

**RULES AND REGULATIONS OF THE PLANNING BOARD
AS SPECIAL PERMITS GRANTING AUTHORITY**

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RULES AND REGULATIONS OF THE PLANNING BOARD

AS SPECIAL PERMITS GRANTING AUTHORITY

SECTION I. GENERAL PROVISIONS

A. PURPOSE AND AUTHORITY

These Rules and Regulations are adopted by the Planning Board, hereinafter called the Board, as the Special Permits Granting Authority provided in the Protective By-Laws of the Town of Freetown, and as provided in Chapter 40A of the Massachusetts General Laws for the purpose of establishing uniform procedures for the granting of Special Permits for certain uses within the Town of Freetown.

B. ADOPTION AND AMENDMENT

These Rules and Regulations may be adopted and from time to time amended by majority vote, provided such adoption or amendment is submitted in writing at a meeting of the Board and action thereon taken following a public hearing.

C. EFFECTIVE DATE

These Rules and Regulations are effective when voted. A copy shall be filed with the office of the Town Clerk, with appropriate endorsements such as:

Date of adoption:
Date filed with the Town Clerk:
Amendments - dates of adoption:
Amendments - dates filed with Town Clerk, etc.

D. APPLICANT (Petitioner)

An application or petition for a Special Permit may be brought by a property owner, agent or prospective purchaser who submits certification of property interest and authorized to file by the owner.

E. PRE-APPLICATION CONFERENCE

The Planning Board may hold pre-application conferences at any regular or special meeting of the Board. Preliminary plans may be submitted for discussion purposes and to assist in the identification of the nature of information necessary to meet the requirements of the by-law's and regulations for a specific use.

F. FEES

Special Permits for Non-Conforming Uses:

Single Family	\$ 25.00
Multi Family	\$ 50.00
Business Use	\$ 100.00
Industrial Use	\$ 100.00

Any expenses for professional consultant review and advertisement as deemed necessary by the Planning Board shall be borne by the applicant.

SECTION II. APPLICATIONS FOR SPECIAL PERMITS

A. COMPLETENESS OF APPLICATION

The applicant must submit a properly executed **FORM SP**, which shall be furnished by the Clerk of the Planning Board upon request. All information indicated on the form shall be supplied by the applicant in the manner prescribed (fully and correctly). 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, Submission requirements, the Form SP, the contents requirements and Fee requirements shall be fulfilled. These requirements are stated in Section I, Section II, Section III, and Section V.,C.

The determination of the completeness of the application shall be made prior to the closing of the next regularly scheduled Planning Board meeting. If an application is determined not to be a proper submittal, it shall be denied without need of a public hearing, but with prior written notice to the applicant that the Planning Board will be considering whether the application is a proper submittal. A determination that an application is a proper submittal shall be filed with the Town Clerk within seven (7) days of the Planning Board's decision on such a matter.

B. PLANS AND OTHER PERTINENT INFORMATION

1. General: For the purpose of furnishing sufficient information upon which to base a decision of the Board, the petitioner shall submit ten (10) copies of the project plans and pertinent calculations to the Planning Board. All such plans shall be prepared by a Registered Land Surveyor and/or a Professional Engineer as required. The plan shall be oriented to true or magnetic north and identified by date and name of the petitioners and contain such other information as the Board may request.

2. Date of Submission: An application shall be considered submitted on the date a complete application is filed with the Planning Board. A copy of the application shall be given to the Town Clerk by the applicant upon submission to the Planning Board.

3. Plan Contents: The project plans shall be clearly and legibly drawn in black India ink upon clear mylar. The plans shall be at a scale of one inch (1") equals forty feet (40'), or such other scale as the Planning Board may accept to show details clearly and adequately, and shall include plans and profiles of each individual street at a scale of one inch (1") equals forty feet (40') horizontal and one inch (1") equals four feet (4') vertical. All elevations shall refer to the U.S.C. and G. Datum. Sheet sizes shall be twenty-four by thirty-six inches (24" x 36") including a three quarter inch (3/4") border. All plans shall be accompanied by a sheet showing the entire permit area boundaries and adjacent streets and dimensions of the lots and streets and assessor lot numbers. A mylar and two (2) copies of the final approved plan shall be submitted for signatures in a form appropriate for recording in the Registry of Deeds. One (1) copy shall be retained by the Planning Board.

a. A title, appearing in the lower right corner of the plan, showing the name of the project, if any; the date; scale; the names and addressed of the applicant, designer, engineer and surveyor who made the plan.

b. North point indicating true or magnetic, benchmark, and boundaries of the project.

c. Location and ownership of all abutting property owners as shown on the most recent tax list including all abutting land owned by the applicant not presently under consideration. 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 beyond the property lines with a minimum of fifty feet (50').

- d. Major features of the land, such as existing waterways, wetlands, swamps, and water bodies, natural drainage courses, wall fences, buildings, large trees, wooded areas, outcroppings and ditches which exist on or near the site at the time of survey.
- e. Location of existing buildings, plan of proposed buildings, structures, all existing and proposed utilities, off-street parking areas including handicap parking, loading areas, driveway openings, driveways, service areas, other open areas, refuse and other waste disposal areas. 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. 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.
- f. Lines of existing and proposed streets, ways, lots, lot numbers or other designation of each lot, easements, accesses, fire lanes and public or common areas within the project boundaries. (The proposed names and numbers of proposed streets and lots shall be shown in pencil.)
- g. Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. This shall include the lengths and bearings of boundary lines, lot lines including lot frontage on the streets, of the boundary lines of all lot lines including lot frontage on the streets, the boundary lines of all streets and easements, and the lengths, radii, tangents, and central angles of all curves in lot lines and street lines. All angle points, or intersections of tangents along the street lines, shall be shown, areas of lots with lot numbers and the area and frontage on public ways. All surveying shall conform to the error of closure requirements of the Land Court of the Commonwealth of Massachusetts.
- h. Location of all permanent monuments properly identified as to whether existing or proposed.
- i. Location, names and present widths of streets or private ways bounding, approaching or within reasonable proximity of the project, showing both roadway widths and rights-of-way widths.
- j. Indication of all easements, covenants or restrictions applying to the land and their purposes, whether or not within the project boundaries, including any decision on appeal or any variances or exceptions made by the Zoning Board of Appeals applicable to the land or any building thereon.
- k. If the property that comprises the project or any part or boundary thereof has been examined, approved, and confirmed by the Massachusetts Land Court, such information shall be noted on the plan with case numbers and other pertinent references to Land Court Procedure, and the same requirement shall apply to any adjoining parcels of land of the applicant.
- l. Suitable space to record the action of the Planning Board and the signatures of the five (5) members of the Planning Board.
- m. Existing profiles of the exterior lines drawn in fine black line, dotted for left and dashed for right side, and proposed profile of the finished center-line drawn in bold black solid line of proposed streets at a horizontal scale of one inch (1") equals forty feet (40'), or such other scales acceptable to the Planning Board. At least two (2) bench marks are to be shown on plans and profiles, and existing and proposed grade elevations at every fifty foot (50') station and every twenty-five foot (25') station within vertical curves. All existing and proposed intersections, sidewalks and probable location of driveways on lots that abut intersections, shall be shown with all proposed grade elevations calculated. Gradient shall be shown by figures expressed in percent.

n. Existing intermediate, and proposed topography at two feet (2') contour intervals including the one hundred (100) year flood plain per the Flood Insurance Rate Maps and/or on-site survey.

o. Size and location of existing and proposed water supply mains and their appurtenances, hydrants, sewer pipes and their appurtenances and/or sewage disposal systems including estimated water and sewer usage calculations, storm drains and their appurtenances, and easements pertinent thereto, and dimensions of gutters, including data on borings and percolation tests made, and method of carrying water to the nearest watercourse or easements for drainage as needed, whether or not within the project boundaries. Plans and profiles required for all drainage and sewer systems proposed.

If surface water drains will discharge onto adjacent existing streets or onto adjacent properties not owned by the applicant, he shall clearly indicate what course the discharge shall take, and shall present to the Board evidence from the Highway Surveyor, the Engineer to the Board or the owner of adjacent property that such discharge is satisfactory and permitted by public or private ownership of adjacent street or property.

p. Drainage design. Approval of a special permit may be denied until the Planning Board is assured that either the proposed project will not result in significant increases in the rate and volume of stormwater runoff over natural or existing conditions or that adequate provisions will be taken to maintain the volume and rate of runoff at its existing level. The objective of this regulation is to maintain the integrity of natural drainage patterns in order to provide adequate stormwater drainage, prevent flooding and avoid alteration of existing stream channels.

1. A drainage plan shall be prepared by a Registered Professional Engineer showing existing and proposed streets, lots, two foot (2') contours, and other pertinent data; the drainage limits and acreage of the area tributary to each storm water inlet and culvert; location and type of inlets proposed; and location, size, length, invert elevations slope of proposed drains and culverts, structural details of inlets, manholes, pipe, headwalls, and all other drainage structures required to complete the plan shall be attached. (The grading plan may be used provided that it includes all the information required here.)
2. Standards for drainage design shall be the same as those required for any subdivision.

q. 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. See Subdivision Rules and Regulations for design standards.

r. Location and species of proposed street trees and location of trees to be retained will be determined in the field by the Highway Surveyor. On the south and west side of streets, deciduous trees only may be planted.

s. Cross sections typical of each street, roadway and sidewalk to be constructed as per the Subdivision Rules and Regulations. Parking lots to be one and one half inch (1 1/2") Type I-1 top bituminous concrete over two and one half inch (2 1/2") Type I-1 binder bituminous concrete over twelve inches (12") of bank run gravel conforming to Massachusetts Highway Spec. M1.03.0 Type b over a suitable sub-base.

- t. In tabular form as follows for each sheet of the project plan as submitted.
 - 1. The total area of the project.
 - 2. The total area of lots included on each sheet.
 - 3. The total of areas dedicated for street purposes, drainage, sewer or utility easements on each sheet.
 - 4. The total of areas reserved for parks, schools, and other public use.
- u. Noted on the plan in a conspicuous place that "The Contractor shall give seven (7) days notice to pertinent Town Departments before commencing work in the field."
- v. A locus map at one inch (1") equals two thousand feet (2000') scale.
- w. Zoning classification of the property and the location of the zoning district lines if the property lies in one or more zoning classifications, or abuts a different zoning district. The required existing and proposed zoning requirements (areas, setbacks, etc.) including parking regulations will be shown in tabular form.
- x. The required buffer zones existing and proposed as determined by the Board.
- y. Site design must be in complete conformance with the Americans with Disabilities Act and the Massachusetts Access Board.

4. Off-Street Parking and Loading Regulations

a. OFF-STREET PARKING AND LOADING REQUIREMENTS

In any district, if a special permit is required, parking and loading spaces shall be provided in accordance with the Table of Off-Street Parking Regulations and the Table of Off-Street Loading Regulations. An existing structure which is enlarged or an existing use which is extended that requires a Special Permit after the effective date of this regulation shall be required to provide parking and loading spaces in accordance with the following tables for the entire structure or use.

b. EXISTING SPACES

Parking or loading spaces being maintained in any district in connection with any existing special permitted use on the effective date of this regulations shall not be decreased so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of the tables of this Section provided; this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables.

c. COMPUTATION OF SPACES

When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction over one-half (1/2) shall require one space.

d. COMBINED FACILITIES

Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, subject to approval by the Building Inspector, where it is evident that such facilities will continue to be available for the several buildings and/or uses.

e. LOCATION OF PARKING SPACES

Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve or when practical difficulties as determined by the Board to prevent their establishment upon the same lot, they shall be established no further than two hundred feet (200') from the premises to which they are appurtenant.

TABLE OF OFF-STREET PARKING REGULATIONS

<u>USES</u>	<u>NUMBER OF PARKING SPACES PER UNIT</u>
1. Single and two-family dwellings and Multi-Family	Two for each dwelling unit.
2. Lodging House	One for each lodging unit.
3. Theater, restaurant, auditorium, church or similar place of public assembly with seating facilities.	One for each three seats of total seating capacity.
4. New and used car sales and automotive service establishment and other retail and service establishment utilizing extensive display areas, either indoor or which are unusually extensive in relation to customer traffic.	One per 1,000 square feet of gross floor space. In the case of outdoor display areas, one for each 1,000 square feet of lot area in such use.
5. Other retail, service, finance, insurance, or real estate establishment.	One per each 300 square feet of gross floor space.
6. Hotel, motel, tourist court	One for each sleeping room plus one for each four seats of total seating capacity of the combined public meeting room and restaurant space.
<u>USES</u>	<u>NUMBER OF PARKING SPACES PER UNIT</u>
7. Wholesale establishment, warehouse or storage establishment	One per each 1,000 square feet of gross floor space.

8.	Manufacturing or industrial establishment	One per each 600 square feet of gross floor space or 0.75 per each employee of the combined employment of the two largest successive shifts, whichever is larger.
9.	Hospital	Two per bed at design capacity.
10.	Nursing Home	One per bed at design capacity.
11.	Business, trade or industrial school or college	One for each 200 square feet of gross floor area in classrooms.
12.	Other School	Two per classroom in an elementary and junior high school; four per classroom in a senior high school, plus space for auditorium or gymnasium, whichever has the larger capacity.
13.	Community facility (Town building, recreation, etc.)	One per each 400 square feet gross floor space.
14.	Dormitory, fraternity, sorority, YMCA or similar use.	One for each sleeping room.
15.	Public Utility	One for each 400 square feet of gross floor are devoted to office use. One for each 800 square feet of gross floor area per other use.
16.	Public Transportation terminal establishment (including platform)	One for each 10 square feet of gross floor area, or one for every two forecasted riders twenty (20) years from the initial proposal whichever is greater.
17.	Mixed Use	Sum of various uses computed separately.
18.	Any use permitted by this regulation not interpreted to be covered by this schedule.	Closest similar use as shall be determined by the Special Permit Granting Authority.

f. **MINIMUM OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

For every building hereafter erected for Retail and Service: wholesale, Transportation and Industrial, and Community Facility use as specified in the Table of Use Regulations as needing a Special Permit the Table of Off-Street Loading Regulations shall apply.

TABLE OF OFF-STREET LOADING REGULATIONS

USE	NUMBER OF LOADING SPACES PER UNIT
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Retail trade, manufacturing and hospital establishment with over 5,000 square feet of floor area

One per 20,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 60,000 square feet or fraction thereof of gross floor area over 40,000 square feet; space used for ambulance receiving at a hospital is not to be used to meet these loading requirements.

Business services, other services, community facility (school, church, town building, recreation, etc.) or public utility establishment with over 5,000 square feet of gross floor area.

One per 75,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 200,000 square feet or fraction thereof of gross floor area over 150,000 square feet.

g. LOCATION OF LOADING SPACES

The Loading spaces required for the uses listed in the Table of Off-Street Loading Requirements shall, in all cases, be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this regulation.

h. PARKING AND LOADING SPACE STANDARDS

All parking and loading areas containing over five spaces, including automotive and drive-in establishments of all types, shall be either contained within structures, or subject to the following:

1. The area shall be effectively screened with suitable plantings or fencing on each side which adjoins or faces the side or rear lot line of a lot situated in any "R" District.
2. The area and access driveways thereto shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices. The location of spaces shall be suitably marked by painted lines or other appropriate markings.
3. A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties, sidewalks and screening materials.
4. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.
5. There shall not be any vehicle repair for profit or gasoline or oil service facilities or any repair made to any motor vehicles, except on a lot occupied by a permitted automotive use. Any gasoline or oil facilities shall be at least 25 feet from any lot line.
6. There shall not be any storage of materials or equipment or display of merchandise within required parking area except as part of approved building operations.
7. Parking spaces shall not be located within 15 feet of any lot line in any District.
8. Parking and loading spaces shall be so arranged as not to permit backing of automobiles onto any street.
9. Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curb line of an intersecting street.
10. Any two driveways leading to or from a street to or from a single lot shall not be within 30 feet of each other at their intersections with the front lot line for an interior lot and 40 feet for a corner lot.

11. Any entrance or exit driveway shall not exceed 24 feet in width at its intersection with the front lot line except for automotive service stations and fire stations, in which cases the widths may be increased to 40 feet.
12. An open air parking space shall be at least 5 feet from any building 15 feet from any lot line.
13. All off-street parking and loading spaces, access ways and maneuvering area shall be laid out so as to provide for adequate drainage, snow removal, maneuverability and curb cuts. A minimum 24 foot aisle width for two lanes is required. Access drives connecting parking areas with the street shall be clearly delineated by the use of curbing; directional signs (if applicable), landscaping or other means and shall be located in a manner which provides motorists with an unobstructed view of approaching traffic.
14. There shall be no paving within fifteen feet (15') feet of any lot line or five (5) feet of any building line, except that paved access ways shall be permitted, and that such access ways shall be generally perpendicular to any lot line. Paving to any building line shall be permitted for off-street loading docks or doors.
15. The layout of the parking area shall allow sufficient space for the storage of plowed snow unless removal by some other means is assured.
16. Parking spaces shall be eighteen feet (18') in length and nine feet (9') wide.

i. HANDICAP ACCESSIBILITY

All parking and loading areas shall conform to the most current Americans with Disabilities Act and Massachusetts Architectural Access Board Rules and Regulations.

5. BUFFER ZONES

- a. A fifteen foot (15') landscaped buffer zone shall be provided along the front lot line and not less than the following along a side or rear lot line;

USE

DEPTH OF REQUIRED SIDE
AND/OR REAR LOT LINE BUFFER

Multi- Family	20'
Business use in a "R", "B", and "G" district	40'
Business use in an "I" district	25'
Industrial use	40'

For all special permits adequate screening will be provided in the side and rear landscaped buffer zones per the satisfaction of the Special Permit Granting Authority.

- b. Earth berms, landscaping or screening shall be provided to control noise and dust, to prevent soil erosion, to provide shade, to screen from public view areas for waste disposal or outdoor storage, and to protect the visual character and natural resources of the town. Earth berms where used should vary in width and height throughout their length in order to achieve topographical relief and to appear to occur naturally.
- c. All land located between the street line and parking areas as required by this regulation shall be provided with attractive and durable landscaped areas consisting of natural vegetation, shrubs, mulches, evergreens and such other vegetation. Such landscaped areas shall be located in a manner which provides unobstructed lines of sight for vehicles entering and exiting the premises.
- d. All outdoor areas used for the storage of wastes, salvage materials, unregistered or disabled motor vehicles, construction equipment or bulk materials, not for sale, shall be screened in a

manner which restricts the view of such areas from public streets and adjacent properties. Such screening shall consist of durable evergreen vegetation or solid fencing of a type suitable to the area as determined by the Special Permit Granting Authority.

- e. Parking areas will be subdivided by medians containing trees and of the landscaping material. One ten foot (10') wide median will be required for every two (2) bays of parking.
- f. All plant material is to be at least five (5) years old.

6. SIGNS

If a Special Permit is required except as shall be exempt under the jurisdiction of the State Billboard Act Chapter 584, Section 4, of the Acts of 1955, and as amended,) and except for signs of less than two square feet (2') in surface area identifying occupancy of a residence, no signs shall be attached, erected or otherwise installed on any property without first obtaining permission granted only in accordance with the following regulations:

- a. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
- b. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- c. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- d. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
- e. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
- f. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

SECTION III. PUBLIC HEARING

A. NOTICE

A public hearing on the Special Permit application shall be held within sixty-five (65) days after the application is submitted. Notice of the hearing shall include:

- 1. The name of the applicant;
- 2. a description of the area or premises including street address, if any, or other adequate identification of the location;
- 3. the date, time, and place of the hearing;
- 4. the subject matter of the hearing;
- 5. the nature of the action requested.

No hearing shall be held on an election, primary or caucus in the Town of Freetown. Notice of such hearing shall be given by publication in a newspaper of general circulation in the Town of Freetown once in each of two (2) successive weeks, the first publication being not less than fourteen (14) days before the day of the hearing, and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the hearing. Notice shall be sent by mail, by the petitioner, postage prepaid, to the abutters, owners of land directly opposite on any public or private street or way, and abutters within three-hundred (300') feet of the property line of the petitioner, and the planning board of every abutting city or town. Proof of notification will be given to the Board at the time of the public hearing.

B. REPRESENTATION AT HEARING

An applicant, or a party in interest, may appear in his own behalf or may be represented by an authorized agent or attorney (by notarized document). In the absence of an appearance on behalf of an applicant, without cause, the Planning Board may deny an application or decide on the basis of available information otherwise received.

SECTION IV. DISPOSITION OF APPLICATION

A. REFERRAL TO OTHER AGENCIES

Copies of the application, together with such information as the Board deems appropriate, shall be submitted by the Planning Board for review and recommendations to the Board of Health, the Building Inspector, the Highway Surveyor, the Chiefs of the Police and Fire Departments, the Conservation Commission, the Town Planner and to such other municipal Boards and Officials as the Board determines within fourteen (14) days of the filing of the application. Failure of any such Board, agency or official to make recommendations within thirty-five (35) days of receipt of such notice shall be deemed lack of opposition.

B. APPROVAL

1. **Time Limit.** Applications for Special Permits shall be approved or disapproved within ninety (90) days after the closing date of the public hearing. If the Planning Board fails to take final action within said time period, the Special Permit shall be deemed granted. The Planning Board's failure to act does not release the applicant from meeting the requirements of the Special Permit regulation. The ninety (90) day time limit may be extended by the Planning Board upon written request of the applicant.
2. **Voting.** The affirmative vote of at least four (4) members of the Board shall be required to authorize a Special Permit. The record shall show the vote of each member or indicate if absent or failing to vote. The Board shall state clearly the reasons for the action, and shall make specific findings required by Chapter 40A of the Massachusetts General Laws and by any other specific local by-laws including:
 1. that the use is in harmony with the general purpose and intent of the specific local by-law;
 2. that the use complies with the provision set forth in the local specific bylaw;
 3. In considering an application under this Section, the Board shall assure, to a degree consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which located:
 - a. Protection of adjoining premises against detrimental and/or offensive uses on the site.
 - b. Convenience and safety to vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, and improvements.
 - c. Adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses permitted or permissible on the site, and the methods of drainage control.
 - d. Adequacy of space for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment.
 - e. Adequacy of lighting such that all lighting and other sources of illumination, whether interior or exterior, and all intense light emanating from operations, or equipment shall be shielded from direct view at normal eye level from adjacent properties.

- f. All signage is not offensive or detrimental to the adjoining perimeter and is keeping with the character of the neighborhood.

C. WITHDRAWAL OF APPLICATION

An application may be withdrawn without prejudice by an applicant by notice in writing to the Clerk of the Board at any time prior to the first publication of the notice of the public hearing. After such public notice withdrawal of an application shall be permitted only by majority vote of the Board. Such a vote shall not constitute unfavorable action. No expenditures by the Board in relation to the application (advertising, etc.) will be returned to the applicant.

D. RECONSIDERATION

No vote of an application may be reconsidered after the meeting has adjourned.

E. CERTIFICATION

The Planning Board shall file a copy of its decision with the Town Clerk. It shall retain a copy of the decision in its own files. A certified copy of the decision shall be mailed to the applicant and owner if other than the applicant.

The Special Permit decision shall contain:

1. name of the owner;
2. an identification of the land affected;
3. a description of how the Special Permit complies with the statutory requirements for issuing the special permit and related findings;
4. certification that copies of the decision have been filed with the Planning Board and the Town Clerk;
5. specification that appeals, if any, shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and shall be filed within 20 days after the date of filing the decision with the Town Clerk.

F. APPEALS

Any person aggrieved by a decision of the Board as Special Permit Granting Authority may appeal such decision as provided in Massachusetts General Laws Chapter 40A Section 17 within twenty (20) days after such decision has been filed in the office of the Town Clerk.

G. RE-APPLICATION

No application which has been unfavorably and finally acted upon by the Board shall be reconsidered for a Special Permit within two (2) years after the date of the said final unfavorable action unless the Board finds by vote of four (4) members, specific and material changes in the conditions upon which the previous unfavorable action was based and such changes are described in the record of the Board's proceedings, and after notice is given to parties in interest of the time and place of the proceedings to reconsider in the same manner as provided for in Section III of these Rules and Regulations.

H. LAPSE OF SPECIAL PERMIT

No Special Permit shall be authorized by the Board without the express condition that it will lapse if substantial use under the permit is not commenced within two (2) years from the date of final action by the Board except for good cause or the final determination of an appeal.

I. EFFECTIVE DATE OF SPECIAL PERMIT

No Special Permit shall take effect until a copy of the decision, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the filing of the decision and no appeal has been filed, is recorded in the Registry of Deeds and indexed under the name of the record owner of the land.

SECTION V. OTHER PROVISIONS

A. PERFORMANCE GUARANTEE

As a condition to a Special Permit, the applicant may be required by the Planning Board to post a bond or provide other safeguards in the form and amount or penal sum acceptable to the Board prior to the expiration of the twenty (20) day appeal period unless the Board shall specify otherwise.

B. SEVERABILITY OF PROVISIONS

The provisions of these Rules and Regulations are severable. If any provision of these Rules and Regulations is held invalid, the other provisions shall not be affected thereby. If the application of these Rules and Regulations, or any of its provisions to any person or circumstances is held invalid the application of these Rules and Regulations and their provisions to other persons and circumstances shall not be affected thereby.

C. WAIVER OF FULL COMPLIANCE

Full compliance with these regulations may be waived by the Board provided such waivers are deemed to serve the public interest and does not conflict with Chapter 40A of the Massachusetts General Laws or the provisions of this regulation. The applicant must submit a request in writing for all waivers at the time of the initial submittal (11 copies).

PLANNING BOARD
TOWN OF FREETOWN, MASSACHUSETTS

FORM SP
APPLICATION FOR SPECIAL PERMIT APPROVAL

To: To the Town Clerk of the Town of Freetown Massachusetts:

The undersigned hereby submits the accompanying Special Permit Application and supporting documents for Special Permit Approval under the Rules and Regulations of the Planning Board adopted thereunder.

1. Applicant: _____ Tel: _____

- Address: _____
2. Attorney: _____ Tel: _____
Address: _____
3. Owner: _____ Tel: _____
Address: _____
4. Designer: _____ Tel: _____
Address: _____
5. Project Location: _____
Address: _____
6. Assessor Map/Parcel No. _____ Zoning District: _____
7. Lot Area: _____
8. Brief Description of Project (use additional pages as added)

9. Deed of Property Recorded in _____ Registry. Book _____ Page _____
Date Acquired _____.
10. Estimated Cost of Construction: _____ Type: _____ new
_____ reconstruction
_____ alteration

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11. Application Fee: _____

Signature of Applicant _____

Signature of Owner _____

Date Received by Town Clerk:

Date Transmitted by Town Clerk:

To: Board of Health, Conservation Commission, Town Planner, Building Inspector, Highway Department, Fire Department, Police Department.

According to the Special Permit Regulations in the Town of Freetown Protective By-Laws, you have the option to examine and to make recommendations on this plan and to submit your report to the Planning Board office on or before _____ (35 days from date of transmittal by the Town Clerk).

Recommendations may be indicated directly on the attached plan.