



TOWN OF EASTHAM

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**TOWN OF EASTHAM
PLANNING BOARD
PUBLIC HEARING - MARCH 5, 2014 - 5:00 P.M.
AGENDA**

1. Opening Statements
2. Public Hearing on Proposed By-Law amendments to the Town of Eastham Zoning By-Laws regarding the North Eastham Overlay District and the Flood Zone.
3. Any other business that may legally come before the Planning Board
4. Adjournment

The Town of Eastham Planning Board will hold a public hearing at 5:00 p.m. on Wednesday, March 5, 2014 in the Earle Mountain Room at Town Hall, 2500 State Highway, Eastham, MA 02642, on the Proposed By-Law Amendments to the Town of Eastham Zoning By-Laws regarding the North Eastham Overlay District and the Flood Zone. Copies of the proposed amendments can be picked up at Town Hall, Monday thru Friday between 8:00 a.m. and 4:00 p.m.

NORTH EASTHAM OVERLAY DISTRICT ZONING

Location and Intent

In SECTION II - ZONING DISTRICTS, add the following location description as District I:

North Eastham Overlay District – An area overlying Districts C and D and a portion of District E, available for optional village-style mixed-use development, and as shown on the map entitled, “_____, “ dated _____, 2014 a copy of which is on file with the Town Clerk, and

- amend the Town of Eastham Zoning Map to add a new Overlay District entitled, “North Eastham Overlay District, and further,

- amend SECTION V – USES by add the following text:

NORTH EASTHAM OVERLAY DISTRICT I – Those principal and accessory uses as allowed by-right or by special permit as indicated in the Overlay District Table of Principal Uses and Table of Accessory Uses.

Intent: The intent of this overlay district is to encourage cohesive, village-style development in an appropriate area, by providing for optional additional uses, mixes of residential, commercial, public and institutional uses and for appropriate alternative dimensional standards by special permit, in addition to those of the underlying zoning districts, while also protecting the quality of life of the homeowners in this area. Where not expressly otherwise provided, however, that the use and dimensional requirements and restrictions of Districts C, D and E shall continue to apply within the areas of each underlying district as shown on the Town of Eastham Zoning Map and described in the Appendix to the Town of Eastham Zoning Bylaw entitled “Zoning District Boundaries.”

Definitions

Amend SECTION III – DEFINITIONS by adding the following, to be inserted in alphabetical order:

APARTMENT, MIXED-USE ACCESSORY – A second dwelling unit located in a single-family residence, as allowed by special permit from the Planning Board, and subject to the requirements of Section VII ACCESSORY USES.

ASSISTED LIVING RESIDENCE (ALR) – A use allowed by special permit, consisting of a facility defined and certified under 651 CMR 12.02 et seq., which may be located on the same lot or abutting lots in common ownership with an Independent Living Facility, and which provides shelter and services to persons 55 years of age and older and other residents with disabilities requiring Personal Care Services, whether conducted for profit or not for profit, consistent with an approved Concept Plan and as authorized by a special permit based on the Concept Plan, if authorized by special permit, need not comply with the use restrictions or dimensional requirements generally applicable in the underlying zoning district(s), provided the facility meets all of the following criteria:

- (a) provides room and board to residents in need of support with one or more activities of daily life; and
- (b) provides, directly by its employees or through arrangements with another organization which the entity may or may not control or own, Personal Care Services as defined in for three or more adults who are not related by consanguinity or affinity to their care provider; and
- (c) collects payments or third party reimbursements from or on behalf of Residents to pay for the provision of assistance with the Activities of Daily Living, or arranges for the same.

COMMON DRIVEWAY — A form of access to the building site of a lot and to any occupied building on a lot, which is not itself a street but extends from a street and provides common vehicular access to more than one lot. For the purposes of calculating lot coverage, the common driveway's impervious surfaces shall be equally allocated among the lots served and/or benefited by the common driveway in proportion to the sizes of the lots.

CONCEPT PLAN – A plan submitted preliminary to a special permit application, which describes in detail the site and proposed mixed uses, including a site plan showing site improvements, and identifying traffic and environmental impacts and their mitigation, projected future division of the site, if any, the submission of which to the Planning Board is required to initiate the Mixed-Use Development permitting process.

GRADE — The plane of the average of all finished ground level adjoining the building or structure for a distance of six feet from all exterior walls.

GROSS FLOOR AREA — The sum of all floor areas within a building or structure, measured from the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns, or other

features. It shall include all areas capable of being used for human occupancy, including all basement floor areas, mezzanine and attic space and enclosed porches.

HEIGHT, BUILDING — The vertical distance from the grade plane to the highest point of a gable, hip or gambrel roof and the highest point of the coping of a flat roof, but excluding chimneys, cupolas, flagpoles or other similar and customary appurtenances.

INDEPENDENT LIVING RESIDENCE (ILR) – A use allowed by special permit, consisting of one or more multi-family condominium or apartment buildings containing dwelling units restricted to occupancy by residents 55 years of age or older, which may be located on the same lot or abutting lots in common ownership on which an Assisted Living.

MIXED-USE DEVELOPMENT – A use allowed by special permit, consisting of retail, office, municipal, service establishments and residential uses, in some combination, consistent with an approved Concept Plan, which may be located on a single lot or a parcel formed from combined lots, and which, if authorized by special permit, need not comply with the use restrictions or dimensional requirements generally applicable in the underlying zoning district(s).

OFFICE, MEDICAL OR DENTAL — A building or portion thereof the primary use of which is the provision of health-care services to patients or clients on an outpatient basis and by appointment only. The sale of merchandise is allowed only as an accessory use.

PERSONAL CARE SERVICE – Within an ALR, assistance to residents with Activities of Daily Living, as defined and provided in 651 CMR 12.02 et seq.

PERSONAL SERVICES ESTABLISHMENT — A commercial establishment engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, barbershop, beauty shop, dry cleaner, tailor, or other similar services, but shall not include a public laundry where clothing is laundered on-site.

PUBLISHING AND PRINTING ESTABLISHMENT — A commercial facility for the publishing and printing of information as a retail service use, not including bulk publishing or printing of paper documents on-site, but may include the sale of ancillary goods typically used in the publishing and printing of information.

RAIN GARDEN — A bowl-shaped landscape area designed to absorb stormwater runoff from impervious surfaces. It cleanses water of pollutants by filtering water through soil and plants.

RECREATIONAL FACILITY — An establishment engaged in the provision of public recreational services, including bowling and billiards, but not including miniature golf and video arcades.

REPAIR SERVICES, NON-AUTOMOTIVE – Repair and servicing of appliances, computers, electronic equipment, tools and other small machinery common to homes and businesses, not to include any appliances, tools or small machinery that are powered by hydrocarbon fuel.

RESEARCH AND DEVELOPMENT FACILITY — A business that engages in non-biological research and development of innovative ideas, services and technology, such as development of computer software, information systems, communication systems, transportation, multi-media and video technology and development and construction of prototypes associated with such services and products.

TOWNHOUSE - A single dwelling unit which is not located above or below another dwelling unit and whose side walls are separated from other dwelling units by a fire wall or party walls. Each unit in the row shall have a dedicated ground level entrance and front and rear yards, and may be held in separate ownership.

WASTEWATER TREATMENT FACILITY – A public or private facility constructed to treat wastewater, not including the disposal of treated effluent.

WASTEWATER EFFLUENT DISPOSAL – The disposal of treated effluent from a public or private wastewater treatment facility.

TABLE OF PRINCIPAL USES

Y = Yes/allowed by-right

SP = By special permit

X = Prohibited.

<u>PRINCIPAL USES</u>	<u>District</u>
	I NEO
<u>Agricultural</u>	
Aquaculture	
Farm, >5A	Y
Farm, >2A	Y
Plant nursery, other horticulture or floriculture	y
<u>Residential</u>	
Assisted Living residence, with or without Independent Living	SP
Single-Family dwelling	Y
Two-family or duplex dwelling	Y
Multi-Family (3 or more units)	y
Mixed-use Development	SP
Multi-Family, townhouse	SP
Residence above by-right business, if not >50% "of structure"	D,E = Y A = SP

<u>Commercial</u>	
Antique, craft and gift shops	Y
Adult Entertainment	X
Animal Kennel, Commercial	SP
Animal hospital or veterinary office	SP
Art Gallery	Y

<u>PRINCIPAL USES</u>	<u>District</u>
	I NEO
Auction house	SP
Automotive repair, service	SP Y in Dist. C
Bakery, Wholesale	X
Bank	Y
Barber shop, beauty salon	Y
Boat building, repair, storage	X
Charter (party) boat business	X
Cinema, movie theater	Y
Contractor's yard	X
Dry cleaning, Laundromat	SP X in Dist. A
Fitness center, Gym	Y
Funeral services	X
Hospice Care Facility	X?
Hotel, Inn	Y
Industry, Light, not specifically allowed in Section V District C Use description	SP X in Dist. A
Junk yard	X
Kennel, Commercial (not defined)	SP Y in Dist. C, D
Lodge, Membership or Fraternal Club	Y
Motel	X
Nursing or Convalescent Facility	X
Publishing and/or printing establishment	SP
Rental, automobile, truck, trailer	X
Rental, boat, fishing gear	X

<u>PRINCIPAL USES</u>	<u>District</u>
	I NEO
Restaurant, < 5 K sq. ft. GFA	Y
Restaurant, 5 K sq. ft. or > GFA	SP
Retail Sales/Service, Minor Small scale , 5 K sq.ft GFA	Y
Resort and Conference Center	SP
Sale of fish, bait, Gear	Y
Service and Repair, non—automotive (carpentry, electrical, plumbing, etc.)	Y?
Spa Resort	X C = X
Studio, Private or Artist	
<u>Industrial</u>	
Communication tower	?
Concrete batching plant	X
Warehousing	
Wastewater Treatment Facility	SP
Wastewater Effluent disposal	SP
Wind Energy Facility	SP
<u>Governmental, Cultural, Institutional</u>	
Conservation, open space land	Y
Municipal Use	Y
Museum	Y
Public use, other	Y
Recreation, passive	Y

ACCESSORY USE TABLE

<u>ACCESSORY USES</u>	DISTRICT
	I NEOD
<u>Residential</u>	
Apartment, AFFORDABLE Accessory	SP
Apartment located above permitted commercial use, provided no more than 50% floor area of total structure	SP
Automated banking (ATM) interior ,exterior or freestanding	SP
Bed and Breakfast	SP
Family daycare, licensed per G. L. c. 15D, §1A. Note distinction in statute re: ages	Y
Farm stand, non-exempte per G. L. c. 40A, §3Y	sp
Home Occupation SP in any district where not X	SP
Sales, retail	
Stable, non-commercial, not to exceed __# animals, subject to minimum lot size or setback	X

MIXED-USE ("MU") SPECIAL PERMIT

OBJECTIVE

The objective of the MU special permit is to serve an unmet need of the community, by providing the means for creation of attractive mixed-use developments and a mix of housing options, including workforce housing, by providing for design and dimensional flexibility appropriate to the purpose and intent of village development zoning, and, in particular, by encouraging residential units to be incorporated into second floors of certain new or existing commercial structures in accordance with the provisions of this Section.

APPLICABILITY

The Planning Board is the Special Permit Granting Authority (SPGA) for Mixed Residential Development Special Permits and Mixed-Use Special Permits in the North Eastham Overlay District (NEOD).

MIXED - USE SPECIAL PERMIT

Within the NEOD, the SPGA may issue a special permit to authorize the following use: the use, conversion or expansion of a commercial structure to provide for a mix of residential and commercial uses in structures of one or two stories, where residential units are located on the second floor level of the structure in commercial use.

STANDARDS

To be eligible for consideration for a special permit approval pursuant to this Article, the proposed development shall meet the following standards:

Qualifying area: To serve as a MU site, an area of land within the VCOD shall contain at least two (2) contiguous acres.

Open space/Buffer: At least 20% of the MU site shall be open space, which shall be left in its natural vegetated state. A buffer area of 10 feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties; provided, however, that no buffer shall be required where the land abutting the site is the subject of a permanent restriction for conservation or recreation or where the land abutting the site is held by the Town for conservation or recreation purposes. No vegetation in this buffer area will be disturbed, destroyed or removed.

Building Design:

- a. Buildings shall have no more than 50% of the total gross square footage on a second floor. A total maximum square footage for all building uses on a lot shall not exceed 15,000 square feet.

- b. Variation in the overall architectural design, including building elevations, building setbacks and the exterior details, (roofing, siding, glazing), shall be a part of the project concept development through construction documents to assure compatibility with existing development.
- c. No building shall exceed 35 feet in height. All roof mounted mechanical equipment must be enclosed to reduce the noise of operation and eliminate visibility of such equipment from the equivalent of an adjoining second floor level. In no case shall roof mounted equipment or the accompanying enclosures exceed a height of 6 feet above, or occupy more than 30% of the area, of the roof surface.
- d. Building orientation, layout, and configuration shall be designed to provide adequate light and air for the proposed and adjoining buildings.
- e. Drive-up windows are permitted if the windows and accompanying drives are buffered by an attractive 6 foot high opaque fence with a minimum of a 10 foot wide landscaped buffer to the exterior/outside of the fence.

Vegetation Management: No clear-cutting shall be permitted, except as necessary and incidental to construction of buildings, roads, trails and parking areas. Where vegetation will be disturbed, destroyed or removed during construction, the applicant shall indicate on the special permit plan that such vegetation will be replaced with alternative vegetation as may be approved by the SPGA as consistent with Cape Cod Commission and/or Barnstable County Extension Service list of approved plant materials in locations consistent with the completion of the project.

Drainage and Stormwater Management: The surface water drainage system shall be designed to accommodate 100-year storm conditions. Drainage shall not be directed to or allowed to flow off-site.

Internal Roadways, Walkways, Paths and Parking Areas: These shall be designed to provide for safety; visual appeal; separation of vehicular, bicycle and pedestrian traffic; convenient connectivity within and without the MRD site; and maximum access to the various amenities and facilities on the MRD site and to pathways on adjacent sites. All internal roadways, walkways, paths and parking areas shall be maintained by the owner or an association of unit owners, as applicable.

Driveway, Vehicular and Pedestrian Access Standards:

- 1. All driveway and parking areas shall be visually buffered from all streets by the use of berms or natural features and/or planting, using materials that shall maintain a minimum of 50% of their effectiveness year-round. All driveway and parking areas shall be visually buffered from adjoining residential uses by one or more of the following; berming, fencing, and planting, using materials that shall maintain a minimum of 75% of their effectiveness year round. Visual buffers shall be designed, placed and maintained to reduce the light from vehicular headlights from reaching onto adjoining streets and other properties.

2. A portion of the required parking may be accommodated on access drives within the project, provided such parking does not interfere with sight lines to pedestrian or vehicular access routes, directional signage, or interfere with vehicular access/egress in any area.
3. No more than 12 parking spaces shall be laid out in a continuous row unless interrupted by a landscaped island of a minimum of 8 feet in width and equal to the depth of the adjoining parking spaces. The landscaped island shall be treated with consideration given to the need for shade; pedestrian access where appropriate, snow storage, and the need to soften the appearance of a large paved area during the growing season.
4. The number of parking spaces required may be reduced up to 40% at the discretion of the Planning Board as a special permit condition, provided such reduction does not shift a demand for parking onto public streets or any areas not equipped to handle such activity. The Planning Board may give consideration to shared parking between adjoining uses as a means of reducing the paved area required for proposed uses, provided the following conditions are met:
 - a. the shared parking is sufficient to adequately service the adjoining uses without leaving either in a deficit of spaces needed;
 - b. the shared parking has well defined pedestrian access to both uses;
 - c. there is a legally binding agreement, executed by all parties to be served, which permits vehicular and pedestrian access to and from all the parcels involved; this agreement must be in place, and a copy provided to the Building Inspector before issuance of an Occupancy Permit; and
 - d. all open space and coverage requirements are met based on the ability of the project site to accommodate all of the required parking.
5. Parking areas may consist of pervious hard surfaces or impervious surfaces, provided provisions acceptable to the Planning Board are made for management of surface water runoff. If approved as a condition of the special permit, up to 10% of the parking required may be constructed in an alternative paver which incorporates the use of grass or a "grass on gravel" system to allow for greater permeability and an appearance more characteristic of open space/courtyard features, to be used exclusively for overflow parking beyond that normally needed to service the uses on site. The location of such spaces should be in peripheral areas of the parking facility where they can enhance the appearance of adjoining open space and not be in a location where they would be in daily use or overlap with pedestrian activity.
6. Parking areas shall be lighted to provide adequate visibility for use in the dark without adversely impacting adjacent uses or parcels.
7. Off-street parking spaces may be laid out in a perpendicular, angled, or parallel alignment provided adequate access is provided for vehicles to enter and leave the spaces;

pedestrians to enter and leave the vehicles, and service and emergency vehicles to access the drives, parking areas, and buildings.

8. Perpendicular or angled parking spaces shall not be less than 9 feet wide by 18 feet in depth with the following exception; however, at the discretion of the Planning Board, up to 5% of the required parking spaces may be accommodated using a layout of an 8 foot width by a 17 foot depth, with such spaces shall be identified by a sign mounted at a height of not less than 5 feet or more than 8 feet, indicating the space is for a subcompact car only. In no case shall parallel parking spaces shall not be less than 8 feet in width (depth) by a 22 foot in length.
9. Driveways which can be shared for more than one use are encouraged, provided the Planning Board determines that sharing does not limit adequate service or emergency access at any time or serve as the only route of vehicular access to a project.
10. Customer and residential pedestrian access areas shall include a combination of walkways and landscaping. Such pedestrian access shall be provided for from the street/s providing frontage and/or access for the project as well as the drives and parking areas within the project. Pedestrian access routes shall be laid out to minimize conflict with vehicular routes, and where the two cross, the pedestrian route shall be clearly marked on the vehicular surface and when appropriate, with signage. Pedestrian access routes shall be lighted to provide adequate visibility for use in the dark without adversely impacting adjacent uses or parcels.

Service Access, Including Deliveries and Trash Removal:

11. Provisions shall be made for service vehicles to access the site and building so as not to obstruct pedestrian and vehicular access by residents, commercial patrons and emergency providers.
12. All trash receptacles and areas to be used by service and delivery vehicles shall be visually and, to the extent reasonably practicable, acoustically buffered from adjoining residences by one or more of the following; berming, fencing, and/or planting. Any visual screening shall maintain a minimum of 75% of its effectiveness year- round. No service vehicle shall be allowed to have an engine idling for more than ten minutes unless it is necessary for the service being provided, (for example: tree trimming, power washing, refrigeration, etc.).

Wastewater Management: All wastewater treatment and disposal facilities shall conform to the provisions of the State Sanitary Code, 310 CMR 15.00, any other state regulations as may be applicable and with the rules and regulations of the Board of Health.

Utilities: All electric, gas, telephone and water distribution lines shall be placed underground, except upon a demonstration of exceptional circumstances.

Affordable Residential Units: The applicant is encouraged to provide dwelling units at prices affordable to persons or families of low or moderate income comprising at least 25% of the total number of dwelling units in the development, with affordable dwelling units integrated into the overall development so as to prevent the physical segregation of such units.

Dimensional Flexibility:

The minimum dimensional requirements for residential and non-residential uses:

Table - Dimensional Requirement					
WIDTH	FRONT YARD	SIDE YARD	REAR YARD	MAX. LOT OVERAGE	MAX. BLDG HGHT.
75 foot	10 foot min. 20 foot max.	20 foot min. exclusive of driveway	15 foot min.	Bldg. 15% Bldg., drives & parking 55% NOTE: Walkways must be pervious if the building, parking, and driveways total 55%	2 stories or 35feet.

Development Schedule: The development schedule submitted by the applicant shall allow for orderly construction of the project. Any substantial deviation from the development schedule may be allowed only by modification of the special permit following notice and hearing pursuant to G. L. c. 40A, §9.

Prohibited Uses:

- (1) Storage or occupancy of mobile homes, camper trailers, inoperative or unlicensed automobiles, or products, materials, or vehicles in connection with manufacturing or commercial uses outside the district; and
- (3) Any use or structure incompatible with the nature of the district or dangerous or noxious to persons in the district or those who pass on public ways by reason of odor, smoke, particulate matter, fumes, noise, vibration, glare, radiation, electrical interference, or danger of fire or explosion.

CONCEPT PLAN - MIXED-USE SPECIAL PERMIT SUBMISSION AND APPROVAL PROCEDURE

- A. Overview - The review procedure for a Mixed-Use Special Permit consists of three steps:
1. Pre-application conference;
 2. Submission by the applicant and review by the SPGA of a Concept Plan for the proposed mixed-use development for approval, and
 3. Formal application for a special permit and hearing pursuant to G. L. c. 40A, §9 and the Town of Eastham Zoning Bylaw.
- B. Application and Concept Plan for a Mixed-Use Special Permit.
1. Pre-Application Conference. Prior to the submission of an application for a mixed-use Special Permit, the applicant must confer in an open meeting with the Planning Board to share information and possible concerns before the applicant enters into binding commitments or incurring substantial expense in preparation of plans, surveys, etc.
 2. Concept Plan Procedure:
 - a. The applicant shall file with the Town Clerk, at least fourteen (14) days before a regularly scheduled meeting of the Planning Board, the original and one (1) copy of the proposed Concept Plan, accompanied by the form entitled "Submission of Concept Plan: Mixed-Use Special Permit," together with a certified check in the amount set by the Board of Selectmen. The applicant shall at the same time submit to the Planning Board eight (8) copies of the Concept Plan, and a single copy to each of the following: Department of Public Works, Board of Health, Fire Department, and Conservation Commission.
 - b. The applicant shall file with the Town Clerk and submit to the Planning Board one or more transmittal letter(s), as required, certifying that it has forwarded copies of the Concept Plan to the Town boards and agencies as required above.
 - c. The Town boards and offices receiving copies of the Concept Plan may submit written recommendations on the Concept Plan the Planning Board within 30 days from the date of the filing of the Concept Plan, and failure to so report within such time shall be deemed lack of objection to the application.
 - d. Within 45 days from its filing, the Planning Board shall review the Concept Plan and determine whether the project proposed therein is consistent with the intent,

purposes and standards of the North Eastham Overlay District and/or other applicable provisions of this By-Law. The Planning Board may suggest modifications and changes to the development described in the Concept Plan and shall make a written report of its recommendations to guide the applicant in the preparation of the final plan.

- e. The written report of the Planning Board shall be filed in the Town Clerk's office; after such filing the applicant may submit an application for a special permit accompanied by a development plan. Failure of the Planning Board to file its written report within 45 days after filing of the Concept Plan shall be deemed approval, whereupon the applicant may submit application for a special permit accompanied by a final plan consistent with the approved Concept Plan or the plan "deemed approved" pursuant to this section.

C. Contents of Concept Plan

A Concept Plan shall contain the graphic and narrative materials described below, which the Planning Board may require to be supplemented as appropriate, according to the scope and nature of the development proposal and any particular characteristics of the development site.

1. Graphic materials shall include plans of sufficient number and detail to adequately represent and the existing conditions on the site and the proposed development, including, at a minimum, the following:
 - a. boundaries of the proposed mixed-use parcel, north arrow, date, scale, legend, and title "Concept Plan: (name of mixed-use permit applied for)";
 - b. the name or names of applicants and engineer or designer;
 - c. names of all abutters as defined in G. L. c. 40A, §11;
 - d. existing general site conditions, proposed land uses and improvements, and approximate location and width of all adjacent streets;
 - e. existing and proposed lines of streets, ways, utility and all easements, and any public areas within or next to the parcel;
 - f. the approximate boundary lines of existing and proposed lots with appropriate areas and dimensions;
 - g. the proposed system of drainage, including wetlands on site and on adjacent properties;
 - h. the existing and proposed topography of the site at two-foot or less contour intervals;

- i. existing and proposed buildings, significant structures and proposed open space and proposed site amenities, and proposed circulation patterns; and
- j. an analysis of the natural features of the site, including wetlands, flood plain, slopes over 10%, soil conditions and other significant features.

2. Written materials shall include the following:

- a. description of the proposed mixed-use development, showing the planning objectives and the character of the development to be achieved through the Mixed-Use Special Permit;
- b. description of the neighborhood in which the parcel lies, including utilities and other public facilities and the general impact of the proposed mixed use upon them; and
- c. a summary of environmental issues of significance or likely to be of concern.

D. Submission of Final Plan

- 1. The applicant shall file the original application for any Mixed-Use Special Permit and the original of the final plan (which plan shall comply with the substantive Rules and Regulations of the Planning Board), together with one (1) copy of those materials, with the Town Clerk. The applicant shall also submit to the Planning Board and to those boards and agencies set forth in subparagraph B. 2. (a) of this Section at the time the application is filed with the Town Clerk, a copy of the application and the final plan.
- 2. The applicant shall file with the Town Clerk and submit to the Planning Board a transmittal letter certifying that it has forwarded copies of the final plan to the boards and offices as required above. The applicant is encouraged to meet with the Town boards and agencies receiving copies of the final plan during the review period.
- 3. The Town boards and offices receiving copies of the final plan may submit to the Planning Board written recommendations on the special permit application within 35 days of the filing of the transmittal letter certifying that copies of the final plan have been forwarded. Failure to report to the Planning Board within such 30 days shall be deemed lack of objection to the application.
- 4. Within 65 days of the filing of the special permit application with the Town Clerk, the Planning Board shall hold a public hearing, complying in all respects, with the procedure for review of a mixed-use special permit shall comply with the requirements for review of special permits pursuant to G. L. c. 40A.

E. Contents of Final Special Permit Application Plan

After approval of a Concept Plan, the application for a mixed-use Special Permit shall include a final plan of the development site and narrative materials as provided below, except as may be provided by the Concept Plan approval.

1. Final plans shall include all of the information required for site plan review, including the following:
 - a. a scale of one inch equals forty feet unless another scale is requested and found suitable by the Planning Board;
 - b. preparation by and bearing the seals of an appropriate registered professional engineer, registered architect, registered land surveyor, and registered landscape architect, including certification of the accuracy of the location of the buildings, setback and all other required dimensions, elevations, and measurements;
 - c. a utilities and drainage plan prepared and stamped by a registered professional engineer;
 - d. the scale, date, and north arrow;
 - e. lot numbers, dimensions of lots in feet, size of lots in square feet, and width of abutting streets and ways;
 - f. all easements within the lot and abutting thereon;
 - g. the location of buildings existing or proposed for the development, which shall be prepared by and bear the seal of a registered architect as provided in subparagraph (b), including the total square footage and dimensions of all buildings, all building elevations and floor plans, and perspective renderings. Further, the depiction of materials and colors to be used shall be required;
 - h. the location of existing wetlands, water bodies, wells, 100-year flood plain elevation, and other natural features requested by the Planning Board in their written report on the Concept Plan;
 - i. the distance of existing and proposed buildings from the lot lines and the distance between buildings on the same lot;
 - j. percent of the building lot coverage;
 - k. average finished grade of each building at the base of the building;
 - l. the elevation above average finished grade of the floor and ceiling of the lowest floor of each building;

- m. existing and proposed contour lines at two-foot intervals;
 - n. the uses proposed for the mixed-use development by building or part thereof, including proposed open space, recreation areas, or other amenities;
 - o. proposed provisions for parking;
 - p. height of all buildings, above average finished grade of abutting streets;
 - q. a landscape plan to include the total square feet of all landscape and recreation areas, and depiction of materials to be used, and the quantity, size and species of plantings.
2. Narrative information concerning the development's impact on the community shall be provided, to include, at a minimum, the following:
- a. description of the proposed mix of uses within the development, indicating the planning objectives and the character of the development to be achieved through the Mixed-Use Special Permit;
 - b. parking and traffic plan to be prepared by a traffic engineer. The traffic plan shall include information on the type and number of vehicles generated on average and peak periods of uses, the impact on traffic intersections, and major roads servicing the project area;
 - c. description of the neighborhood in which the land lies and the impact of the development on the neighborhood and the community. Such description shall include information concerning the impact to local schools, housing supply, wastewater, water, and other utility systems, and other public facilities. When so requested by the Board, other impact information shall be provided; and
 - d. evidence of ownership or interest in the land for which the special permit is sought.

F. Minimum Requirements

A Mixed-Use Special Permit shall be granted only upon the determination by vote of five (5) members of the Planning Board that the development meets the requirements of G. L. c. 40A, §9 and the provisions of the Mixed-Use By-Law, including the following conditions:

- 1. the final plan is substantially consistent with the Concept Plan and with the purpose and intent of the provision of the Bylaw under which the application is submitted.

2. the execution, delivery and recording of such covenants, agreements and instruments running with the land and binding on the owner of the parcel, its legal representative, successors, heirs and assigns, and enforceable by the Town, as the Board may require, and in form and substance satisfactory to it, in order to insure adherence to the terms of the Special Permit issued hereunder;
3. the approval by the Board of the detailed plans submitted for the project including, without limitation, plans showing all structures and improvements on the parcel, all ways and utilities serving the same, all lot lines, easements and rights of way of record, building plans and specifications illustrating in appropriate detail the landscaping and architectural design, showing types, location and layout of buildings, typical elevations, as well as the general height, bulk and appearance of structures, and such other and further documents, studies, reports or data which the Board determines appropriate or desirable to enable the Board to make the determinations required by this Bylaw;
4. the Board may, in appropriate cases, permit dimensional, setback and parking requirements other than those required by this By-Law; and
5. the Board may, in appropriate cases, impose a requirement that motor vehicular and pedestrian easement be provided for access and egress be provided from the site to abutting public or private property.