

Town of
NORTH ATTLEBOROUGH, MASSACHUSETTS



PLANNING BOARD

**Rules and Regulations Governing Special
Permits within the Aquifer Protection District
Granted by the Planning Board as the Special
Permit Granting Authority**

Effective March 8, 2001

Rules and Regulations Governing Special Permits within the Aquifer Protection District Granted by the Planning Board as the Special Permit Granting Authority

(Adopted under Section 9 of Chapter 40A, M.G.L., and Section II.D. of the North Attleborough Zoning By-Laws)

1. Authorization

Under the special permit granting authority vested in the Planning Board of the Town of North Attleborough by Section II.D. of the Zoning By-Laws of the Town of North Attleborough and by Chapter 40A, Section 9 of the General Laws of Massachusetts, said Board hereby adopts these Rules and Regulations governing the granting of a Special Permit within the Aquifer Protection District in conjunction with Section VIII.I.8 of the Zoning By-Laws of the Town of North Attleborough.

2. Application for a Special Permit within the Aquifer Protection District

An application for a Special Permit within the Aquifer Protection District shall consist of a completed application form (Form W), with accompanying materials as put forth in these Rules and Regulations and as required in Section II.D. of the North Attleborough Zoning By-Laws, and a site plan for the Special permit within the Aquifer Protection District, which shall be submitted to the Planning Board, as the Special Permit Granting Authority (SPGA), for approval as a special permit. Two completed copies of a Form W shall be filed with the Planning Board and one with the Town Clerk, and six copies of the site plan and all accessory documentation as defined in Section II.D. or other portions of the North Attleborough Zoning By-Laws, which accompanies the application, shall be filed with the Planning Board. A fee of \$250.00 to be paid at the time of the plan submission shall be filed with the Board, as well as a certified list of abutters and abutters to abutters within 300' of the exterior boundaries of the site of the proposed Special permit within the Aquifer Protection District, and a fee to cover the cost of mailing notices, which shall consist of the rate, at the time of filing of mailing a certified letter, return receipt requested, multiplied by the number of names listed on the certified abutters list plus the name(s) of the applicant(s) plus the cost of six additional first class letters, to be paid at the time of plan submission, with additional cost billed as incurred to cover the cost of advertising and notices which shall be paid at the time of the public hearing by the applicant directly to the newspaper in which the hearing notice was published. The applicant shall file by delivery, or registered or certified mail a notice with the Town Clerk stating the date of submission for such approval.

All of the information required in the submission of a site development plan pursuant to an application for a Special Permit within the Aquifer Protection District shall also be submitted on a Windows compatible 3.5" floppy disk or CD in DXF (drawing exchange file) format. All digital data shall conform to the following guidelines:

The coordinate system shall be Massachusetts State Plane coordinates using the new North American Datum of 1983 (NAD83) and the newer North American Vertical Datum of 1988 (NAVD). Plan submittals shall be "tied into" real world State Plane coordinates using the datums specified above. To demonstrate this tie down, all features shall be stored in Massachusetts State Plane Coordinate System and the plan location and coordinate values of at least two known points in the established North Attleborough grid system shall be included in the submitted DXF files. A list and description of the data layers contained in the DXF files shall be submitted on the disk or CD containing the DXF files in an accepted spreadsheet or database format.

3. Consultant Review Fees and Inspection Fees

If the hiring of any consultant is deemed necessary by the Planning Board to analyze any submitted special permit within the Aquifer Protection District site plan or to perform inspection services on any approved Special permit within the Aquifer Protection District site, the cost of said consultant shall be agreed to, and levied on the applicant. Said applicant shall pay for those costs, as determined by the Planning Board, in full, at the time of plan submittal, via certified check. Any excess charges NOT used shall be refunded. If additional monies are necessary, they shall be forwarded to the Planning Board as required, prior to Special Permit approval, or, in the case of inspection services, prior to the final release of any bond or other security held on the Special permit within the Aquifer Protection District.

1. When reviewing an application for approval of a Special Permit within the Aquifer Protection District under Section II.D. of the Zoning By-Laws, or for the inspection of construction within an approved Special permit within the Aquifer Protection District, the Planning Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed Special permit within the Aquifer Protection District or because of a Special permit within the Aquifer Protection District's potential impacts. The Planning Board can require that the Applicant pay a "review fee" consisting of the reasonable costs initially estimated to be incurred by the Planning Board and actually incurred over the initial estimate for the employment of outside consultants engaged by the Planning Board to assist in the review of an application for a Special Permit within the Aquifer Protection District. In all cases of the inspection of construction within an approved Special permit within the Aquifer Protection District, the Planning Board shall require that the applicant pay an "inspection fee" consisting of the reasonable costs initially estimated to be incurred by the Planning Board and actually incurred over the initial estimate for the employment of outside consultants engaged by the Planning Board to perform said inspection services.

2. In hiring outside consultants, the Planning Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Planning Board in analyzing a subdivision to ensure compliance with the Zoning By-Laws, the Planning Board's rules and regulations, and other applicable laws or by-laws.

3. Funds received by the Planning Board pursuant to this section shall be deposited with the Town Treasurer, who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Planning Board without further appropriation. Expenditures from this special account shall be made only in connection with the review or inspection of a specific Special permit within the Aquifer Protection District application for which a review fee has been collected from the Applicant. Failure of an Applicant to pay in full the total review fee shall be grounds for denial of the Special Permit or denial of the release of the bond held on the special permit within the Aquifer Protection District in the case of inspection services.

4. Review fees and/or inspection fees may only be spent for services rendered in connection with the specific Special permit within the Aquifer Protection District from which they were collected. Accrued interest may also be spent for this purpose. At the completion of the Planning Board's review of a Special permit within the Aquifer Protection District application and the expiration of any applicable appeal period after its decision is filed with the Town Clerk, any excess amount in the account particular to review fees, including interest, attributable to a specific Special permit within the Aquifer Protection District application, shall be repaid to the Applicant or the Applicant's successor in interest, if approved in writing by the Applicant. A final report of said account shall be made available to the Applicant or the Applicant's successor in interest within 30 days after the expiration of the applicable appeal period from the filed decision. 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 if there is no writing from the Applicant. In the case of fees for inspection services, this paragraph shall apply to activities prior to the final release of any bond or other security held on the Special permit within the Aquifer Protection District.

5. Any Applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen within thirty (30) days of the consultant's hiring by the Planning Board. The grounds for such a written 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 either of an educational degree in, or related to, the field at issue or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application or inspection service by the Planning 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 its receipt of the written appeal, the selection made by the Planning Board shall stand.

4. Variation

Strict compliance with the requirements of these Rules and Regulations may be waived when, in the judgment of the Planning Board, such action is in the public interest and not inconsistent with the Zoning Act or the North Attleborough Zoning By-Laws. Any waiver requests shall be submitted by the applicant in writing at the time of submission of the application.

5. Amendments

These Rules and Regulations may be amended from time to time in accordance with Section 9 of Chapter A of the Massachusetts General Laws and Section II.D. of the North Attleborough Zoning By-Laws.

6. Validity

The invalidity of any of the foregoing rules, regulations and requirements shall not affect the validity of the remainder.

FORM W

APPLICATION FOR A SPECIAL PERMIT WITHIN THE AQUIFER PROTECTION DISTRICT

File two completed forms-two with the Planning Board and one with the Town Clerk in accordance with the Planning Board's Rules and Regulations Governing a Special Permit within the Aquifer Protection District.

North Attleborough, MA _____, 20

TO THE PLANNING BOARD:

The undersigned herewith submits the accompanying application for the property located in the Town of North Attleborough for review of a Special Permit within the Aquifer Protection District under the requirements of the Zoning Act and the North Attleborough Zoning By-Laws, and the Planning Board's Rules and Regulations Governing the Special Permit Process for a Special Permit within the Aquifer Protection District in the Town of North Attleborough. A duplicate application and 6 contact prints of the site plan and other accompanying documentation are enclosed herewith.

1. Name of Applicant.....
Address.....
2. Name of Engineer or Surveyor.....
Address.....
3. Deed of Property Recorded in.....Registry,
Book.....Page.....
4. Location and Description of Property and Proposed Project:

Signature of Owner.....

Address.....

A list of names and addresses of the abutters and abutters to abutters within 300 feet of this plan is attached. These names are as they appear on the most recent tax list.

A payment of \$250.00 is attached.