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AMESBURY CITY CLERK

**SPONSORED BY:** Kassandra Gove **BILL No. 2020-078**  
**Kassandra Gove, Mayor** **REVISED**

**An Ordinance** to adopt Changes to the Procedures for Site Plan Review and Inspection and Enforcement for the City of Amesbury.

**Summary:** Part 2.3.5.c.v of the MS4 General Permit specifies that the permittee develop and *implement “written procedures for site plan review and inspection and enforcement”*.

For the most part, the permit requirement above is currently addressed in Section XI.C of the Amesbury Zoning Bylaw. However, the bylaw should be revised to consolidate the MS4 permit requirements for Construction Site Stormwater Runoff Control (Part 2.3.5) and Stormwater Management in New Development and Redevelopment (Part 2.3.6) into the Amesbury Subdivision Rules and Regulations. This will eliminate the potential for conflicts between the requirements of the Zoning Bylaw and the Subdivision Rules and Regulations.

To some extent, the consolidation of requirements has already been incorporated into the Zoning Bylaw. For example, under Section 8, Development and Performance Standards, there are separate criteria established for stormwater runoff and erosion control under Paragraphs E and F, respectively. At the same time, Paragraph P specifies that *“the design and construction of stormwater management, erosion control plan, drainage, water, and utilities shall comply with Section 7 (Design Standards) and Section 8 (Construction Standards) of the Amesbury Subdivision Rules and Regulations”*.

For ease of reference, the existing text from the Site Plan Review regulations under Section XI.C of the Amesbury Zoning Bylaw are presented below in black text with proposed changes to consolidate the MS4 permit requirements in red italics.

**Be it Ordered by the City Council of the City of Amesbury assembled, and by the authority of the same, as follows:**

**1. INTENT:**

These regulations recognize that certain developments of land, though generally suitable for location in a particular zoning district are, because of their nature, size, complexity or other reasons of probable impact, capable of adversely affecting the stated purposes of this Bylaw, unless careful consideration is given to certain critical design elements. It is the intent of these regulations to provide a mechanism for the review of an applicant's attention to such critical design elements within developments that are subject to review.

**2. PURPOSES:**

- A. To promote highway traffic safety and protect the capability of state and local roads to conduct traffic smoothly and efficiently;
- B. To promote attractive and viable commercial, industrial or multi-family development projects;
- C. To protect the character, aesthetic visual qualities and property values of the City and abutting residential districts;
- D. To discourage unlimited commercial "strip development" and curb cuts along highways, and to encourage commercial growth in nodes and clusters;
- E. To allow for the preservation of open space; and the protection of natural features and environmentally sensitive areas.

**3. APPLICABILITY:**

- A. Site Plan Review shall be required where so indicated in Section V.D. Table of Use Regulations. Further, where a special permit is required an approved Site Plan pursuant to XI.C shall be required as a condition of granting said permit.
- B. An applicant for Site Plan Review shall not be issued a building permit and/or occupancy permit unless in conformance with an approved Site

Plan or unless the Planning Board has authorized changes to an existing Site Plan and/or facility, including change of uses pursuant to Section XI.C.9.

- C. Reviewable Projects for Design Review. All projects submitted to the Planning Board which are either listed as "Site Plan Required" under the Table of Use Regulations, Section V.D., or a sign application, shall be reviewed by the Design Review Committee and shall be subject to the design standards contained within the Site Plan Review (SPR), Section XI.C. and the Sign Bylaw, Section VII. All applicants are encouraged to contact the DRC within a pre-application hearing for SPR.

#### 4. PROCEDURE:

- A. Submittal Requirement: An applicant shall file a Building Permit Application with the Building Inspector/Code Enforcement Administrator. If said official determines that a Site Plan Review or special permit with Site Plan Review is required, the applicant shall submit the appropriate application to the Planning Board.
- B. Pre-application Conference: Prior to submission of an application it is strongly recommended that the applicant confer with the Planning Board to determine the applicability of the information requirements of this subsection and to obtain other information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data. If the applicant decides to forgo the pre-application for Site Plan Review, the information and materials for review as noted in Sections 5 and 6 shall be required. If the applicant schedules a pre-application conference the Planning Board suggests that the information provided by the applicant be designed to assist the Planning Board to understand the scope and impact of the project. Said information may include a conceptual drawing of the proposed project indicating general building design, potential locations of curb cuts, parking areas, signs, wetlands, the location and type of surrounding uses and information regarding environmental access or infrastructure issues relevant to the project.
- C. Application for Site Plan Review:
1. Filing: An application for Site Plan shall be filed by the current owner of record to the Planning Board on the form provided by the Planning Board, along with application fee(s) which shall be set forth in the Planning Board Regulations.

2. Required Submittals: An applicant shall file the Site Plan Review application, required materials for review and other submittals as set forth in the Planning Board regulations with the Planning Board in one (1) original and fourteen (14) copies. The application, Site Plans and all supporting documents shall also be submitted in Portable Document File (PDF) format on Compact Disk (CD).
3. Application Completeness: Upon receipt of an application, the Board shall determine if the application is complete, including information and requirements listed under Sections XI.C.5 and XI.C.6. If it is determined that the application is incomplete, the Board shall take no further action on said application. An application which is determined to be incomplete may be revised and resubmitted at a subsequent meeting of the Board.
4. Circulation to Town Departments and other Boards: Within seven (7) days of receipt of a complete application, the Board shall transmit a copy to the Design Review Committee, Engineering Department, Board of Health, Building Inspector/Code Enforcement Officer, Fire Department, Police Department, Conservation Commission, Town Planner and Town Clerk for comments. The Boards and Departments herein named shall review the application and report their recommendations in writing to the Board no later than twenty-one (21) days after receipt of the application and information required by this subsection.
5. Public Hearing: The Planning Board shall hold a public hearing within sixty-five (65) days of submission of a completed application for which notice has been given as provided in Section X.J.3 of the Bylaw. The decision of the Board shall be made within ninety (90) days of completion of the public hearing, except where the application has submitted a written request for extension of time.
6. Peer Review: The applicant shall be required to pay for reasonable consulting fees to provide peer review of the Site Plan Review application, pursuant to GL chapter 40a Section 53G. Such fees shall be held by the Town of Amesbury in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, civil engineers, landscape and urban designers, traffic engineers and others. Any surplus remaining after the completion of such review, including any interest accrued shall be returned to the applicant forthwith. (2012-032)

## 5. MATERIALS FOR REVIEW:

All Site Plans shall be prepared by a registered architect, landscape architect, or professional engineer who shall sign and date a designer's certificate (Form D) as required by the Town's subdivision regulations and place their seal upon all pertinent documents unless this requirement is waived by the Planning Board because of unusually simple circumstances. All original Site Plans shall be prepared on standard 24" x 36" mylar sheets at a minimum scale of 1" = 40'. Elevations drawings, where required, shall be drawn at a minimum scale of 1" = 8'.

The Planning Board may waive any information requirements it judges to be unnecessary to the review of small scale developments. Said waiver(s) shall be made to the applicant in writing with stated reasons for granting the waiver. The following information shall be included in the Site Plan set:

- A. Parcel Information: The location and boundaries of the lot, adjacent public or private ways, total parcel area, frontage, setback boundaries, required open space and parking, other applicable information from Section VI - Dimensional and Density Regulations, easements affecting the use, access and building layout on the parcel, the location and owners names of all adjacent properties.
- B. Topography and existing land features: Existing and proposed topography including contours (two foot intervals), the location of wetlands, streams, water bodies, aquifers, aquifer recharge areas, marshes, drainage swales, areas subject to flooding, and unique natural land features, including all trees over eight (8) inches in caliper, and the general location of the tree line. Existing walls, fences, culverts, bridges, recreation trails, land- fills, gravel pits and other significant man-made features.
- C. Buildings: Existing and proposed structures, including dimensions, footprint, total gross floor area, number of stories, floor finished elevations and building height(s).
- D. Parking & driveways: The location of parking and loading areas, driveways, access and egress points from existing ways.

- E. Sidewalks, bike paths, and recreation trails: Walkways between building and parking areas, pedestrian access to and from the site to existing sidewalks and bike paths.
- F. Utilities: The locations and description of all existing and proposed septic systems, sanitary sewer water supply, storm drainage systems (including method and calculations for 10 and 100-year storm events), utilities, and refuse and other waste disposal methods.
- G. Grading and stormwater drainage: Limit of work, proposed finished elevations, slopes, stabilization measures, storm water and erosion control structures and features.
- H. Landscaping: Proposed landscape features including the locations and a description of buffer areas, screening, fencing, and plantings. A planting plan shall be prepared by a registered landscape architect, unless a licensed plant nursery person is deemed appropriate by the Planning Board.
- I. Lighting: Existing and proposed lighting, including locations, lighting source, and fixture types. The Planning Board may require photometric analysis of proposed lighting.
- J. Signs: The location, dimensions, height, and characteristics of proposed signs.
- K. Open Space: The location and description of proposed open space or recreation areas.
- L. Traffic Generation: The plan shall describe estimated daily and peak hour vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site.
- M. Building Facades and Floor Plans: Architectural elevations of all sides of all new buildings and of those sides of existing buildings which are proposed to be altered; roof plans and floor plans showing existing and/or proposed uses with floor areas for each use. Elevation drawings should indicate exterior material and colors, size and spacing of windows, doors and other openings. (2012-032)

## **6. ADDITIONAL REVIEW MATERIALS:**

In each case where a new building(s) or a use of more than 15,000 square feet total floor area is proposed, the following information shall be required and submitted along with the information and documents required under paragraph 5. If a project requires review under MEPA and issuance of a Certificate on Environmental Notification Form or Environmental Impact Report, a complete information package as required under the MEPA Certificate on ENF of Draft EIR shall also be submitted to the Board. In all other circumstances related to significant environmental or public safety issues or where the proposed intensity of use requires more detailed review, the Planning Board shall require materials or information in paragraph 6 it deems necessary. If not requested at the time of the pre-application conference this information shall be requested not more than 28 days from the date of submission and will not extend the review period, unless mutually agreed.

- A. Surface and water pollution: A report on the impact of storm water runoff on adjacent and downstream water bodies, subsurface ground water and water tables.
  
- B. Soils: A report on the potential dangers of erosion and sedimentation caused by the operation and maintenance of the proposed development and the mitigation efforts proposed. To this end, high intensity soil mapping, i.e., test borings and analysis, may be required.
  
- C. General environmental impact: A report on the relationship of the proposed development to the major botanical, zoological, geological, and hydrological resources on the site, and compatibility of the proposed development with adjacent or surrounding land uses and neighborhoods. At the discretion of the Planning Board, an EIS required through the MEPA process which addresses the Planning Board's concerns may be substituted in lieu of this report.
  
- D. Traffic impacts: A report on existing traffic volume, composition, peak hour levels, and existing street capabilities, analysis of existing and resulting level of services (LOS) for:
  - 1. The nearest and/or most impacted public roadway intersection.
  - 2. Estimated average daily traffic generation composition, peak hour levels.
  - 3. Directional flows resulting from the proposed development.

4. Proposed methods to mitigate the estimated traffic impact.
5. The methodology and sources used to derive existing data and estimations.

***Further, in an instance where the proposed project will result in an intersection level of service below a rating of LOS D, or result in a roadway volume to capacity rating greater than 1.0; then the applicant shall provide detailed plans (including reconstruction concepts), that when implemented would result in an intersection level of service rating of D or better. The Planning Board may engage a traffic consultant to review said report and make its recommendations to the Planning Board thirty (30) days before final action is required.***

- E. Architectural Drawings: Building elevations, roof plans and other drawings and documentation, architectural elevations of all sides of all new buildings and of those sides of existing buildings which are proposed to be altered in any way. The elevations shall be prepared by a registered architect who shall sign the plan and place his/her seal upon it. The drawings shall be prepared at a minimum scale of 1/8" = 1' and shall show the following:
1. Exterior material and colors.
  2. Type and pitch of roofs.
  3. Size and spacing of windows, doors and other openings.
  4. Size, location, colors, and copy of signs affixed to or hanging from the building.
  5. The relationship in bulk and height of other existing structure in the vicinity.
  6. Renderings (or model may be provided at the option of the applicant).
  7. Cross-sections of the site and buildings.
  8. Product literature on proposed light fixtures.
- F. Legal Documents: Drafts of deeds, easements, agreements and other legal documents, including the following where applicable:

1. Deeds of land to be conveyed to the Town for streets or other public purposes.
2. Deeds of easement and right-of-way.
3. Covenants and any other agreements affecting the use of the site.
4. Articles of incorporation of a landowner's association and the by-laws of the association.
5. Agreements between the applicant and the Town regarding public improvements or other matters.

G. Additional Information: Certification of the following:

1. Any and all actions of the Zoning Board of Appeals relative to the application.
2. Assurances from public utility companies that necessary non-municipal utilities will be installed in accordance with plans submitted with the application.
3. A listing of state and federal permits, licenses, and approvals necessary to include an estimated schedule of application and approval. Final actions of said permits shall be filed with the Planning Board as a matter of record.
4. Copies of permits previously issued by local, state and federal agencies, as applicable. (2012-032)

**7. SITE PLAN REVIEW CRITERIA:**

A. In reviewing and evaluating the Site Plan, and in making a final determination regarding Site Plan approval, the Planning Board shall consider the following criteria:

1. The Site Plan complies with the Development and Performance Standards contained in Subsection 8.
2. The Site Plan minimizes traffic and safety impacts of the proposed development on adjacent highways or roads, and maximizes the convenience and safety of vehicular and pedestrian movement with the site.
3. The proposed development, to the extent feasible:
  - a. Is integrated into the existing landscape;
  - b. Minimizes adverse environmental impacts on such features as wetlands, floodplains, and aquifer recharge areas;
  - c. Minimizes obstruction of scenic views from publicly accessible locations;
  - d. Preserves unique natural or historical features;

- e. Minimizes tree, vegetation and soil removal and grade changes;
  - f. Maximizes open space retention;
  - g. Screens objectionable features from neighboring properties and roadway; and
  - h. Minimizes noise and odors associated with commercial/industrial activities.
4. The architectural design of the proposed development is in harmony with the vernacular architecture of the City.
  5. The proposed development is served with adequate water supply and waste disposal systems and will not place excessive demands on City services and infrastructure.
  6. The Site Plan shows or includes adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sediments, and to prevent changes in groundwater levels, increased run-off and potential for flooding.

## 8. DEVELOPMENT AND PERFORMANCE STANDARDS

In order to receive Site Plan approval, all projects or uses must demonstrate compliance with the development and performance standards of the Amesbury Department of Public Works and the following criteria:

A. Access and Traffic Impacts: Applicants must demonstrate that the project will minimize traffic and safety impacts on City roads.

1. *The number of curb cuts on state and local roads shall be minimized. To the extent feasible, access to businesses shall be provided via one of the following:*
  - a. Access via a common driveway serving adjacent lots or premises.
  - b. Access via an existing side street.
  - c. Access via a cul-de-sac or loop road shared by adjacent lots or premises.
2. One access driveway per development site that is a lot or a combination of several lots, shall be permitted as a matter of right. Except as noted in Section VIII.G.9, and Section VIII.G.20, the Planning Board may, in certain circumstances, allow more than one driveway as part of the Site Plan Approval process.
3. Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 24 feet in width.
4. All driveways shall be designed to afford motorists exiting to highways with safe sight distance.
5. The proposed development shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic.
6. In each case where a new building(s) or new use of more than 3,000 square feet total floor area is proposed, or where any proposed enlargement of a building would result in a building have more than 3,000 square feet total floor area, a traffic impact statement shall be prepared containing the following information:

- a. A detailed assessment of the traffic impacts of the proposed project or use on the carrying capacity of any adjacent highway or road(s) and associated intersection.
  - b. A plan to minimize traffic and safety impacts through such means as physical design and layout concepts, promoting use of public transportation, or other appropriate means.
  - c. An interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.
7. Adequate pedestrian and bicycle access shall be provided as follows:
- a. Sidewalks shall be provided to allow access to adjacent properties and between individual businesses within a development;
  - b. If the property directly abuts a bikeway right-of-way, paved access route to the bikeway shall be provided.
8. The anticipated impacts of a proposed development, and the effects of the proposed mitigation, should be evaluated using standard performance indicators which will include but not be limited to: level-of-service, delay, and volume to capacity ratio, as defined in the Highway Capacity Manual. The adequacy of existing and proposed roadways and intersections should be based on but not limited to: left turn lane guidelines, right turn lane guidelines, traffic signal warrants, and stopping sight distances. The design of all proposed improvements shall take into consideration:
- a. The Manual on Uniform Traffic Control Devices (Federal Highway Administration),
  - b. A Policy on Geometric Design of Highways and Streets (American Association of State Highway and Transportation Officials),
  - c. Massachusetts Department of Transportation rules and procedures,
9. Regardless of project size or traffic generation, measured sight distances at access/egress locations with public ways for all new developments shall, at a minimum, meet Massachusetts Department of Transportation (MassDOT) and American Association of State Highway Transportation Officials (AASHTO) standards for safe stopping sight distance.

10. Adjacent commercial uses shall share access points and provide connections between parcels so as to minimize curb cuts, driveways, and vehicular turning maneuvers, where appropriate.
11. Internal site circulation shall be designed to accommodate the appropriate design vehicle for the project.
12. Roadway access for new development and redevelopment must be consistent with the functional classification of the road.

B. Parking: Proposed projects or uses must comply with Parking and Off-Street Loading requirements in Section VIII and the following standards:

1. To the extent feasible, parking areas shall be located to the side or rear of the structure, and be shared with adjacent businesses.
2. No parking shall be permitted within the required front yard setback.

C. Landscaping:

1. Except for driveways, internal pedestrian walkways, plazas or seating areas, a continuous landscaped buffer, at least ten (10) feet wide, shall be located within the front-yard setback to visually separate parking, loading and other such uses from the public way. Along all parking areas, the buffer strip shall be planted with a year-round vegetative landscape screening forming a solid screen at least 42 inches in height. Except where waived by the Board in instances where a vegetative screen is impractical due to topographical conditions on the site, the Board may approve the use of decorative fencing, shade trees, planting beds, or a combination thereof, where appropriate along the front-yard setback. At all street or driveway intersections, trees, shrubs or other planting shall be set back a sufficient distance from such intersections so that they do not present an obstruction to vehicular sight-lines.
2. A continuous landscaped buffer strip between commercial and industrial districts and any residential districts and/or property lines shall be provided consistent with the following:
  - a. For lots 10,000 square feet or less the buffer shall be ten (10) feet;
  - b. For lots 10,001 to 20,000 square feet the buffer shall be fifteen (15) feet;

- c. For lots over 20,000 square feet the buffer shall be twenty-five (25) feet in width.

In particular circumstances where said criteria may be impractical to apply, given safety, land use, lot shape or historic preservation considerations, the Planning Board may vary the landscape buffer requirements, but in all cases some type of buffer shall be required. The landscape buffer strip shall be measured from the commercial/industrial district line and extend into the commercial/industrial district. The landscape buffer strip shall be of a density to screen ninety percent (90%) of the development in question from view, along the zoning district line in question. Plantings shall be of various approved evergreen species only and shall be planted at an initial height of six (6) feet. Fencing may be allowed in conjunction with plantings. Design and height of said fencing shall be subject to the approval of the Planning Board.

3. Retaining walls shall be allowed as follows:
  - a. Within the front yard setback and along public ways: No more than three (3) feet in height from the finished grade of the abutting public way. Only natural stone or pre-cast concrete landscape forms that are similar to natural stone walls shall be allowed.
  - b. All other areas or if abutting zoned residential districts: No more than six (6) feet in height. Walls abutting public ways but not within the front yard setback shall be terraced every three (3) feet, except as provided in (c) below.
  - c. Only if site conditions require elevation changes of greater than six (6) feet, the Board may allow retaining walls greater than six (6) feet in height towards the rear of the property, provided, i) the retaining walls are terraced at every six (6) feet and ii) landscaped with medium height (no less than 18 inches in height at the time of planting), hardy evergreen shrubs, continuously along the length of the terrace and at each terrace. Terracing will not be required if the top of retaining wall is no more than three (3) feet from the finished grade established along the property frontage.
  - d. Retaining walls shall be natural stone, concrete masonry units, or precast concrete landscape forms that are similar to natural stone walls. Vertical cast in place concrete shall not be permitted.

4. See Section VIII-F.16 for the landscaping requirements of all parking areas containing over 20 parking spaces.
5. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.
6. All landscaped areas shall be properly maintained. Shrubs or trees which die shall be replaced within one growing season.

D. Site Plan and Architectural Design:

1. Where feasible buildings shall be located away from sensitive areas so as to preserve open space and natural scenic views. Where appropriate large continuous buildings shall be avoided and massing of buildings should be broken or staggered to reflect the historic scale of existing buildings.
2. Where feasible parking areas shall be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood. The Planning Board may require alternative studies of parking lot layouts.
3. Building design shall be compatible with the vernacular structure, historic character, and scale of buildings in its surrounding neighborhood. This shall be accomplished through the use of appropriate building materials, screening, breaks in roof lines, roof forms, wall lines.
4. All proposed projects or uses requiring site plan review shall be reviewed by the Design Review Committee according to the guidelines established in the "*Amesbury Design Guidelines*" manual available at the Building Inspector's Office and Planning Board.
5. All proposed projects or uses within an Historic District shall require a Certificate of Appropriateness from the Historical Commission.
6. Rooftop mechanical equipment shall be screened from view by roof forms or other appropriate screening devices.

E. Stormwater Runoff: *The management and control of flow and pollutant loads from stormwater runoff discharges shall comply with the requirements of Section 7 (Design Standards) and Section 8 (Construction Standards) of the Amesbury Subdivision Rules and Regulations.*

- ~~1. The rate of surface water run-off from the site shall not be increased after construction. If needed to meet this requirement and maximize groundwater recharge, increased run-off from impervious surfaces shall be recharged on site by being diverted to vegetated surfaces for infiltration or through the use of retention ponds. Dry wells shall be used only where other methods are unfeasible and shall require oil, grease, and sediment traps to facilitate removal of contaminants.~~
- ~~2. Neighboring properties shall not be adversely affected by flooding from excessive run-off.~~

F. Erosion Control: *The development and implementation of a sediment and erosion control plan shall comply with the requirements of Section 6 (Definitive Subdivision Plans) and Section 8 (Construction Standards) of the Amesbury Subdivision Rules and Regulations. The following criteria shall be used to evaluate plans and control mechanisms used to minimize erosion of soil and sedimentation of streams and water bodies shall be minimized using the following erosion practices:*

- ~~1.~~ Exposed or disturbed areas due to stripping of vegetation, soil removal, and regarding shall be permanently stabilized within six months of occupancy of a structure.
- ~~2.~~ During construction, temporary vegetation and/or mulching shall be used to protect exposed area from erosion. Until a disturbed area is permanently stabilized, sediment in run-off water shall be trapped by using staked hay bales or sedimentation straps.
- ~~3.~~ Permanent erosion control and vegetative measures shall be in accordance with the erosion/ sedimentation/vegetative practices recommended by the Soil Conservation Service.
- ~~4.~~ All slopes exceeding 15% resulting from site grading shall be either covered with 4 inches of topsoil and planted with a vegetative cover sufficient to prevent erosion or to be stabilized by a retaining wall.

5. Dust control shall be used during grading operations if the grading is to occur within 200 feet of an occupied residence or place of business. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water.
- G. Water Quality: Groundwater recharge shall be maximized and groundwater quality shall be protected. Various techniques may be required to maximize recharge, such as perforated drain pipes, reduction of paved areas, reduction of building coverage; or to improve water quality, such as installing grease traps, or gas/oil separators. Where the groundwater elevation is close to the surface extra site grading precautions may be taken to maintain the protective function of the overburden.
- H. Hazardous Materials and Explosive Materials: The storage, use, transportation, and removal of all hazardous materials and explosive materials shall be consistent with the requirements specified by the Amesbury Fire Department plus all relevant state and federal regulations.
- I. Lighting:
1. The goal of exterior lighting shall be to make development feel safe and identify and accent key elements in the project's design.
  2. The maximum height of outdoor lighting luminaries on poles shall not exceed ten (10) feet in pedestrian areas and sixteen (16) feet in all other areas, such height being the vertical distance from the finished grade directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire. Light poles shall be no greater in height than four times the distance to the property line. Luminaries used for roadway lighting, parking lots and for exterior building illumination shall be Dark Sky Certified or Compliant and designed to provide the minimum illumination recommended by the IESNA in the most current edition of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.
  3. Light fixtures shall be located no closer to the property line than four times the mounting height of the fixture. Light levels at the property line shall not exceed 0.1 footcandles (fc) adjacent to non-residential properties and 0.05 fc at residential property boundaries. Lumen cap for projects in residentially zoned districts, C and CBD zoning districts shall not exceed 10,000 per acre and for all other zoning districts shall not exceed 25,000 per acre. The pole heights shall determine the overall spacing of the poles.

4. Lighting poles and structures should be appropriately scaled and styled for the project. Lamp type should be metal halide to provide a natural uniform quality of light. Parking and pedestrian light fixtures should be compatible with the building lighting to provide for a contiguous appearance of the project.
5. Whenever practicable, outdoor lighting installation shall include times, dimmers, and /or motion sensors to reduce overall energy consumption and eliminate unneeded lighting, particularly after 11 p.m.
6. A photometric analysis of site lighting shall be prepared by a registered engineer or a lighting consultant as per requirements of the Amesbury Subdivision Rules and Regulations, as amended.

J. Environmental Performance Standards:

1. Emissions shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance, hazard, or other disturbance from being perceptible (without the use of instruments) at any lot line of the premises on which the use is located.
2. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against fire and explosion and adequate fire-fighting and fire suppression devices and equipment.
3. No activities that emit dangerous radioactivity at any point; no electrical disturbance adversely affecting the operation of any point, or any equipment other than that operation at any point, or any equipment other than that of the creator of such disturbance shall be permitted.
4. No emission of visible smoke of a shade darker than No 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines shall be permitted.
5. No emission which can cause any damage to health of animals or vegetation or which can cause excessive soiling at any point, or in no event any emission of any solid or liquid particles in concentration exceeding 0.3 grains per cubic foot of conveying gas or air shall be permitted.

6. No discharge, at any point, into a private sewerage system, stream, the ground, or a municipal sewerage disposal system of any material in such a way, or of such a nature or temperature as can contaminate any running stream, water supply, or otherwise cause the emission of dangerous or objectionable elements and accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.
7. No vibration which is discernible to the human sense of feeling for three (3) minutes or more in any hour between 7:00 A.M. and 7:00 P.M. or for thirty (30) seconds or more in any hour between 7:00 P.M. to 7:00 A.M. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1 gram shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U. S. Bureau of Mines Bulletin N.442.
8. No emission or odorous gases or odoriferous matter in such quantities as to be offensive shall be permitted. Any process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001202 per thousand cubic feet of hydrogen sulfide or any "odor threshold" as defined in Table III in Chapter 5 of Air Pollution Abatement Manual, copyright 1951, by Manufacturing Chemists Association, Inc., of Washington, D. C. shall be permitted.
9. No direct or sky-reflected glare, whether from floodlights, or from high temperature processes such as welding shall be permitted.

K. Noise:

1. Excessive noise at unreasonable hours shall be muffled so as not to be objectionable due to volume, frequency, shrillness, or intermittence.
2. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any use or activity shall not exceed the following limits at the property line or district line. whichever is more restrictive of the source:

Frequency Band (Cycles Per Second)	Sound Pressure Level (Decibel re.0.002 dyne/CM)
20 – 75	65
75 – 100	54

150 – 300	47
300 – 600	41
600 – 1200	37
1200 – 2400	34
2400 – 4800	31
4800 – 10000	28

If this sound is not smooth and continuous, the following corrections should be added to each of the actual decibel levels given:

a. Daytime Operation Only: +5

b. Noise source operations less than 20% of any hour period: +5

Note: Only one (1) of above corrections may be applied.

Sound pressure level shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface. Noises shall be measured with a sound level meter meeting the standards of the American Standards Institute, ANSI SI.4-1961 "American Standard Specification for General Purpose Sound Level Meters." The interment shall be set to the A-weight response scale. Measurements shall be conducted in accordance with ANSI SI.2-1962 "American Standard Meter for the Physical Measurements of Sound."

3. Sound levels specified shall not be exceeded for more than 15 minutes in any one day, except for temporary construction or maintenance work, agricultural activity, timer harvesting, traffic, church bells, emergency warning device, parades, or other similar special circumstances.
4. No person shall engage in or cause very loud construction activities on a site abutting residential use between the hours of 9 P.M. of one day and 7 AM. of the following day.

L. Wetlands: When wetlands replacement or mitigation is required, a plan and description of proposed measures shall be prepared by a biologist or wetlands scientist.

M. Utilities:

1. Electric, telephone, cable TV and other such utilities shall be underground from existing roadway utilities.

2. The applicant must demonstrate that the proposed development will not overburden public sewer, water, and other service systems. If sewerage is to be treated on site, the applicant shall submit plans and specifications for said treatment system and shall demonstrate that the system will not negatively impact adjacent properties or aquifer recharge areas.

N. Roadways and Sidewalks:

1. All roadways and sidewalk construction within the site shall comply with Section 7 (Design Standards) and Section 8 (Construction Standards) of the Amesbury Subdivision Rules and Regulations.
2. All off-site construction on state roadways shall comply with the Department of Massachusetts Highway standards, specifications, or special conditions as applicable.

O. Marina or Docking Facilities: For marina or docking facilities the Site Plan criteria shall include the following additional information:

1. A plan of the proposed facility and the location of all boats.
2. A parking plan for the related off-street parking.
3. A plan indicating the shore frontage to be used and any alterations required.
4. Any other docking or mooring facility existing or planned with 75 feet of the outermost edge of the proposed facility.
5. The water storage location of any docks, floats, boats and associated equipment.

P. Specific Design and Construction Standards: The design and construction of stormwater management, erosion control plan, drainage, water and utilities shall comply with Section 7 (Design Standards) and Section 8 (Construction Standards) of the Amesbury Subdivision Rules and Regulations as amended. Low Impact Development strategies for managing stormwater shall be in accordance with standards promulgated by Massachusetts Department of Environmental Protection and any design manuals produced by the Amesbury Department of Public Works. (2009-060)

## 9. MODIFICATION TO THE SITE PLAN

Before approval of a Site Plan, the Planning Board may require the applicant to make modification in the proposed design of the project to ensure that the above criteria are met. Where existing buildings, including non-conforming buildings or uses are being enlarged or altered, an applicant may apply to make changes to the project as allowed below:

### A. Minor Change:

1. An applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, expansion or alteration of uses in the existing facility. Such minor changes must be submitted to the Board shown on an existing conditions or approved plan, reflecting the proposed change, and on application forms provided by the Board. The Board may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Board shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the City Clerk;
2. No building permit and/or occupancy permit shall be issued in any case where a building is to be erected or externally enlarged, except if such addition and/or structure is permitted by right and is under 1,000 square feet gross area and does not abut a residential use. If said building abuts a residential use, the exemption shall be reduced to 500 square feet. No parking, loading, or vehicular service requiring an addition of more than five (5) off-street spaces shall be permitted without an approved Site Plan endorsed by the Planning Board.

- B. Major Change: Those changes deemed by the Board to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the Planning Board as a new application for Site Plan Approval pursuant to the provisions of Section XI.C.

## 10. FINAL ACTION ON SITE PLAN REVIEW

- A. The Planning Board shall determine that the following conditions have been fulfilled and shall make recommendations in writing to the Building Inspector or Code Enforcement Officer after considering the following matters:
1. The proposed project is consistent with the purposes set out in paragraph 2.
  2. The proposed project has been reviewed and approved by the Planning Board as to its design and architectural consistency regarding, among other things, the architectural value and significance of the site, building or structure, the general design, arrangement and texture, materials and color of the features involved and the relation to each feature to similar features of building and structures in the surrounding area.
  3. In the case of new construction or additions to existing buildings or structures, the Planning Board shall consider the appropriateness of the size and shape of the buildings or structures both in relation to the land area upon which the building or structure is situated and to the buildings and structures in the vicinity.
  4. The protection and enhancement of important existing site features.
  5. Protection of adjoining premises against detrimental uses by provision of surface water drainage, sound and sight buffers and preservation of views, light and air.
  6. Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic and to adjacent streets.
  7. Adequacy of the arrangement of parking and loading spaces.
  8. Adequacy of the methods of disposal of refuse and other wastes.
  9. Relationship of structure and open space to the natural landscape and existing buildings.
  10. Prevention of pollution of surface and groundwater, soil erosion, increased run-off and flooding.

11. The Planning Board may require dimensional and setback requirements in addition to those required by this Bylaw, in order to address the intent and purposes of Site Plan Review if said additional setbacks do not alter the allowed use, diminish the permitted intensity of use, or cause the applicant to seek additional forms of regulatory relief. The Planning Board shall not consider interior arrangement or architectural features not subject to public view.

B. The Planning Board's final action on Site Plan Review shall consist of either:

1. Approval based on a determination that the proposed project will constitute a suitable development and is in compliance with the criteria and design performance standards set forth in this Bylaw.

2. Approval subject to any Site Plan and design performance conditions, modification and restrictions the Planning Board may deem necessary to ensure the health, safety, and welfare of the community.

3. A written denial of the application for the reasons of an incomplete application.

4. Applicants receiving a denial shall be permitted to resubmit the Site Plan at their discretion.

C. Performance Guarantee

1. The Planning Board may require that the applicant file with the Board, as a condition of approval, a bond or other such surety acceptable, in form and amount, to the Planning Board. This surety is to cover costs of construction such as streets, utilities and other site improvements but not limited to erosion control measures and off-site environmental impacts, which left incomplete or improperly constructed, present a public health and safety hazard or nuisance. Further, a performance agreement between the applicant and the City will specify the manner in which the on or off-site improvements will be completed and the specific manner in which the surety will be released.

2. Release of Performance Guarantee: Upon completion of all or a portion of the improvements required by a performance agreement entered under Section XI.10.c.1 of the Bylaw, the applicant may request either partial or full release of his/her bond or other such surety as has been posted by

applicant pursuant to Section XI.10.c.1 by sending a statement of completion and request for release by registered mail to the Planning Board and to the City Clerk. If the Planning Board determines that said construction has been completed, it shall release the interest of the City in such bond or other security and return it to the person who furnished it.

3. Refusal of Release: If the Planning Board determines that said site improvements have not been either fully or adequately completed, it shall specify in a notice sent by registered mail to the applicant and to the City Clerk the details wherein said site improvements fail to comply with the requirements of these Zoning Bylaws.

## 11. ***INSPECTIONS AND ENFORCEMENT***

*The Planning Board or its authorized agent shall conduct site inspections and enforce this Bylaw and its regulations as specified in Section 8.02 of the Amesbury Subdivision Rules and Regulations. In addition, the Board shall require the following:*

~~A. \_\_\_\_\_ Prior to the start of construction an inspection fee shall be submitted in accordance with the schedule established by the Planning Board.~~

A. Record plans stamped by a professional engineer shall be submitted to the Building Inspector and the Planning Board. Said plans shall be accompanied with a letter certifying that what was constructed is consistent with approved plans and conditions set forth by the Planning Board as part of Site Plan Review.

B. Prior to the granting of an Occupancy Permit, the Planning Board shall certify to the Building Inspector or Code Enforcement Officer that the project has been constructed in accordance with the criteria and design and performance standards herein and that all conditions have been met. ~~To facilitate Planning Board review, the developer shall be required to complete and submit to the Planning Board Form O of the Subdivision Rules and Regulations, as applicable.~~

~~B. \_\_\_\_\_ The Planning Board may require the developer to submit all drawings and plans in computer assisted design (CAD) formats. Specific file format shall be .DXF unless otherwise allowed.~~



# Amesbury

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## MEMORANDUM

DATE: July 13<sup>th</sup>, 2020  
TO: President, City Council  
SUBJECT: **Ordinance 2020-078**

The Planning Board held a duly posted public hearing on June 29<sup>th</sup>, 2020 on the proposed zoning amendments pursuant to Ordinance 2020-078.

The Ordinance indicates that the proposed amendments are to the provisions of Section XI.C – Site Plan Review. The entire Section XI.C has been included in the Ordinance. It states that the existing text is in black and the amendments are shown in red italics. There is no text in red but there are specific sections that are in italics and/or have been struck. There is also some text that is in italics and bold. The Ordinance as written did not call out specific sections that are intended to be amended.

The Planning Director on the request of the Board sought clarification from the Department of Public Works on the changes to Section XI.C to ensure that the relevant sections can be identified and listed in the public hearing notice as well as discussed appropriately by the Board.

The Board's Legislative Sub-committee conducted a review of said Ordinance. The Board then discussed their findings at its duly posted public hearing on 6/29/2020.

The Board's action and recommendations are stated in the attached document dated 7/6/2020. The document has been prepared to list the actual amendments to the Section XI.C and to ensure that the legislative record on the zoning amendments and the changes adopted pursuant to Ordinance 2020-078 is accurate.

Sincerely,

Nipun Jain  
Attached: Recommendations dated 7/6/2020

## **OCED - Planning Division**

### **Introduction:**

Amesbury falls under the National Pollutant Discharge Elimination System (NPDES) for Small Municipal Separate Storm Sewer Systems (MS4). This is the second permit round (2016) the first beginning in 2003. The Department of Public Works (DPW) has indicated that as part of this permit and in order to comply with the EPA, several regulatory changes are required to ordinances in the City. The amendments to the Amesbury Zoning Bylaw are described in the specific amendments being proposed pursuant to 2020-078.

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**Pursuant to Ordinance 2020-078, the Amesbury Zoning Bylaw is amended as follows:**

Note: The amendment to the specific provision is shown in the first text box. This is followed by the Planning Board recommendation. Lastly, the amended language is shown, **as recommended for adoption by the Board.**

The following provisions of the Amesbury Zoning Bylaw, **Section XI.C – Site Plan Review** are amended as indicated below:

- I. **Amend Section XI.C.8.E (Stormwater Runoff) by adding introductory statement after ‘Stormwater Runoff’ and striking XI.C.8.E.1 and XI.C.8.E.2**

**Planning Board recommendation:** Accept the proposed amendment as submitted. The Board finds that the additional changes made to the stormwater runoff provisions in the Subdivision Rules and Regulations provide a more appropriate regulatory framework to evaluate management plans for stormwater runoff associated with development projects.

- E. **Stormwater Runoff: The management and control of flow and pollutant loads from stormwater runoff discharges shall comply with the requirements of Section 7 (Design Standards) and Section 8 (Construction Standards) of the Amesbury Subdivision Rules and Regulations.**
- ~~1. The rate of surface water run-off from the site shall not be increased after construction. If needed to meet this requirement and maximize groundwater recharge, increased run-off from impervious surfaces shall be recharged on site by being diverted to vegetated surfaces for infiltration or through the use of retention ponds. Dry wells shall be used only where other methods are unfeasible and shall require oil, grease, and sediment traps to facilitate removal of contaminants.~~
  - ~~2. Neighboring properties shall not be adversely affected by flooding from excessive run-off.~~

**II. Amend Section XI.C.8.F (Erosion Control) by adding introductory statement after 'Erosion Control' and striking XI.C.8.E.1 and XI.C.8.E.2**

**Planning Board recommendation:** Revise the proposed amendment to add the proposed sentence and retain the existing the sentence in the introductory statement, revising it as shown below. Also, **DO NOT** strike the existing numbered provisions, XI.C.8.F.1 through XI.C.8.F.5. The Board finds that these existing provisions are different from the standards in the Subdivision Rules and Regulations being referenced in the amendment. The existing provisions provide the necessary evaluation criteria for plans designed using the standards from Subdivision Rules and Regulations.

- F. ***Erosion Control: The development and implementation of a sediment and erosion control plan shall comply with the requirements of Section 6 (Definitive Subdivision Plans) and Section 8 (Construction Standards) of the Amesbury Subdivision Rules and Regulations.***

***The following criteria shall be used to evaluate plans and control mechanisms used to minimize E-erosion of soil and sedimentation of streams and water bodies-shall be minimized using the following erosion practices:***

1. Exposed or disturbed areas due to stripping of vegetation, soil removal, and re-gardening shall be permanently stabilized within six months of occupancy of a structure.
2. During construction, temporary vegetation and/or mulching shall be used to protect exposed area from erosion. Until a disturbed area is permanently stabilized, sediment in run-off water shall be trapped by using staked hay bales or sedimentation straps.
3. Permanent erosion control and vegetative measures shall be in accordance with the erosion/ sedimentation/vegetative practices recommended by the Soil Conservation Service.
4. All slopes exceeding 15% resulting from site grading shall be either covered with 4 inches of topsoil and planted with a vegetative cover sufficient to prevent erosion or to be stabilized by a retaining wall.
5. Dust control shall be used during grading operations if the grading is to occur within 200 feet of an occupied residence or place of business. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water.

**III. Amend Section XI.C.11 (Enforcement) by adding 'INSPECTIONS AND' before Enforcement and add introductory statement after sub-section title and striking XI.C.11.A through XI.C.11.D.**

**Planning Board recommendation:** The Subdivision Rules and Regulations, established under MGL, Chapter 41T – Chapter 41-Q, allow oversight on the construction of right of ways and associated infrastructure improvements. They have limited ability to oversee improvements on individual lots and/or parcels other than that relate to subdivision performance standards such as site stabilization and drainage. On the other hand, the zoning regulations, established under Chapter 40A allow the review and oversight of all the improvements and uses ON the lot and/or parcels that is not typically covered under Subdivision Rules and Regulations. It is possible to use performance standards/engineering standards from those set of regulations but administering/enforcement of project requirements would have to be pursuant to provisions of Chapter 40A and therefore need to be spelled out in the Zoning Bylaw for them to be effective. Thus, it is important to retain the current language under Section XI.C.11 to a large degree.

Revise the proposed amendment as follows –

- i. Add a second sentence after the proposed introductory statement *In addition, the Board shall require the following:*
- ii. XI.C.11.A - Accept the proposed deletion;
- iii. XI.C.11.B - DO NOT accept the proposed deletion;
- iv. XI.C.11.C - DO NOT accept the proposed deletion of the first sentence. Accept the deletion of the second sentence;
- v. XI.C.11.D - Accept the proposed deletion;

**11. *INSPECTIONS AND ENFORCEMENT***

***The Planning Board or its authorized agent shall conduct site inspections and enforce this Bylaw and its regulations as specified in Section 8.02 of the Amesbury Subdivision Rules and Regulations. In addition, the Board shall require the following:***

- ~~A. Prior to the start of construction an inspection fee shall be submitted in accordance with the schedule established by the Planning Board.~~
- B. Record plans stamped by a professional engineer shall be submitted to the Building Inspector and the Planning Board. Said plans shall be accompanied with a letter certifying that what was constructed is consistent with approved plans and conditions set forth by the Planning Board as part of Site Plan Review.
- C. Prior to the granting of an Occupancy Permit, the Planning Board shall certify to the Building Inspector or Code Enforcement Officer that the project has been constructed in accordance with the criteria and design and performance standards herein and that all conditions have been met. ~~To facilitate Planning Board review, the developer shall be required to complete and submit to the Planning Board Form O of the Subdivision Rules and Regulations, as applicable.~~
- ~~D. The Planning Board may require the developer to submit all drawings and plans in computer assisted design (CAD) formats. Specific file format shall be .DXF unless otherwise allowed.~~

