

NORWOOD PLANNING BOARD

MAJOR PROJECT SPECIAL PERMIT RULES

(adopted March 25, 2002)

ARTICLE I. GENERAL

Section 1. Purpose and Scope

These Rules are adopted by the Norwood Planning Board as authorized by Massachusetts General Laws, Chapter 40A, Section 9, for the purpose of establishing uniform procedures for conducting the business of the Planning Board as the Special Permit Granting Authority for Major Projects. Said authority is by virtue of the applicable provisions of Massachusetts General Laws and Section 1410 of the Norwood Zoning Bylaw.

Section 2. Applicability

Authorization for new construction, addition, change of use resulting in a net addition of more than 25,000 square feet net floor area in non-residential use or parking or storage for one-hundred (100) or more motor vehicles, measured cumulatively subsequent to the effective date of this provision, will be considered a "Major Project" if on a single lot or a set of contiguous lots in the same ownership at any time subsequent to March 4, 1991, except for individual additions or alterations increasing floor area or vehicle parking or storage on that lot or set of contiguous lot by less than 10%. Major projects require authorization through a special permit from the Planning board under the provisions of Section 6400 of the Norwood Zoning By-law.

Section 3. Applicant

An application for a Major Project Special Permit may be taken by either the owner of land, the owner in equity, or all the owners where title is held jointly, in common, or in tenancy by the entirety, including corporations. The owner in equity, an agent, representatives, or his assigns may act for an owner provided written evidence of such fact is submitted.

ARTICLE II. SUBMISSION OF APPLICATION

Section 1. Application Form

Every application for action by the Planning Board shall be made on an official application form entitled "Norwood Planning Board - Application for a Major Project Special Permit". To be a complete form, all information called for by the form shall be furnished by the applicant in

the manner therein prescribed and in precise language identifying the applicable provisions of the Norwood Zoning Bylaw. The form to be used is hereby made part of these Rules. An application form found to be incomplete by the Planning Board shall be returned for completion and re-filing. The date of such re-filing shall be the date of the application.

Section 2. Submittal

A. Procedure

1. Filing- Each application for a special permit, together with copies of supporting plans and other materials, shall be filed by the applicant with the Town Clerk. Ten (10) copies of said application, including one having the date and time of filing certified by the Town Clerk, shall be filed forthwith by the applicant with the Planning Board, together with ten (10) copies of the supporting plans and other materials.
2. Referral- The Planning Board shall refer notice of the application and copies of the submitted plans and support documentation immediately upon receipt to the Town Manager, Inspector of Buildings, Town Engineer, DPW, Board of Health, Conservation Commission, Police Department, Fire Department, Municipal Light Department, and to any other involved Town Official or Agency. Failure of any official or agency to make a recommendation within thirty-five (35) days of receipt of the application and support documentation shall be deemed lack of opposition thereto.
3. Timing- The Planning Board shall hold a public hearing within sixty-five (65) days of the filing of the application and shall render a decision within ninety (90) days from the date of the close of the public hearing. The required time limits for a public hearing and for rendering a final decision may be extended by written agreement between the applicant and the Planning Board. A copy of such agreement shall be filed in the office of the Town Clerk.
4. Notice- The applicant shall post a notice of the hearing upon the property in question, sized and located so as to be legible from the street, fourteen (14) days prior to the date of the public hearing. In addition, the applicant shall notify Town Meeting members in the affected district of the date and time of the public hearing. Town Meeting member mailing lists are available from the Town Clerk for a nominal fee. The applicant must submit an affidavit to the Planning Board attesting that affected Town Meeting members have been notified and that the property in question has been properly posted.

5. Names and Addresses of "Parties in Interest"- The applicant is responsible for obtaining from the Board of Assessors the names and addresses of all "Parties in Interest". "Parties in Interest" shall mean the petitioner, abutters, owner of land directly opposite on any private street or way, and abutters to the abutters within three-hundred (300) feet of the property line of the petitioner 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 Planning Board of the city or town, and the Planning Board of every abutting city or town. The assessors maintaining any applicable tax list shall certify to the Planning Board the names and addresses of "parties in interest" and such certification shall be conclusive. "Parties in Interest" shall be listed on the official Town of Norwood form entitled "Certified List of Parties in Interest". This completed form must be attached to the application form or else the application will be deemed incomplete.

B.) Required Materials

The applicant shall submit adequate material materials, in report format, to allow the Planning Board to determine potential compliance with the Development Standards of Section 5300 and the Decision Criteria of Section 6440 without need for extensive further analysis by the Planning Board. Typically, this will entail:

1. Site plans with contents as required for Development Plan under Section 1833, the schematic building plans.
2. Description of the amounts and kinds of proposed on-site activities, including the amount of retail floor area, broken down by "convenience" versus "comparison" goods.
3. Analysis indicating the anticipated market area, and how the proposal serves needs of Norwood residents.
4. Impact analyses on topics as germane to the case, including identification of public facility improvements anticipated to be made by others and those being committed by the applicant.
5. Traffic impact analyses shall be prepared and submitted in accordance with the document entitled "TRAFFIC IMPACT GUIDELINES". This guideline is attached and hereby made part of these Rules.
6. Description of the project timing and phasing.

Section 3. Filing Fees

All fees are established to cover the cost of and to otherwise defray reasonable expenses incurred by the Planning Board in processing and reviewing applications filed with the Planning Board. Towards that end, the Planning Board sets the following fees:

- 1.) Application Fee - \$1000.00 plus \$5.00 per parking space.
- 2.) Mailing Fee - Multiply the number of parties on the "Certified List of Parties in Interest" by twice the current rate for first class postage. This fee will cover the cost of notifying all parties of when the public hearing will be held and when the final decision is filed with the Town Clerk.

ARTICLE III. ACTIONS BY THE BOARD

Section 1. Voting Requirements

The concurring vote of four members of the Planning Board shall be necessary to decide favorable upon a Special Permit Application. The Planning Board shall cause to be made a detailed record of its proceedings, showing the vote of each member upon each question, or, if absent, or failing to vote, indicating such fact, and setting forth clearly the reason or reasons for its decisions, and of other official actions, copies of all of which shall be immediately filed in the office of the Town Clerk and shall be a public record.

Section 2. Withdrawal

An application may be withdrawn without prejudice by notifying the Planning Board in writing prior to the Public Hearing by the Board. The application fee will be refunded less \$100.00 to cover the costs incurred by the Planning Board in reviewing the application. The mailing fee will be refunded only if the public hearing notice has not been sent to the parties in interest.

Section 3. Reconsideration

When an application has been voted upon and the meeting adjourned, there shall no reconsideration of a decision by the Planning Board.

Section 4. Repetitive Petition

In order to have any application which has been unfavorable acted upon by the Planning Board reconsidered by the Board within two (2) years. The applicant must follow the procedure outlined in Section 1350 of the Norwood Zoning Bylaw.

Section 5. Decisions

1. The clerk of the Planning Board will send notices of a decision forthwith to the applicant, to parties in interest and to every person present at the hearing who requests that notice be sent to him/her and states the address to which such notice is to be sent.
2. The clerk of the Planning Board will send copies of the decision of the Board to the applicant, the Town Clerk, the Board of Selectmen, the Building Inspector, and where applicable, other town boards and departments.
3. The Planning Board's decision does not become effective until the Town Clerk certifies that no appeal of the decision has been filed in Superior Court or Land Court within the 20-day statutory appeal period or that if an appeal has been filed, it has been dismissed or denied and a certified copy of the decision is recorded in the Norfolk Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.
4. The applicant is responsible for filing the certified decision in the Registry of Deeds and for paying the recording fees.
5. A certified copy of the decision and an affidavit from the Registry stating that the decision has been recorded are necessary before a building permit, dependent on the on the Board's decision, can be issued by the Building Inspector.

ARTICLE IV. AMENDMENTS

These Rules may be amended by a majority vote of the members of the Planning Board, provided that such amendment shall be presented in writing at a regular meeting and action taken thereof at a subsequent regular meeting

ARTIVLE V. EFFECTIVE DATE AND REPEALER

These Rules were adopted at a regular meeting of the Planning Board on March 25, 2002, and became effective as of that date. The Rules previously adopted and subsequently amended are hereby repealed. No action taken under said Rules shall be affected by said repeal.

TRAFFIC IMPACT GUIDELINES

A. Applicability

These guidelines are intended as guidance for all development approval decisions made by Norwood agencies or officials to the extent that traffic impacts are within legitimate public jurisdiction. Examples include recommendation for rezoning to Commercial or Industrial districts, special permit decisions, Comprehensive Permits under Chapter 774, subdivision plan approvals, and Development Plan Review.

B. Submittals

Proposals should have "Major" traffic impact analyses submitted for them if they meet any one of the following:

- Trip generation exceeding 1,000 average daily trips or 100 peak hour trips.
- Average daily movements onto and off of the premises from any existing street exceeding 10% of the projected "no build" traffic volume on the street at that point, if totaling more than 200 movements.

All other proposals subject to these Guidelines may submit a "Short" traffic impact analysis, unless the Planning Board requires Major analysis because of special circumstances. The following describes the contents of Major and Short analyses.

1. Analytic methods and sources used in all studies shall be the same as required by the Massachusetts Environmental Policy Act Office (MEPA) unless an alternative is specifically authorized by the Planning Board..
2. Study horizon shall normally be five years in the future, with background traffic growth of 2.5% per year. In addition to the "build" analysis, studies shall include both an "alternative" of expectable site development as currently allowed by right and a "base-line" assuming no site development. The study area shall include all substantially impacted street segments and intersections, generally those where project traffic adds 5% or more to projected baseline daily volumes.
3. Sufficient information shall be provided to demonstrate whether or not a "Major" traffic impact analysis will be required.
4. Graphic presentation shall be provided showing study area average daily

and peak hour traffic volume under the "baseline", "alternative", and "build" conditions.

5. Sight distance measurements shall be provided for each point of egress.
6. Any mitigating measures proposed shall be described.
7. For Major Analysis, a Transportation Management Component shall be prepared which incorporates one or more of the following techniques to reduce the number of single occupancy vehicle trips by employees coming to and departing from the proposed use:
 - a) Establishment or contribution to a Traffic Management Association (TMA), such as the Neponset Valley Traffic Management Association.
 - b) Employee carpools and vanpools sponsored by the employer or the NepTMA;
 - c) Subsidized commuter rail passes, provided by the employer, and sold on the site or offered through payroll deduction;
 - d) Monetary incentives to employees who do not use a parking space;
 - e) On-site shower facilities and/or bicycle racks for employees who do not drive to work;
 - f) Other techniques as may be deemed appropriate by the Planning Board or its traffic consultant.
8. For Major analysis, capacity and peak hour level of service analysis shall be submitted for all street segments and intersections in the study area, and gap acceptance analysis for each point of egress from the development.
9. For Major analysis, narrative discussion of the following shall be provided:
 - travel safety characteristics of any streets substantially impacted by allowing the "build" alternative, considering such things as sight distance limitations, width limitations, horizontal or vertical alignment deficiencies, and surface conditions.
 - streetside safety of any streets substantially impacted, considering such things as the amount and type of development along such streets, presence of sidewalks, vehicle speeds, and any outstanding limitations in sight distance or road configuration.
 - impact on pedestrian safety and convenience.
 - noise impacts on residential premises.

C. Standards

The following are the standards which proposals should normally meet, unless there are peculiar circumstances justifying departure.

1. The peak hour level of service under "build" should not be reduced by more than one level relative to "baseline" at any location or by as much as a half level at more than a quarter of the locations analyzed, unless the "alternative" would be worse, after considering mitigation likely to be employed. In no event should level of service on any study area street segment or intersection approach fall below level of service "D".
2. Average daily traffic volumes should not be increased by more than one-third above the "no-build" level on any street.
3. Stopping sight distances at points of egress should meet AASHTO standards, assuming wet pavement and vehicle speeds as observed, not as posted. These are representative values.

Observed Speed (mph)	Sight Distance (ft)
25	150
30	200
35	250
40	325
45	400

D. Procedure

Applicants for projects to which this policy is applicable are encouraged to contact the Town Planner and Town Engineer early in project design regarding the scoping of any traffic studies, including consideration of the study area boundary, the definition of the "alternative" where involved, and the type of mitigations, if any, which are likely to prove appropriate.

Impact studies should be submitted at the time of application for a Special Permit, Comprehensive Permit, Subdivision Plan Approval, or Development Plan Review, to allow review prior to the public hearing or meeting at which the proposal will be presented.

Decisions by agencies and officials will continue to be based upon bylaws, regulations, and statutes as adopted, and based upon the criteria and standards which those laws establish, with these policies providing guidance regarding implementation of those adopted criteria and standards.