

ADDITIONAL INFORMATION

TOWN OF SPENCER DRIVEWAY REQUIREMENTS

TOWN GENERAL AND ZONING BYLAW REQUIREMENTS PERTAINING TO DESIGN & PLAN REQUIREMENTS FOR DRIVEWAYS

Driveway Regulations:

(Adopted at Town Meeting 5/5/16)

SPENCER GENERAL BYLAW

Delete Current Section 4. Driveway Cuts and Drainage, of Article 6 Street and Highways, in its entirety and in its place adopt the following:

Section 4. Driveways, Curb Cuts and Drainage

- 4.1 Any alteration or installation of driveway(s) or driveway(s) curb-cut(s) onto any public or private roadways within the Town shall require written permission from the Highway Superintendent.
- 4.2 Driveways shall be located with driver safety in mind including but not limited to providing best available site line for the property and other roadway users in accordance with AASHTO, FHWA and MASS DOT design standards. If advanced roadway warning safety signage is required by the Spencer Highway Department, or requested by the applicant or property owner and approved by the Highway Department, it shall be fabricated in accordance with AASHTO, MUTCD and Spencer Highway Department standards and paid for by the applicant or property owner. The installation of required safety signage to be located on private roads or private property shall be the responsibility of the applicant or property owner and approved by the Spencer Highway Department. Installation shall be as directed by the Spencer Highway Department.
- 4.3 All driveways and curb-cuts require a Driveway/Curb-Cut Permit issued by the Spencer Highway Superintendent or his/her designee, prior to commencement of construction. The Highway Superintendent shall administer, implement and enforce this Bylaw and shall develop regulations relating to the forms, procedures, terms, conditions, fees, surety and as otherwise may be required for enforcement of this Bylaw or as may be required for improving safety on the public or private way.
- 4.4 Applications for a Driveway/Curb Cut Permit shall include a Driveway Plan prepared in accordance with, and sufficient to show compliance with, this section and any applicable sections of the Zoning Bylaw and Spencer Highway Department Driveway Permit Requirements.
 - 4.4.1 Where a use requires the issuance of a Site Plan Review under the Zoning Bylaw, said plan shall comply with the requirements of the Zoning Bylaw's Sections 7.4.4, 7.4.5(B.)(C.)(H.)(J.).
 - 4.4.2 Where a use doesn't require the issuance of a Site Plan Review under the Zoning Bylaw, then said plan shall comply with the requirements of the Zoning Bylaw's Section 7.4.5(C.) and Section 7.4.6(A.)(F.)

4.4.3 The Highway Superintendent may require a Peer Review (to be selected by the Highway Superintendent) of the plans and drainage calculations, to be paid for by the applicant.

4.5 Applications for a Building Permit, Special Permit, Site Plan Review, Variance or any other town permit involving the construction or alteration of a driveway/curb cut must include a Driveway/Curb Cut Permit tentatively approved by the Highway Superintendent, or his/her designee.

4.6 The number of driveways/curb-cuts shall be limited to one per lot.

4.6.1 For driveways/curb-cuts that do not involve a Special Permit, Site Plan Review or Variance the Highway Superintendent, or his/her designee, may permit additional driveways/curb-cuts where he/she specifically finds that:

- a. the applicant can show that there is something unique about the property that would otherwise render flow to and from the property unsafe and unmanageable, and
- b. more than one curb cut is necessary for traffic safety purposes, and
- c. it is necessary to achieve, and does not conflict with, the Design Standards of this section.

4.6.2 For driveways/curb-cuts that do involve a Special Permit, Site Plan Review or Variance the Planning Board/ZBA may permit additional driveways/curb-cuts in accordance with the provisions of the Zoning Bylaw.

4.7 Design Standards

4.7.1 Driveways shall be designed and constructed in conformance with these regulations and the Spencer Highway Department Driveway Permit Requirements.

4.7.2 Driveways shall be located so as to minimize conflict with traffic on public or private streets.

4.7.3 Driveways shall be constructed in a manner ensuring reasonable and safe access from the street serving the premises to the building site of the structure on the premises, for all vehicles, including, but not limited to, emergency, fire and police vehicles.

4.7.4 Driveways shall be arranged for the free flow of vehicles at all times and the maneuvering spaces and aisles shall be so designed that all vehicles may exit from

and enter onto a public street by being driven in a forward direction.

- 4.7.5 For corner lots, the driveway/curb-cut shall access from the street generating the lesser of the traffic flows.
- 4.7.6 Except in access strips for rear lots (Zoning Bylaw §5.3.10) and parcels with insufficient frontage (Zoning Bylaw §5.3.11), no driveway shall be located within 10 feet of any side or rear lot line except that:
- a. for driveways/curb-cuts that do not involve a Special Permit, Site Plan Review or Variance the Highway Superintendent may permit a lesser setback after a determination that said driveway will provide safe and reasonable access for emergency vehicles and will not be inconsistent with the purposes of this section nor have a detrimental impact on public safety.
 - b. For driveways/curb-cuts that do involve a Special Permit, Site Plan Review or Variance the Planning Board/ZBA may permit a lesser setback in accordance with the provisions of the Zoning Bylaw.
- 4.7.7 Except for Common Driveways, all driveways and curbcuts shall be over the front lot line directly from the street, and driveways shall not cross lot lines of adjoining properties.
- 4.7.8 Stormwater run-off from the driveway shall not be directed towards or discharged directly onto the public or private way and shall be designed in accordance with acceptable engineering practices. All site and driveway designs shall demonstrate that the design includes appropriate stormwater storage, treatment and best management practices (BMPs) during construction and post-construction.
- 4.7.9 Driveways shall be designed to accommodate all snow removal and snow storage on-site.

4.7.10 Driveway Grades

Use	Maximum Grade	Minimum Grade	Maximum grade at driveway's intersection with street
Single-Family, Two-Family, Three-Family, Agricultural	11%*	1%	First 20' - 1%* Next 30' - 5%*
Commercial, Industrial, Institutional, Civic and	5%*	1%	First 20' - 1%* Next 30' - 5%*

Multi-Family Uses			
<p>* For driveways/curb-cuts that do not involve a Special Permit, Site Plan Review or Variance the Highway Superintendent may permit a greater grade after a determination that said driveway will provide safe and reasonable access for emergency vehicles and will not be inconsistent with the purposes of this section nor have a detrimental impact on public safety.</p> <p>For driveways/curb-cuts that do involve a Special Permit, Site Plan Review or Variance the Planning Board/ZBA may permit a greater grade in accordance with the provisions of the Zoning Bylaw.</p>			

- 4.7.11 Driveways shall be surfaced with a durable, all-season nondusting material, drained and suitably maintained to the extent necessary to avoid any nuisance by reason of dust, erosion or water flow onto streets or adjoining property.
- 4.7.12 Driveways shall intersect the street's edge of pavement at a 90° angle. The Highway Superintendent may permit driveway intersections of lesser angles where it is found that such angle provides adequate site distances and safe entry and egress from the site relative to the intended use of the property and speeds traveled on the road.
- 4.7.13 A paved apron consisting of hot mix asphalt of at least 15 feet in length shall be constructed at the driveway-street intersection, in conformance with Spencer Highway Department Driveway Permit Requirements, to prevent damage to the edge of the road and ensure that dirt and debris is not tracked into the street. No overlayment will be allowed onto the existing road surface at any time.
- 4.7.14 A driveway's entrance or exit shall not exceed, between its intersection with the front lot line and its intersection with the edge of road pavement or surface, a width of 15 feet for single- , two- and three-family uses and 24 feet for all other uses.
- 4.7.15 The width of a driveway for one-lane use shall be not less than 10 feet as measured at its narrowest point. The width of a driveway for two-lane use shall be a minimum of 18 feet as measured at its narrowest point and a maximum of 24 feet. The Highway Superintendent may allow up to a thirty-foot width if such approval will promote improved safe and efficient traffic circulation.
- 4.7.16 Driveways greater than 150 feet in length from the edge of road to the nearest exterior door, as measured along the driveway path, shall be designed and maintained to support the imposed loads of Town of Spencer fire apparatus as determined necessary and specified by the Spencer Fire Department and shall be surfaced with a durable, all-season nondusting material, drained, suitably maintained and shall be a minimum of 12 feet in

width for a one-lane use driveway and a minimum of 18 feet in width for a two-lane use driveway. The Spencer Fire Department may permit greater distances before this requirement goes into effect in accordance with the provisions of the latest edition in effect of the Massachusetts Comprehensive Fire Safety Code, Chapter 18 Fire Department Access and Water Supply (527 CMR 1.00).

- 4.7.17 Any and all portions of a driveway intended to serve as Fire Department access shall be designed and constructed in accordance with the latest edition in effect of the Massachusetts Comprehensive Fire Safety Code, Chapter 18 Fire Department Access and Water Supply (527 CMR 1.00).
- 4.7.18 Prior to a driveway's construction, a temporary anti-mud tracking pad must be installed for a minimum distance of 50' from the driveway's intersection with the street in accordance with standards established by the Spencer Highway Department. Road areas must be kept clean of mud, dirt, stones, etc. at all times.
- 4.7.19 Prior to construction of the final driveway apron coordination with the Highway Superintendent shall be required to verify all construction requirements including but not limited to conformance with all applicable Town Bylaws and related requirements; and nature and extent of repairs required by the Highway Superintendent to existing roadway resulting from access to/from the property along its entire length of public or private way frontage.

Driveway Regulations:

(Adopted at Town Meeting 5/5/16)

SPENCER ZONING BYLAW

Delete Current Section 6.2 Common Driveways in its entirety and in its place adopt the following:

6.2 Driveways/Curb-Cuts

- 6.2.1 All driveways and curb-cuts shall comply with the requirements of the Spencer General Bylaws - Section 4. (Driveways, Curb Cuts and Drainage), and require a Driveway/Curb-Cut Permit issued by the Spencer Highway Superintendent or his/her designee. No Certificate of Occupancy shall be issued until the final approval of the driveway and driveway apron has been issued by the Highway Superintendent.
- 6.2.2 Applications for a Special Permit, Site Plan Review or Variance involving the construction or alteration of a driveway/curb cut must include a Driveway/Curb Cut Permit tentatively approved by the Highway Superintendent or his/her designee.
- 6.2.3 Applications for a Building Permit, Special Permit, Site Plan Review, Variance or any other town permit involving the construction or alteration of a driveway/curb cut must include a Driveway/Curb Cut Permit tentatively approved by the Highway Superintendent, or his/her designee.
- 6.2.4 For driveways/curb-cuts that involve a Special Permit, Site Plan Review or Variance the permit granting authority may permit:
 - A. a driveway closer than 10 feet to any side or rear lot line where they find that said driveway will still:
 - 1. provide safe and reasonable access for emergency vehicles
 - 2. be consistent with the purposes of this section
 - 3. not have a detrimental impact on public safety.
 - B. more than one driveway/curb-cut per parcel in their approval of said permits where they find that:
 - 1. the applicant can show that there is something unique about the property that would otherwise render flow to and from the property unsafe and unmanageable, and
 - 2. more than one curb cut is necessary for traffic safety purposes, and

3. it is necessary to achieve, and does not conflict with, the Design Standards of this section.
4. it will be consistent with the purposes of this section
5. it will not have a detrimental impact on public safety.

6.2.5 Common Driveways

- A. Purpose - Common driveways are not intended to circumvent the legal requirements for each lot having the required accessible minimum frontage. The purpose of allowing common driveways is to reduce traffic hazards and turning movements from numerous individual driveways and curb-cuts, to consolidate access to the buildable areas of lots across wetland resources, and to minimize the removal of trees and other vegetation, thereby preserving the rural character.

Abutting property owners are encouraged to coordinate access to their lots utilizing common curb-cuts and driveways under reciprocal easements. The Planning Board, in the approval of its Special Permit or Site Plan Review, may waive setback and related requirements to achieve this where they find that the applicant demonstrates that the curb-cut and access driveway design improves traffic circulation and reduces the number of turning movements onto the public way.

B. Authorization

1. For Commercial, Industrial, Institutional, Civic and Multi-Family Uses Common Driveways are permitted by-right subject to Site Plan Review issued by the Planning Board.
2. For single-family dwellings, common driveways are allowed by Special Permit issued by the Planning Board provided:
 - a) it may service up to four lots
 - i. Up to six lots may be permitted for common driveways that loop to the same road in two locations and are not dead-ends in any location.

C. Applications - Site Plan Review and Special Permit Applications for a common driveway shall include:

1. a site plan, developed by and carrying the seal of a certified professional engineer or a registered land surveyor, showing the layout for the common

driveway, drainage, typical construction cross sections, profiles and meeting all of the design specifications required under this section.

2. easements, covenant and agreements, suitable for recording at the Registry of Deeds, for the subject lots containing restrictions including but not limited to:
 - a) prohibiting any additional vehicular access to said lots from other than the common driveway approved by this special permit.
 - b) stating that said common driveway is a private driveway and not a town way.
 - c) stating that if application is ever made for such common driveway to become a town way, such common driveway shall first, at the applicant's expense, be made to conform to the Rules and Regulations for the Subdivision of Land in the Town of Spencer in effect at the time that such application is made.
 - d) requiring that the maintenance, operation, repair and reconstruction (including snow plowing and snow/ice removal) is the responsibility and liability of the property owners.
3. an easement plan suitable for recording at the Registry of Deeds.
4. all deed easements, easement plans, restrictions, covenants and agreements must be submitted to and approved by the Planning Board prior to their recording and prior to the issuance of a common driveway special permit.

D. Design Standards – Proposed common access driveways shall also comply with all of the following:

1. All requirements of the Spencer General Bylaws - Section 4. Driveways, Curb Cuts and Drainage shall apply. The following standards in this section shall supersede those of the General Bylaw in cases where they conflict.
2. Shall be of suitable construction, grade, length and location, in the opinion of the Planning Board, for the access and turnaround of cars, trucks, ambulances, fire, and police which will be utilizing such driveway.
3. Each lot must have adequate approved legal frontage on an existing public way. Frontage requirements for each lot shall be along a town, county, state or approved subdivision road. Frontage along the length of private/common access driveways shall in no way be used to satisfy frontage requirements as specified in this section.

4. It shall access from the same public way that serves as the frontage for the lots being serviced by the common driveway, unless unique circumstances presented to the Planning Board are such that the Board may grant permission to access the common driveway from another public way.
 5. It shall provide the only vehicular access to the lots being serviced by it, and shall be so stated in the lot deeds.
 6. An easement with a minimum width of 24 feet shall be created and recorded along with the deeds for the lots to assure maintenance, drainage, snow removal, snow storage, rubbish collection, and the like, and liability for the common driveway shall remain the responsibility of the private parties, or their successors-in-interest, in perpetuity. A copy of the draft maintenance agreement shall be submitted with the application.
 7. The minimum width for the durable surface shall be 12 feet and maximum width shall be 15 feet, with a 3 foot wide gravel shoulder on at least one side.
 8. The minimum centerline radius shall be 45 feet.
 9. The maximum length permitted shall be 2,000 feet.
 10. Passing turnouts, providing a total width of at least 20 feet along a distance of at least 25 feet, spaced with no more than 300 feet between turnouts, and with the first such passing turnout at the driveway connection to the street, shall be provided.
 11. A minimum side setback of 25 feet from any property not served by the proposed driveway.
 12. No connection to any other way except the one from which it originates.
 13. House numbers identifying all of the homes utilizing the common driveway shall be placed at its intersection with the town road and at each subsequent turnoff from the common driveway sufficient for identification by emergency vehicles.
- E. Certification - Prior to the issuance of any occupancy permits for any of the lots serviced by such common driveway, the applicant shall submit to the Planning Board, as-built construction plans, prepared and stamped by a registered professional engineer and a certified statement from a registered professional engineer that such common driveway was constructed in accordance with the approved plans.

- F. Waiver - Planning Board may grant waivers from the requirements of this section if they make a finding that doing so would not be inconsistent with the Purposes of this section nor have a detrimental impact on public safety.



structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this by-law would involve substantial hardship, financial or otherwise to the petitioner or appellant; and

- B. that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this by-law.

7.3.3 *Conditions.* The Zoning Board of Appeals may, in order to minimize impacts on abutters or the neighborhood caused by the granting of a variance, impose such conditions, safeguards and limitations as it deems appropriate to protect the abutters or the neighborhood.

7.4 Site Plan Review

Referenced for Driveway Permit Plan Requirements

7.4.1 *Purpose.* The purpose of this section is to protect the health, safety, convenience and general welfare of the inhabitants of the Town by providing for a review of plans for uses and structures which do not require definitive subdivision review and may have significant impacts, both within the site and in relation to adjacent properties and streets, on pedestrian and vehicular traffic; public services and infrastructure; environmental, unique and historic resources; abutting properties; and community needs.

7.4.2 *Applicability.* The following activities for all uses except residential dwellings of three or fewer units or for any exempt use under MGL Ch. 40A Sec.3 require site plan review by the Planning Board:

- A. Construction of new structures except for accessory structures that have a footprint of 1,000 square feet or less;
- B. Exterior alteration or expansion which increases the footprint size of the structure by 500 square feet or more requires minor site plan review (see Section 7.4.6);
- C. Exterior alteration or expansion which increases the footprint size of the structure by 2,000 square feet or more requires major site plan review;
- D. Change of use from one use category to another (e.g. residential to commercial), where in the opinion of the Planning Board the change will alter the use of the site to the extent that site plan review is necessary to further the purposes set forth in Section 7.4.1; or
- E. Construction or expansion of a parking lot with 10 spaces or more.

7.4.3 *Procedure.*

- A. Applicants for site plan review shall submit seven (7) copies of the site plan to the Planning Board through the Office of Development & Inspectional Services (ODIS) for review.



- B. The ODIS shall forward a copy of the site plan to the Superintendent of Utilities & Facilities, the Sewer Department (if applicable), the Fire Chief, and the Disabilities Commission for their advisory review and comments, which shall be submitted to ODIS within 30 days of receipt. Failure to report within this time frame shall be interpreted to mean there are no objections or comments on the site plan as submitted.
- C. The Planning Board shall hold a public hearing and review and act upon the site plan, with such conditions as may be deemed appropriate, within sixty (60) days of its submission unless the Board and applicant have agreed to a time extension, and shall notify the applicant in writing of its decision. Notice of the public hearing shall be as prescribed by MGL Ch. 41 Sec. 81T. The decision of the Planning Board shall be upon a majority of the Board as constituted (i.e. 3 out of 5) and shall be in writing.
- D. No building permit or certificate of occupancy shall be issued by the Building Inspector without the written approval of the site plan by the Planning Board, or unless 60 days lapse from the date of the submittal of the site plan without action by the Planning Board, unless the Board and applicant have agreed to a time extension.
- E. When the Planning Board serves as the special permit granting authority for proposed work, it shall consolidate its site plan review and special permit procedures.
- F. When a special permit and/or variance is required from the Zoning Board of Appeals, the applications shall be filed concurrently and review by the two boards shall be coordinated by the Office of Development & Inspectional Services. In the case of special permits required for the proposed use, the applicant may request that the ZBA hear the case using a preliminary site plan to avoid the expense of a full blown site plan prior to approval of the use; in such cases the site plan review process shall proceed with the Planning Board after ZBA approval.
- G. The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein.
- H. No deviation from an approved site plan shall be permitted without approval by the Planning Board, unless the deviation does not create significant site design modifications and is required by the Zoning Board of Appeals in acting on an application before them. (Amended 10/29/09 Article 5)

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→ 7.4.4 Preparation of Plan

- A. Applicants are invited to submit a pre-application sketch of the proposed project to the Planning Board and to schedule a conceptual discussion with the Planning Board at a regularly scheduled meeting.
- B. Site Plans shall be submitted on 24 inch by 36 inch sheets and shall be

* a. = 4.4.1

b. = 4.4.2



prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1"=40', with 1"=20' as the standard.

7.4.5 *Contents of Plan.* The contents of the site plan are as follows:

- * b. A. Locus plan, at a scale of one (1) inch equals five hundred (500) feet, showing the entire project and its relation to existing areas, buildings, roads, and zoning districts (including overlay districts) for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Planning Board or Town Planner.
- * a. B. Site layout, showing the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, loading facilities, required setbacks and buffers, fences, walls (including existing or proposed stone walls), walks, outdoor lighting, and areas for snow storage after plowing.
- * a. C. Topography and drainage plan, showing the existing and proposed final topography at two foot intervals, plans for handling stormwater drainage, and all wetlands and floodplain areas on the site and within 100 feet of the site.
- D. Utility and open space plan, showing all facilities for refuse and sewerage disposal and storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities (including fire lanes) on and adjacent to the site, all proposed recreational facilities, and open space areas, including burial grounds and other archeological or historical features on the site.
- E. Landscaping plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and proposed erosion control measures (including dust control during construction).
- F. Lighting plan, showing the location of all lighting fixtures, the illumination data to show compliance with Section 6.4, Lighting, and detail drawings of the fixtures to be used, including heights.
- G. Floor plan, showing the basic layout of various spaces on each floor (office space, retail space, manufacturing space, warehouse space, etc.).
- * a. H. Details as needed to show specific information such as but not limited to cross sections of driveways, roads, parking areas, and sidewalks;

* a. = 4.4.1
b. = 4.4.2



lighting fixtures; signage; and drainage facilities.

- I. A narrative, describing the project and indicating the number of dwelling units and/or square footage of non-residential buildings categorized by general use (retail, office, warehouse, etc.); the percentage of building coverage and impervious surfaces on the site; the acreage of the site in general categories (residential, commercial, open space, road and utility rights-of-way, etc.); the forms of ownership contemplated for the project and a summary of the provisions of the maintenance of commonly held areas; and an indication of the estimated time required to complete the proposed project and any and all phases thereof. The narrative shall also include a written cost estimate, showing in detail the costs of all site improvements planned.

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- J. Drainage calculations prepared by a registered professional engineer, which conform to the subdivision regulations.

- K. A development impact assessment which shall include the following:
(Amended 10/29/09 Article 6)

1. Traffic Impact Assessment. This Assessment will document existing traffic conditions in the vicinity of the proposed project, describe the volume and effect of the projected traffic generated by the proposed project and identify measures proposed to mitigate any adverse impacts on traffic. The assessment data shall be no more than 12 months old as of the date of the application.

a) Format and scope.

[i] Existing traffic conditions; average daily and peak hour volumes, average and peak speeds, sight distance, accident data and levels of service (LOS) of intersections and streets likely to be affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within 1,000 feet of the project boundaries.

[ii] The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels.

[iii] The projected traffic flow pattern, including vehicular movements, at all major intersections likely to be affected by the proposed use of the site.

2. Environmental impact assessment. This Assessment will describe the impacts of the proposed project with respect to on-site and off-site environmental quality.

a) Format and scope:

[i] Description and evaluation of potential quality of air, on-site or off-site flooding, erosion and/or sedimentation resulting

* a.

a. = 4.4.1

b. = 4.4.2



from alterations to the project site, including grading changes and increases in impervious areas; on-site or off-site hazards, radiological emissions or other hazardous materials; adverse impacts on temperature and wind conditions on the site and adjacent properties; impacts on solar access of adjacent properties; and off-site noise or light impacts.

[ii] Evaluation of the adequacy of existing or proposed systems and services for water supply and disposal of liquid and solid wastes.

[iii] Description of potential impacts to natural resources which shall include but not be limited to rivers, streams, floodplains, ponds, lakes or other surface or subsurface water resources; destruction of wetlands, open spaces, natural areas, wildlife habitat, parks or historic districts or sites.

[iv] Description of proposed measures for mitigation of any potential adverse impacts identified above.

3. Fiscal impact assessment; format and scope. Projections of cost arising from increased demands on public services and infrastructure.
 - a) Projections of the impacts from increased tax revenue, employment (construction and permanent), and value of the public infrastructure to be provided.
 - b) Projections of the impacts of the proposed development on the values of adjoining properties.
 - c) Five-year projections of increased town revenues and costs resulting from the proposed development.
4. Community impact assessment; format and scope:
 - a) Evaluation of the relation of the proposed new or altered structure to the surrounding community in terms of character and intensity of the use (e.g., scale, materials, colors, setbacks, roof and cornice lines and other major design elements); and the location and configuration of proposed structures, parking areas and open space with respect to neighboring properties.
 - b) Identification of impacts on significant historical properties, districts or areas or archaeological resources (if any) in the vicinity of the proposed development.
 - c) Evaluation of the proposed project's consistency of compatibility with existing local and regional plans.

7.4.6 *Minor Site Plan.* An application for permits to build, alter or expand any



nonresidential building subject to site plan review where such construction will not exceed a total increase in the footprint of the structure by 2,000 square feet, or an application which will not generate the need for more than 20 parking spaces, whichever is less, shall be deemed a "minor site plan." For the purposes of computing the total increase in the footprint of the structure, the Planning Board shall aggregate all such applications made within the five (5) previous calendar years. Minor site plans shall not be subject to a public hearing, but deliberations and decisions must be made by the Planning Board in an open public meeting. Minor site plans shall include all of the information required by Section 7.4.5 with the following exceptions:

- b. A. The plan may depict topographical contours at intervals available on maps provided by the United States Geological Survey;
- B. The scale of the site plan may be 1" = 80';
- C. A utility and open space plan is not required unless new utility service lines are proposed, in which case those shall be shown on the site plan;
- D. A landscaping plan is not required unless new or additional landscaping is proposed or is required by the Planning Board to screen the proposed development from public ways and/or abutting properties;
- E. A floor plan is not required;
- b. F. A drainage plan and calculations are only needed to comply with any Conservation Commission approval; and
- G. A community impact analysis is not required.

7.4.7 *Waivers.* The Planning Board may, upon written request of the applicant, waive any of the requirements of Section 7.4, but must state their reasons for doing so in writing as part of their decision.

7.4.8 *Approval.* Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives.

- A. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
- B. Maximize pedestrian and vehicular safety both on the site and entering and exiting the site;
- C. Minimize obstruction of scenic views from publicly accessible locations;
- D. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises

* a. = 4.4.1

b. = 4.4.2



residentially used or zoned;

- E. Minimize glare from headlights and light trespass;
- F. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
- G. Prevent contamination of groundwater from operations on the premises involving the use, storage, handling, or containment of hazardous substances;
- H. Ensure compliance with the provisions of this Zoning Bylaw, including parking and landscaping; and
- I. Ensure adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the requirements of the Planning Board's subdivision regulations.

7.4.9 *Denial.* In the event the application is not revised as requested by the Planning Board to meet the objectives in Section 7.4.8, the Planning Board may deny the application. The decision shall be in writing and shall clearly state the reasons for denial with sufficient detail to enable the applicant to revise the site plan to meet the objectives in Section 7.4.8. There shall be no time penalties against the applicant to file a new site plan application, but said application shall require filing of a new fee.

7.4.10 *Lapse.* Site plan approval shall lapse after two years from the granting thereof if a substantial use thereof has not sooner commenced, except for good cause. Site plan approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

7.4.11 *Appeal.* The appeal of any decision of the Planning Board hereunder shall be made in accordance with the provisions of M.G.L. Ch. 40A, Section 17.

7.4.12 *Fee.* The Town may adopt reasonable administrative fees and technical review fees for site plan review.

7.5 Enforcement

7.5.1 *Zoning Enforcement Officer.* The Spencer Zoning Bylaw shall be enforced by the Building Inspector/Zoning Enforcement Officer. No building shall be erected, altered or moved in Spencer without a permit being issued by the Building Inspector. Such permit shall be applied for in writing to the Building Inspector. The Building Inspector shall not issue any permit unless the plans for the building and the intended use thereof in all respects comply with the provisions of the Spencer Zoning Bylaw, except as may have been specifically permitted otherwise by action of the Spencer Board of Appeals, or the Spencer Planning Board in the case of their authority to act as a Special Permit Granting Authority. In such cases a copy of the decision including the Worcester District Registry of Deeds stamp which governs the proposal must