed projects and issues approvals or denials. During the public hearing, the applicant describes the project and the Board, abutters, and other interested parties have an opportunity to offer comment and ask questions. The plan may be revised to create a better outcome. As part of the review process, the Board receives advice from municipal staff and professional consultant engineers. The Development Review Committee, composed of senior municipal staff, is available to applicants to review their proposal before the formal submission to the Planning Board or other permitting agencies.

The Planning Board adopts, and from time to time amends, regulations governing Site Plan Review in Winchendon. This printing of the regulations is presented in a new, more user friendly style. It standardizes the text layout; fonts and formatting; corrects obvious misspellings and capitalization. For convenience it includes a new Introduction and Table of Contents which are not part of the regulation.

The official version of this document is filed with the Town Clerk and with the Department of Planning and Development. This copy is made available as a convenience and is accurate as of the time of publication. However, because the regulations are subject to revision or amendment, you are advised to verify any regulation that may affect your project. Errors, misprints, or omissions shall not affect the validity or applicability of any portion of the regulation.

Application forms are available at the Department of Planning and Development or the Building Commissioner’s Office. Both offices are located in Town Hall. We encourage you to contact these offices to discuss your project before you submit your application.

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RULES & REGULATIONS GOVERNING
SITE PLAN REVIEW

Section 1 General Considerations

1.1 Authority

These Rules and Regulations are adopted by the Planning Board as authorized by G.L. Chapter 40A and the Winchendon Zoning Bylaw, as amended.

1.2 Purpose

The purpose of these Rules and Regulations is to establish uniform procedures for the Site Plan Approval Process.

1.3 Applicability

Any applicant for Site Plan Approval by the Winchendon Zoning Bylaw shall comply with the provisions of these Rules and Regulations.

1.4 Scope of Planning Board Review

Site plan review establishes criteria for the layout, scale, appearance, safety, and environmental impacts of commercial or industrial developments in an attempt to integrate commercial and industrial projects into the community. Therefore, in reviewing a site plan, the Planning Board shall consider the following:

- (a) convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, property or improvements;
- (b) adequacy of the methods of disposal for sewage, refuse, and other wastes resulting from the uses permitted on the site;
- (c) methods of drainage for surface water;
- (d) adequacy of space for off-street loading and unloading;
- (e) adequacy of parking provisions;
- (f) lighting;
- (g) landscaping;
- (h) screening;
- (i) roadway construction;
- (j) signage; and
- (k) utilities.

1.5 Amendments to the Rules and Regulations

These Rules and Regulations may be amended by a concurring vote of four members of a five-member Board after a public hearing.

1.6 Definitions

Applicant. Any person who files for site plan approval under the Bylaw, whether or not governed by any other federal, state, or local regulations, laws, permits, variances, approvals, or programs, who shall comply with the provisions of these Rules and Regulations.

Application. All plans, forms, reports, studies or other documents that are submitted to the Board under these Rules and Regulations by an applicant.

Board. The Planning Board of the Town of Winchendon.

Bylaw. The Zoning Bylaw of the Town of Winchendon, as amended.

Decision. Action by the Board on an application.

Earth. Sod, loam, soil, clay, sand, gravel, stone or peat.

Parties in Interest. The applicant; the landowner; abutters; owners of land directly opposite on any private or public street or way; and abutters to abutters within three hundred (300) feet of the property line of the applicant as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town; the Winchendon Planning Board; and the Planning Board of every abutting city or town.

Rules and Regulations. The Rules and Regulations for Site Plan Approval as presented herein.

Town. The Town of Winchendon.

Wetlands. Those areas subject to the provisions of either the ‘Wetlands Protection Act’, G.L. chapter 131, sect. 40, or Bylaw Article 3.3.

Other Definitions. Refer to Article 3.52 and Article 7 in the Bylaw for additional defined terms

Section 2 Contents of an Application

An application that lacks information or is incomplete in any manner may be rejected or delayed. It is the responsibility of the applicant to assure the accuracy and completeness of all information submitted to the Board as part of the application. The applicant shall be responsible for factually supporting all points relied upon in the application including references for methodologies used in design calculations.

A complete application for site plan approval shall include the following items:

2.1 Application Form

A properly completed “Application for Site Plan Approval” furnished by the Board and available at the Town Clerk’s office.

2.2 Plans

Five full size copies of the application form and plans shall be submitted. Five (or more) reduced size (11” x 17”) copies of the final, approved plan shall be required. Each copy of the plan shall be folded so that it will fit neatly into a letter sized file folder.

Plans shall be legibly drawn to detail fully and explain adequately the intentions of the applicant. Site plans shall be prepared by a Registered Professional Engineer and Registered Surveyor at a scale of one inch equals forty feet. All plans shall include a reasonable numbering system with an

appropriate title block containing a Planning Board I.D. block of 1/2 inch by 3 inches, north arrow, and legend identifying any representative symbols used on the sheet.

The plans shall include at least the following information as prescribed below:

2.3 Use Description

Detailed description of the existing and proposed use. The applicant shall declare whether the facility in question is expected to generate, store, use or dispose of hazardous materials or wastes.

2.4 Certified Abutters List

A list of abutters and abutters to abutters that are defined, taken from the most recent tax list of the Town and certified by the Town Assessor.

2.5 Waiver of Rules and Regulations

An applicant for site plan approval may request a waiver from one or more requirements of these rules and regulations. Any such request must be submitted to the Board, in writing, at the time of filing the application. The request must clearly identify the specific section for which the waiver is requested and the reasons for the request.

The Board may grant a waiver from one or more requirement of the Rules and Regulations if it finds that the specific information for which the waiver is sought is irrelevant to the project that is the subject of the application and that the waiver is consistent with the intent of the Zoning Bylaw and these Rules and Regulations.

Any requests for waivers shall be reviewed by the Planning Board at the public hearing held for consideration of the applicant's site plan. A waiver shall be granted only by an affirmative vote of four (4) members of the Board.

2.6 Other Permits and Variances

List and copies of variances, permits and other special permits issued by other Town Boards or State and Federal agencies, and a list of any variances or permits required to complete the proposed work.

2.7 Recorded Plans

A copy of the most recently recorded plan/s for the lot/s on which the work will take place bearing the book number/s, page number/s, and date/s of recording/s or registration/s.

2.8 Support Documentation

Documentation shall be provided that will adequately address each of the following:

(a) Vehicular and pedestrian movement:

A traffic impact study will be required in all applications where the proposed uses will, in the opinion of the Board, be likely to produce an additional 30 trip ends per peak hour (a.m. or p.m. or weekend, whichever is higher based on average figures) or an average of 400 additional trip ends per weekday based on the most recent edition of the Institute of Transportation Engineers' publication 'Trip Generation'. If the proposed uses are not listed in said publication, the Board may approve the use of trip generation rates for another listed use that is similar in terms of traffic generation to the proposed use(s). If no such listed use can be found, then a study prepared by a registered professional engineer experienced and qualified in traffic engineering shall be submitted. Said traffic study shall examine the following:

Existing Traffic Conditions including roadway geometries, traffic volumes, safety delays and levels of service for streets and intersections (whether in Winchendon or another town) affected by the proposed uses.

Future Traffic Conditions including trip generation, trip distribution, volume to capacity ratios, and levels of service for existing, volume to capacity ratios, and levels of service for existing streets and intersections (whether in Winchendon or another town) affected by the proposed project at the time of anticipated completion and five (5) years beyond anticipated completion, taking into consideration the impacts of other previously approved projects and projects pending approval on the same streets. Approach and departure route assignments shall be based on existing traffic patterns, minimum time paths, or market studies. Trip generation for the proposed uses shall be based on average statistics from Trip Generation as above and must include both A.M. and P.M. peak hours, weekend peaks if applicable, as well as average total daily trips. Any anticipated reduction in trips due to special characteristics of the proposed uses must be fully explained and documented. Sight distances for turning movements to and from the sight must be analyzed using AASHO standards. The adequacy of vehicular queuing storage at the site entrances shall also be demonstrated. The impact of any planned phasing of the project shall be discussed.

The means of providing safe and convenient pedestrian movement within the site and in relation to adjacent streets, property or improvements shall be fully discussed and shown on the site plan.

(b) Waste Disposal Facilities

The type and location of any solid waste disposal facilities shall be shown and described. Dumpsters shall be screened with a stockade fence not less than 6 feet in height.

* The perimeter outline of any existing or proposed on-site sewage disposal systems including any required reserve areas shall be shown. The type of sewage disposal system shall be identified by a simple notation. Actual design and construction specifications for a sewage disposal system are not required, although the applicant is required to provide proof of compliance with the Board of Health's regulations for on-site septic disposal prior to final approval of the site plan. The proposed location of the sewer main running from the building to the sewage disposal system must be shown. If a sewage system other than an on-site sewage disposal system is to be used, the location of any sewer main to be installed on the property in question must be shown and adequate capacity at the off-site system demonstrated. If the proposed development includes the construction of a sewage treatment plant, then the location of the plant and the sewer main to serve the facility in question must be shown.

(c) Methods of Drainage for Surface Water

Storm drainage runoff calculations used for the drainage system design must be prepared by and display the seal of a Registered Professional Engineer. These calculations must be based on a recognized standard method (usually the Rational Formula or Soil Conservation Service Method). The calculations must contain a written summary explaining the rationale of the design so that a lay person can understand the basic design approach and its validity for the site in question. Furthermore, the calculations should be fully documented including copies of charts or other reference sources to make review possible. The pre- and post-development runoff rates must be provided. The use of computer generated reports is acceptable, however, the source of the software should be identified.

Calculations shall be provided to support the sizing of all drainage structures and pipes. The system design shall not result in serious flood hazards during a 100-year storm. If the site plan

includes a 'reserve parking' area, the storm drainage system for this area should be included in these calculations.

Location and types of stormwater drainage facilities including notes on the construction materials of any pipes, culverts, catchbasins or any other system component. Sufficient information relating to placement of the drainage system components (rim and invert elevations, pipe slopes, amount of cover, etc.) shall be shown so that the operation of the system can be evaluated. Any drainage ponds intended to be constructed shall be shown, fully dimensioned. If a 'Reserve Parking Area' is proposed, the plan shall show the stormwater drainage structures intended for construction should the reserve parking area be built in the future.

A typical detail of a proposed catch basin, diversion box, emergency slidegate, manhole, headwall, retaining wall, walkway, subdrain, waterway, leaching basin, drainage pond, or other similar structure, if any must be shown. In the Groundwater Protection Overlay District, catchbasins must be precast concrete with gas traps (Lebaron 1-219, Neenah 3705, or equivalent). Precast catchbasins must show gas traps and construction joints sealed with a minimum of one (1) inch butyl-rubber gastight sealant or equivalent caulking material.

(d) Off-street loading and unloading

All provisions for off-street loading and unloading shall be shown on the plan. A detailed description of the loading/unloading needs of the proposed use shall be provided and shall include at a minimum: the number of deliveries/departures expected per day; size and type of vehicles loading/unloading at the site; type of goods, materials, etc. being loaded/unloaded. Location of loading/unloading areas at the site and access/egress to/from the site shall be shown on the plan.

(e) Parking provisions

* All parking facilities shall be shown with proper dimensions. Parking spaces must be identified as either standard size, handicapped, or small-car parking spaces.

A Floor Plan shall be shown for each floor of each building whether such building is existing or proposed so that compliance with the parking requirements of the Zoning Bylaw for the use to be conducted on the floor in question can be demonstrated. Each floor plan must be dimensioned to show the net floor area. The floor plan shall be drawn at a scale of one-fourth (1/4) inch equals one (1) foot.

* A typical detail of each type of parking space to be used on the site showing the dimensions of the 'Parking Stall Length of Line' and the 'Width of Parking Stall' so that compliance with the parking area design standards of the Zoning Bylaw is evident.

Parking shall be provided in accordance with the requirements of Section 5.5 of the Winchendon Zoning Bylaw.

(f) Lighting

* Outdoor Lighting Structures - The location of any existing or proposed outdoor lighting facilities shall be shown.

All parking areas which are proposed to be illuminated shall provide an illumination level of at least one foot candle at ground level. All illumination shall be shielded so as to not shine directly onto a public or private way or onto any property in a residential district.

(g) Landscaping

Landscaping information must be shown on a separate plan sheet or sheets. In addition to showing landscape treatments planned for the site, the Landscape Plan shall include general site features such as lot lines, existing and proposed structures, parking areas, curbs, walkways, loading areas, land contours, water bodies, wetlands, streams, ledge outcroppings, and large boulders so that it may be easily related to the other plans. Any area intended to meet parking lot landscaping area requirements of the Zoning Bylaw shall be fully dimensioned and its area noted so that compliance with the Zoning Bylaw may be determined. The screening of parking areas facing public ways and residential zones or uses shall be required.

* Planting Table - The botanical and common name of each species, its height (at planting), its spread (at maturity) and the quantity intended to be planted shall be listed in a table along with the symbols used to represent the plants on the plan.

* Landscaping Details - A typical detail of a tree well, tree planting, and specialty planting area, if applicable, shall be shown.

* Limits of Work - Any area where existing conditions may reasonably be expected to be disturbed during construction shall be shown and identified on the Landscape Plan.

* Perimeter of Trees - The perimeter of any existing wooded areas on the site shall be shown. Existing wooded areas intended for preservation shall be noted. The location, size, and proposed fate of any existing trees larger than 16 inches in diameter shall be shown.

(h) Screening

Appropriate landscaping and fencing buffers to protect neighboring properties from lighting and noise and to restrict public access to the adjacent properties is required.

(i) Roadway Construction

Roadway construction shall be in accordance with Town specifications and supervised by the DPW superintendent.

(j) Signage

All proposed signage shall be shown on the site plan. Each sign shall also be fully described on a separate sheet. Said description shall include, at a minimum, dimensions, materials of which it (they) is (are) to be constructed, how and where they are to be displayed, etc. All signage shall conform to the requirements of section 5.4 of the Zoning Bylaw. The outline or footprint of any existing signs shall be shown and their final disposition must be noted.

(k) Utilities

* The location of any underground storage tanks for fuel or other chemical storage, including the tank types, capacities, and conditions shall be show. If existing underground storage tanks are present at the site, their location, size, capacities, type and date of installation shall be given. The Fire Chief shall determine whether the tanks are available for use or should be replaced.

* The locations and type of existing and proposed water services to serve the facility (including abandoned wells) shall be shown. If the site is to utilize an on-site well, its proposed location must be shown in addition to its setbacks from any building, structure, or sewage disposal system. The location of wells on abutting properties may be called for on the plan. If public water

services are to be utilized, then the water main which will service the site must be shown and identified.

* All fire hydrants on the site or off the site but within 500 feet of the principal building on the site shall be shown. If no fire hydrants are located within 500 feet of the principal building on the site, then a note shall appear clearly explaining how the applicant will provide fire protection to the site. Fire protection measures shall be subject to the approval of the Fire Chief. The location of any proposed municipal fire alarm boxes or other warning systems and any proposed fire lanes shall be clearly shown and identified. Any underground conduit for municipal fire alarm connections shall be shown.

* The locations and type of any other underground utilities including but not limited to electric, gas, telephone, or cable television services shall be shown and identified. Any emergency power facilities should also be shown.

2.9 General Site Characteristics

All lot lines and boundaries of the site, with ownership of abutting properties, including properties across the street or right-of-way from the land affected by the site plan, shall be indicated; access and utility easements; all required setbacks for buildings, structures. All zoning district boundaries, including the boundaries of the Flood Plain Conservancy District, the Groundwater Overlay District, and the Wetlands Conservancy District, if applicable, shall be shown in their proper location.

Any special site features including, but not limited to, stone walls, fences, wells, historic structures, and historic buildings shall be indicated.

2.10 Natural Site Characteristics

All site features such as, but not limited to, flood plains, waterways, drainage courses, and ledge outcroppings shall be indicated.

Existing and proposed contours of the land shown at two foot intervals. Topography shall be referenced to the National Geodetic Vertical Datum of 1929 with the location and elevation of the starting bench mark plus at least two additional temporary bench marks on the site.

Location and results of any field tests to determine the maximum groundwater elevation shall be indicated.

All wetlands and wetland buffer area boundaries shall also be shown.

2.11 Site Improvements

Tabulations. A table shall show the legal requirements (minimums, maximums) of the zoning district (where applicable), existing conditions (where applicable) and the proposed site conditions for the following characteristics: lot size, total lot coverage, open space, percent wetlands, percent flood plain, developable site area, front yards, side yards, rear yard, any buffers, building height, minimum distance to groundwater, pre- and post-development runoff rates and groundwater recharge, net floor area and the number of parking spaces (including numbers of reserve parking, handicapped, and small car spaces) with supporting calculations. The table shall give the percentage of reserved parking spaces with respect to the total number of spaces provided.

2.12 Plan Notes

Plan notes shall be provided that: (1) forbid the use of fill containing hazardous materials (2) require the marking of the limits of work in the field before the start of construction or site clearing, (3) require the cleaning of catchbasins, sumps and stormwater basins following construction and annually thereafter, (4) restrict the hauling of earth to or from the site to the hours between 9 a.m. and 4 p.m. on weekdays if earth materials are to be removed from or brought to the site, (5) describe the materials to be used in the construction of impermeable surfaces such as sidewalks and driveways (as a minimum, the Board requires 12 inches of gravel and three inches of bituminous concrete paving laid in two courses).

2.13 Earth Removal Calculations

Calculations for determining the amount of earth to be removed or the amount of fill to be brought to the site shall be prepared by and show the seal of a Registered Professional Engineer.

2.14 Water Balance Calculations

The portion of the site in each Groundwater Protection Overlay District shall be noted. A yearly hydrologic water balance calculation for pre- and post-development conditions based on annual precipitation that quantifies evapotranspiration, runoff, recharge and septic flow shall be included. Compliance with applicable portions of Article 3.5 of the Bylaw shall be demonstrated.

2.15 Building Elevations

The front, sides, and rear elevations of each building shall be shown at an appropriate scale generally not less than one-eighth (1/8) inch equals one (1) foot.

2.16 Phasing

If the project is to be built in phases, a plan or series of plans showing specific limits of construction for each phase and detailing the work to be accomplished in each phase shall be provided. Interim curbing and landscaping shall be shown as needed between phases.

2.17 Locus Plan

A locus plan showing an area a minimum of one mile diameter at a scale of one inch equals 1200 feet. Major streets, buildings, brooks, streams, rivers and other landmarks shall be shown on the locus plan with sufficient clarity to be easily discernible.

2.18 Design Certifications

Each plan sheet shall show the seal of a Registered Professional Engineer, Registered Land Surveyor, Registered Landscape Architect, Registered Professional Architect, or some combination of these as appropriate to the data on the sheet.

2.19 Other

The plan shall show the following, where applicable:

* Outline or footprint of any existing or proposed signs and, if existing, their final disposition must be noted.

* Clear identification of each area intended to be used as OPEN SPACE on the site with the square footage of each such area shown. A separate sheet may be necessary to show these areas adequately.

* Sidewalks with a note on the construction materials to be used.

* All driveway entrances dimensioned so that compliance with the access requirements of the Zoning Bylaw may be determined. The size of the largest truck expected to use the site shall be noted. All the drives and entrances must be designed to accommodate the designated size of

truck. The smallest size for the design shall be the SU-30 design vehicle so that fire trucks may maneuver on the site.

* Intersections and driveway entrances on other lots within 75 feet of the site with the distance between driveways dimensioned.

* Areas intended for open (outdoor) storage with identification label and dimensions.

* Erosion and sedimentation control measures with a brief written description of the methods used shall be included.

2.20 Additional Information

The application may contain whatever additional information the applicant feels is necessary to inform the Board properly about the development including legal opinions, copies of deeds, historical data, studies, and reports.

The Board is empowered by the Bylaw to require information in addition to that specifically required by the Bylaw. The Board will require the applicant to supply additional information if it finds that such information is necessary to act properly upon the application.

Section 3 Filing Procedures

3.1 Who may file an application?

Anyone may file an application for site plan approval provided that the property owner of record has signed the application form thereby granting his/her consent to the filing of the application.

3.2 Application Fees

Any application shall be accompanied by a fee to cover the expenses incurred by the Town in reviewing and processing the application. The fee is not refundable. The fee shall be submitted in check form and made payable to the Town of Winchendon. The fee is that which the Board may set, from time to time. An advertising fee of \$84.00 shall also be submitted with the application. The check shall be made out to the Winchendon Courier.

3.2.1 Additional Review Fee Deposits

So that the Board may make the findings required under the Bylaw and insure that the public safety will be protected, the Board may hire outside traffic, engineering, legal, or planning consultants to review an application. To cover the cost of these reviews, a review fee deposit may also be required of an applicant at the time of submission or at any appropriate time in the review process. The amount of the fee deposit will reflect the anticipated consultant fee/s plus ten (10) percent. Note that some projects may require additional fees to cover further study if significant impacts or problems are found during the review. Any amount of the deposits remaining after issuance of building permits for the proposed construction plus any remaining accrued interest will be repaid to the applicant or the applicant's successor in interest. The applicant may choose the consultant for any such review from a pre-approved list maintained by the Board. Otherwise the Board will make the choice of the consultant.

3.2.2 Appeal from the Selection of the Consultants

The applicant may appeal from the selection of an outside review consultant to the Board. The grounds for 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 of an educational degree in or related to the field at issue or a related field. The applicant must specify the specific grounds that the applicant claims constitute a conflict of interest or a failure to meet minimum professional requirements.

3.3 Submission to the Town Clerk and the Board

The application shall be submitted to the office of the Winchendon Town Clerk. The Clerk will certify the date and time of filing. The applicant may request and shall be entitled to a written receipt for the materials submitted.

A copy of the application form shall be filed forthwith with the Board.

Information submitted after the initial filing of the application as described above will not be accepted except at the public hearing. If significant information that was not included in the application is presented at the public hearing, the hearing may be continued to allow for review of the new material. At least 5 copies of any additional materials submitted at the hearing shall be given by the applicant to the Clerk of the Board at the hearing.

3.4 Review of Application

The Board will transmit a copy of an application to various other Town departments, boards, committees, agencies, or independent consultants to ensure full and qualified review of the application. Thirty-five (35) days will be provided for such reviews; failure to submit comments on the application shall be deemed an approval by the reviewing party. The Board will provide to the applicant upon request a copy of any comments or recommendations received.

Section 4 Public Hearing & Decision

4.1 Public Hearing Notice

The Board shall set the date, time, and place of the public hearing, which shall be held within sixty-five days of the application filing date.

A notice of the hearing shall be sent by mail to all parties in interest at least fourteen (14) days prior to the date of the public hearing. Such notice shall contain:

(1) name of the applicant, (2) a description of the area or the premises including street address, if any, or other adequate identification of the location such as Assessors Map number and parcel number, (3) date, time and place of the hearing, (4) the subject matter of the hearing, and (5) the nature of the action requested.

A notice of the hearing shall also be published by the applicant in the Winchendon Courier newspaper or other newspaper of general circulation designated by the Board, once in each of two successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing. The contents of this published notice shall be as above for the parties in interest. A notice of the hearing shall be given to the Town Clerk for posting at least fourteen (14) days prior to the date of the public hearing.

Failure to properly notify parties in interest and to post and publish a notice of the hearing could render the public hearing invalid.

4.2 Public Hearing Presentation

An applicant may appear on his/her own behalf or be represented by an agent or attorney. It is the responsibility of the applicant or the agent of the applicant to present the application to the Board and to the public. In the absence of an appearance, the Board may decide the matter using the information it has received.

Presentation of the application by the applicant should not exceed ten (10) minutes in duration except for good reason. The applicant may be requested to answer questions raised by the Board or the public.

The Board will retain any evidence that has been introduced at the hearing for reference in its deliberations on the case.

In no case will the Board allow new evidence to be admitted after the close of the public hearing unless this evidence was specifically requested by the Board before the close of the public hearing.

4.3 Withdrawal of Application

Any application for site plan approval submitted hereunder may be withdrawn without prejudice by notice in writing to the Board before the notice of public hearing is posted or mailed pursuant to Section 4.1 above. Withdrawal of any application thereafter requires Board approval. No refund of fees will be provided if an application is withdrawn.

4.4 Time Period of Deliberation

The Board will act on each application for site plan approval within ninety (90) days of the last day of the public hearing, unless such application has been withdrawn from consideration as set forth in Section 4.3 above.

4.4.1 Continuation & Extension

The period within which final action shall be taken may be extended for a defined period of time by written agreement between the Board and the applicant. If the Board determines that the application is inadequate for the Board to make a finding, the Board may, at its discretion, continue the hearing to a later date to permit the applicant to submit a revised application. Such a continuation may not automatically extend the 90-day period within which final action shall be taken by the Board unless the extension is agreed upon by both the Board and the applicant.

4.5 Decision

The Board may reject a site plan that fails to furnish adequate information required by the Bylaw and these Rules and Regulations. The Board may impose reasonable conditions in connection with the site plan approval (even at the expense of the applicant). The Board may also reject a site plan that, although proper in form, may be so intrusive on the needs of the public in one regulated aspect or another that rejection by the Board would be tenable.

The concurring vote of four (4) of the five (5) members of the Board shall be necessary to decide in favor of granting site plan approval.

Only those members of the Board who were in attendance at the public hearing may vote on the application in question.

The Board will file its decision with the Town Clerk and send a copy to the applicant by certified mail. The Board shall also send a notice of its decision to the property owner, parties in interest, and those who have requested such notice at the public hearing.

4.5.1 Provision of Security

The Board may require in its decision that security be posted with the Town in such form and amount as is required by the Board to secure the satisfactory completion of all or any part of the work authorized under the site plan approval. The form of security will be generally as allowed under G.L. chapter 41, sect. 81-U.

4.6 Recording of Decision

The recording of a written decision is required. The applicant shall be responsible for recording a full copy of the "Notice for Recording" in the Worcester County District Registry of Deeds or the Land Court and for paying any required recording fees. A copy of the recorded decision, certified by the Registry of Deeds, must be submitted to the Board and the Building Commissioner before issuance of a Building Permit or the start of any work. The site plan approval is not effective unless recorded with the deed to the property.

4.7 Appeal of Decision

Any person aggrieved by a Decision of the Board, whether or not previously a party to the proceeding, may appeal such decision in accordance with G.L. chapter 40A, sect. 17, within 20 days after the filing of the decision with the Town Clerk.

4.8 Time Limit for Approval

Any site plan approval granted by the Board shall lapse within two years from the date of filing of the decision of the Board with the office of the Town Clerk unless substantial use or construction under the approval has begun, except for good cause, or if the Board has specified a shorter time period in the decision. A reasonable extension of said time may be granted by the Board where good cause is shown. Any request to the Board for such an extension of time must be submitted to the Board and a copy thereof to the Office of the Town Clerk at least thirty (30) days before the date when the site plan approval is due to lapse. Failure to submit such a request as prescribed above shall constitute just cause for the Board to deny the requested time extension.

4.9 Limitation of the Decision

The approval of a site plan constitutes approval only under the pertinent sections of the Bylaw. Other permits or approvals required by other governmental boards, agencies, or bodies having jurisdiction shall not be assumed or implied. The Board may condition any site plan approval hereunder on satisfactory demonstration of compliance with the requirements of other governmental bodies having jurisdiction prior to the start of any work on the site, the issuance of a Building Permit, or any other appropriate step in the development process.

4.10 Amending an Approved Site Plan

A previously approved site plan may be amended by written request to the Board or on the Board's own motion. The Board shall determine whether any request for further alterations to a site constitutes a minor amendment or if such request should be considered a new application requiring a public hearing. The Board may amend an approved site plan without a new public hearing provided that the amendment is not significant to the public interest and is consistent with

the purpose and intent of the Bylaw. A fee may be charged, as set by the Board from time to time.

4.11 Deviation from an Approved Plan

Any deviation from an approved site plan without prior approval of the Planning Board shall constitute a violation of the Bylaw.