

# Upton Planning Board

## Site Plan Approval

### Rules & Regulations



Adopted September 28, 2004

Amended:  
March 2005  
June 2012

Applicants should also refer to **Section 9.4 Site Plan Approval of the Upton Zoning Bylaw** for general requirements, procedures, approval criteria, public hearing and final action requirements.

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## SECTION 1.0            SITE PLAN APPROVAL REGULATIONS

### 1.1     Authority

Pursuant to Section 9.4 of the Zoning Bylaws, as amended, of the Town of Upton, the Upton Planning Board hereby adopts the following Rules and Regulations governing Site Plan Approval in the Town of Upton.

### 1.2     Requirement

The requirements set forth herein are in addition to those set forth in Section 9.4 of the Zoning Bylaws of the Town of Upton.

### 1.3     Completeness of Application

Before the Planning Board may act on an application filed pursuant to these Rules and Regulations, the Board shall first determine whether the submitted application is complete and properly submitted. In order for an application to be considered a proper submittal, the provisions of the filing requirements and the submission requirements, and the form and contents requirements shall be fulfilled.

If an application is determined not to be a proper submittal, it shall be returned with written notice to the applicant that the Planning Board considers the application as an incomplete submission. A determination that an application is not a proper submittal shall be filed with Town Clerk within fourteen (14) days of the Planning Board's decision on such a matter.

### 1.4     Withdrawal

Prior to public notice being filed with Town Clerk, if an applicant wishes to withdraw an application for Site Plan Approval and not resubmit a new application within sixty (60) days, the filing fee less three hundred and fifty (\$350.00) dollars shall be returned to the applicant.

Prior to public notice being filed with Town Clerk, if an applicant wishes to withdraw an application for Site Plan Approval, and wishes to resubmit within sixty (60) days of the withdrawal, the Town will retain the filing fee which shall be fully credited toward the new application, and a resubmission fee of one hundred (\$100.00) dollars will be required at the time of the new filing.

If an applicant wishes to withdraw an application for Site Plan Approval after public notice has been filed with Town Clerk, the withdrawal must be approved by an affirmative vote of not less than three (3) members of the Planning Board. If the withdrawal is granted, ten (10%) percent of the filing fee or three hundred fifty (\$350.00) dollars, which ever is greater, shall be retained by the Town. Any resubmission of the application thereafter shall be treated as an entirely new application.

To withdraw an application for Site Plan Approval the applicant must submit a written request to the Planning Board and Town Clerk.

A copy of the approved withdrawal shall be filed with the Town Clerk.

#### 1.5 Waiver of Technical Compliance

The Planning Board, where such action is in the public interest and not inconsistent with the intent and purpose of this section and its Rules And Regulations, may waive the full requirements of a full site plan. Upon request of the applicant to waive requirements of the full site plan, such determination may be made by an affirmative vote of the majority of the Planning Board.

#### 1.6 Extension

An applicant may request an extension to the limits for the Planning Board to take action on an application in order to provide additional time to discuss issues related to an application filed pursuant to these Rules and Regulations. The request shall be made in writing giving a description of the application and plan, the date of filing, the time deadline for action, any previously approved extensions, the length of the requested extension and the proposed date for final action.

A copy of the request for an extension together with the Board's approval for the extension shall be filed with the Town Clerk.

#### 1.7 Surveying and Drafting Requirements

1.7.1 The Site Plan shall be prepared by a Registered Professional Engineer, Registered Architect, Registered Land Surveyor or Registered Landscape Architect and shall be clearly and legibly drawn on Mylar. The minimum size of these sheets shall be eighteen (18) inches by twenty-four (24) inches in overall dimension with a three-quarter (3/4) inch margin on all sides.

1.7.2 The horizontal scale shall be no less than twenty (20) feet to the inch. For profiles the vertical scale shall be four (4) feet to the inch. A locus plan of a scale of one (1) inch equals four hundred (400) feet is to be included with the application.

1.7.3 All surveying shall conform to the requirements of 250 C.M.R. 6.00 "Procedural and Technical Standards for the Practice of Land Surveying".

1.7.4 All elevations shall reference the National Geodetic Datum of 1929. Description of benchmarks used must appear on profile sheets.

1.8 Submission Requirements and Plan Form and Contents

Any person desiring approval of a Site Plan under this section shall submit one (1) original completed application on the appropriate form titled "Application for Site Plan Approval" (see Appendix A), a certified list of abutters, and three (3) of said Site Plan and supporting documents together with the required administrative fee outlined in Section 1.9 and project review fees in Section 1.10

The plan shall clearly illustrate on different drawings the existing conditions on the site and the proposed improvements to the site.

1.8.1 A title block in the lower right hand corner shall be included, stating the street address, lot number(s), or other identifying information; the date; the scale; all benchmarks; the names of the applicant and/or the owner; the name of the person who prepared the plan; and shall be in the following format:

SITE PLAN IN UPTON, MASS.

Location \_\_\_\_\_  
Applicant \_\_\_\_\_  
Address \_\_\_\_\_  
Owner \_\_\_\_\_  
Address \_\_\_\_\_  
Name of Engineer \_\_\_\_\_  
Certification Number \_\_\_\_\_  
Name of Architect \_\_\_\_\_  
Certification Number \_\_\_\_\_  
Date \_\_\_\_\_ Signature \_\_\_\_\_  
Benchmarks used \_\_\_\_\_  
Scale \_\_\_\_\_ Horizontal \_\_\_\_\_ Vertical \_\_\_\_\_

1.8.2 The following signature block may be placed anywhere along the lower edge of the plan:

Approved by the  
UPTON PLANNING BOARD

\_\_\_\_\_ Chairman

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Application Filed \_\_\_\_\_  
\_\_\_\_\_ Hearing Date \_\_\_\_\_  
\_\_\_\_\_ Plan Approved \_\_\_\_\_

- 1.8.3 The north point, indicating true or magnetic.
- 1.8.4 The names of all abutting owners, as shown on the most recent tax list.
- 1.8.5 The names, widths and exterior lines of existing ways, public or private; the boundaries of existing areas dedicated to other public uses; and the location and character of other easements, public or private, and side, front, and rear yards, and fire lanes, within or adjacent to the site.
- 1.8.6 The names, widths and exterior lines of proposed public ways, and the boundaries of other public areas within the plan.
- 1.8.7 The lines, boundaries, areas, lot numbers and proposed street numbers of all lots. Street numbers shall be in accordance with the requirements of the Inspector of Buildings.
- 1.8.8 The location of all existing permanent monuments to be indicated and of all fences, walls, buildings, waterways and natural drainage courses, large boulders or outcroppings of rock, trees six (6) inches or more in diameter, existing landscaping to be retained and proposed landscaping. All buildings shall be shown on the plans and their sidelines given.
- 1.8.9 All street lines, lot lines or other boundaries shall be accurately dimensioned and have a bearing consistent with existing street layouts. Sufficient data must be shown to accurately determine all elements of curved lines (radii, lengths of arc and deflections).

- 1.8.10 Topography, existing and proposed, at two (2) foot contour intervals, or of other intervals when requested by the Planning Board.
- 1.8.11 Size and location of existing and proposed water mains and their appurtenances, and all existing and proposed Fire Hydrants. Existing and proposed water usage calculations shall be shown on the plan or included in the application.
- 1.8.12 Size and location of existing and proposed sewers and their appurtenances; also profile showing rates of grade of sewer shall be shown on a grading / utility plan.
- 1.8.13 Size and location of existing and proposed surface water drains and their appurtenances, also profile showing rates of grade.
- 1.8.14 Existing and proposed drainage with calculations. No catch basin-to-catch basin connections. All catch basins shall be installed with deep sumps and oil separator hoods/grease traps.
- 1.8.15 Size and location of existing and proposed subsurface drains and their appurtenances as required by the Planning Board.
- 1.8.16 Drainage proposals for each building and elevations of the ground floor sill or sills.
- 1.8.17 Location of existing and proposed electric and gas facilities as approved by the proper utility company.
- 1.8.18 Availability of public sewer service, access to trunk lines, capacity of the trunk lines and available increase of flow. Also profiles showing rates of grade of sewer, proposed sewers to be designed and constructed at such slopes as to prevent deposition of solids and to avoid scouring velocity. All sewers shall be designed and laid with a uniform slope between manholes.
- 1.8.19 The basement and first floor elevations of all existing buildings adjacent to the property. The basement and first floor elevations, height, use, and floor area in square feet of all existing and proposed building(s) on the property.
- 1.8.20 Required parking, and the location and type of surface of all existing and proposed parking areas, loading areas, maneuvering areas, driveways, fire lanes and accesses, walkways to include wheelchair ramps and crosswalks. Delineation of each parking space showing the size of a typical parking space for standard and/or compact cars, block totals for number of spaces, with the final number of existing, required and proposed regular, compact and handicapped spaces noted on the plan.
- 1.8.21 The location, type of surface and type of screening of rubbish collection areas and type of container(s). The Planning Board requires a stockade or other suitable fence around all dumpster locations. Such fencing shall be no less than the height of the dumpster provided.

- 1.8.22 Zoning classification of the property, and the location of the zoning district lines if the property lies in more than one zoning classification, or abut a different zoning district.
- 1.8.23 Noted on the plan in a conspicuous place that "The Contractor shall give twenty-four (24) hour notice to pertinent Town Departments before commencing any work in the field."
- 1.8.24 Reserve strips, when deemed necessary in the opinion of the Planning Board, prohibiting access to streets or adjoining property.
- 1.8.25 Location and outline of all existing cesspools, septic tanks, leaching areas and wells on the property, as well as the location of all underground storage tanks.
- 1.8.26 Sufficient data to enable the Planning Board to relate the proposed plan to any adjoining land. Such data shall include the lines of proposed ways and lots and approximate grades, and other details as the Board may reasonably require.
- 1.8.27 A table showing Zoning Requirements with regard to minimum lot area, frontage, setback, side setback, rear setback, maximum building coverage, maximum building height, and additional information such as percentages of impervious surface area, wetland areas, and gross floor area and floor area ratio; also a list of allocation of floor area among various uses and the proposed and required number of parking spaces to meet such parking requirements (See Appendix B, "Standard Reference Table for Site Plans: Zoning Requirements").
- 1.8.28 Notation of any variance issued by the Board of Appeals, including the case number, date granted, and description and conditions of the variance.
- 1.8.29 Site plan applications shall include renderings of the proposed building(s) or addition showing the front, sides, and rear view elevations. Where possible, renderings shall be in color and shall include narrative descriptions of the building facade materials; roof materials; window dimensions, materials, and details; height and slope of all roof lines; location of HVAC equipment, generators, coolers, and other utility appurtenances; and balconies, exterior stairs, steeples, chimneys, porches, porticos, or other building extensions. While not required, the applicant is encouraged, where practicable, to submit samples or swatches of facade materials and colors.

A review and recommendation by the Upton Design Review Committee is required. The review procedure is intended to promote the attractiveness of the Town as a place to live, visit, and shop, and encourage the conservation of buildings and groups of building that have aesthetic or historic significance.

Where information cannot be legibly provided on one sheet, the above required information may be provided on additional sheets in logical groupings, as is acceptable to the Planning Board.

## 1.9 Administrative Fee

An administrative fee shall be assessed to offset the expense of review by the Planning Department and other Town Departments with regard to all applications.

1.9.1 An administrative fee shall be submitted at the time of the submittal of the application. Any application filed without the correct administrative fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

1.9.2 The required administrative fee shall be base on the proposed gross floor area (GFA). The formula to calculate the administrative fee is as follows:  
Administrative Fee = \$500.00 + (GFA x \$.10/sf).

1.9.3 Municipal uses shall be exempt from filing fees. However, the applicable municipal department presenting said Site Plan should bear the cost of all required legal noticing.

## 1.10 Project Review Fees

Any applicant who submits an application pursuant to these Rules and Regulations may be required to submit a project review fee in accordance with the following provisions of this section:

1.10.1 The Planning Board shall impose a Project Review Fee on those applications that require, in the judgment of the Planning Board, review by outside consultants due to the size, scale or complexity of a proposed project, the project's potential impacts, or because the town lacks the necessary expertise to perform the review work related to the approval. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers, or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, bylaws, and regulations. Such assistance may include, but shall not be limited to, analyzing an application, monitoring or inspecting a project or site for compliance with Board's decisions or regulations, or inspecting a project during construction or implementation.

1.10.2 Project Review Fees shall be submitted at the time of the submittal of the application for deposit in an account established pursuant to M.G.L., Chapter 44, §53G. Any application filed with the incorrect review fee shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

1.10.3 The following project review fee schedule applies to major site plan review applications to the Planning Board.

<u>Project Size</u>	<u>Fee</u>
1 - 15 lots/units	\$2,500.00
16 - 25 lots/units	\$5,000.00
More than 25 lots/units	\$9,000.00
Ten or more Parking Spaces	\$2,500.00

1.10.4 When the balance in the applicant's 53G account falls below twenty-five percent (25%) of the initial project review fee, as imposed, the Planning Board shall consider whether to require a supplemental project review fee to cover the cost of the remaining project review.

1.10.5 After the approval of the site plan, the Planning Board may require a supplemental project review fee for the purpose of ensuring the availability of funds during the inspection phase of the review process.

1.10.6 Excess funds in the 53G account, including accumulated interest, shall be returned to the applicant or the applicant's successor in interest, at the conclusion of the final inspection or the approval or disapproval on all applications under the town zoning bylaws, whichever comes later. For the purpose of this section, any person or entity claiming to be an applicant's successor in interest shall provide the Board with documentation establishing such succession in interest.

1.11 Revision of Fee Schedules and Rules and Regulations

The Planning Board may review and revise its site plan rules and regulations and fees schedules, from time to time, as it sees fit. A public hearing and an affirmative vote of not less than three members of the Planning Board shall precede all amendments. Any new regulations or alterations to the fee schedule shall take affect upon filing a copy of the amendments with the Town Clerk.

1.12 Unmet Housing Needs

The Planning Board, in considering any application for a special permit for a development with a residential housing component, may require the applicant to provide housing opportunities to address one or more unmet housing needs within the Town, consistent with the Upton Local Housing Partnership Policy Plan and the Master Plan. Unmet housing units shall be developed concurrently with the market rate units in the development. The unmet housing units must be subject to use restrictions of a substantial duration to ensure that the units remain available exclusively to persons with qualifying income and/or physical disabilities.

## SECTION 2.0: MINOR SITE PLAN CHANGE APPROVAL REGULATIONS

### 2.1 Minor Site Plan Change Review

The Planning Board, where it is not otherwise inconsistent with these provisions or with the Town's Zoning Bylaws, may approve minor site plans changes to a previously approved Site Plan. A filing fee of three hundred fifty dollars (\$350.00) shall be submitted with all applications for approval of Minor Site Plan Change.

Minor Site Plans may be approved for such changes including, but not limited to:

- The total number of parking spaces.
- Parking space sizes and alignment.
- Drainage (surface/storm water).
- Curb opening dimensions and locations (provided such opening has been approved by the Public Works Department).
- Removal of underground storage tanks and other underground utilities.
- Changes in site/building elevations, and topographic changes on portions of the site.
- Changes in walkways and Handicapped Access Ways.
- Changes in the type of screening/rubbish collection areas.

### 2.2 Procedure and Request for Minor Site Plan Change Review

Requests for approval of minor site plan change approval shall be submitted to the Planning Board. Such written request shall be accompanied by six (6) redlined plans indicating proposed changes and a statement supporting the basis for granting a minor site plan approval.

The Board shall send written notice of its action to the applicant, Code Enforcement Department, the Public Works Department, and other affected Departments and Boards of its decision regarding a minor site plan change review.



**APPENDIX A**

**PLANNING BOARD**

E-Mail: [PlanningBoard@uptonma.gov](mailto:PlanningBoard@uptonma.gov)  
Phone: (508) 529-1008

1 Main St, Box 10  
Upton, Massachusetts 01568

**APPLICATION FOR:**

\_\_\_\_\_ **Site Plan Approval**

\_\_\_\_\_ **Site Plan Change/Modification (previously approved Site Plan)**

Date \_\_\_\_\_

To the Upton Planning Board:

The undersigned, herewith, submits the accompanying Site Plan entitled  
“ \_\_\_\_\_ ” and dated \_\_\_\_\_  
for approval under the provisions of Section 9.4 Site Plan Approval of the Upton Zoning Bylaws.

Name of Applicant(s) \_\_\_\_\_

Address of Applicant(s) \_\_\_\_\_

Signature of Applicant(s) \_\_\_\_\_

Name of Owner(s) \_\_\_\_\_

Address of Owner(s) \_\_\_\_\_

Signature of Owner(s) \_\_\_\_\_

The owner’s title to said land is by deed dated \_\_\_\_\_

And recorded in the Worcester District Registry of Deeds Book \_\_\_\_\_, Page \_\_\_\_\_

And is shown on Assessor’s Tax Plate \_\_\_\_\_, Plot \_\_\_\_\_

Location and description of property \_\_\_\_\_  
\_\_\_\_\_

Purpose of Site Plan/Modification \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPENDIX B

**STANDARD REFERENCE TABLE FOR SITE PLANS**

**Zoning Requirements Table**

(Specify Zoning District Here)	Required	Existing	Proposed
Minimum Lot Area			
Minimum Frontage			
Minimum Front Setback			
Minimum Side Setback			
Minimum Rear Setback			
Max. Building Coverage			
Maximum Building Height			
Number of Stories			

Additional Information:	Existing	Proposed
% Wetland Area		
% Impervious Surface Area		
Total Floor Area		
Floor Area Ratio		

**Parking Requirements Table**

Total Square Feet of Floor Area	Required	Existing	Proposed
(List all allocations of floor area among various uses given in the Zoning Bylaw) Example: Retail Use - xxx sq. ft. Min. 1.0 spaces/180 sq. ft. On ground floor, plus 1.0 additional space for every 360 sq. ft. of floor area above first story.			

Plans should also include; Street Address, Assessor’s Map and Parcel Number, Owner & Applicant’s Name, Address and Telephone Number.