

TOWN OF ASHBY

PLANNING BOARD

RULES AND REGULATIONS

FOR

SITE PLAN APPROVAL

ADOPTED: July 8, 2015

\$20.00

SECTION 1

GENERAL PROVISIONS

1.1. Purposes and Intent

Developments of commercial, industrial, institutional, mixed use or multi-family uses, together with their associated outdoor areas for vehicular movement and parking, accommodate varying degrees of use by the general public. Due to their physical and operational characteristics, these developments may affect neighboring properties and adjacent sidewalks and streets, as well as the scenic and rural character of the Town of Ashby.

It is in the Town of Ashby's interest to promote functional and aesthetic design, construction, and maintenance of such developments and to minimize any harmful effects on surrounding areas. The intent of Site Plan Approval is to regulate uses through reasonable conditions that may be required by the Planning Board concerning design and location of buildings, signs, open space, landscaping, parking areas, access and egress, drainage, stormwater management, sewage, water supply and fire safety.

1.2 Authority

These Site Plan Rules and Regulations are adopted by the Ashby Planning Board as authorized by the Ashby Zoning Bylaw as amended.

1.3 Definitions

In these Rules the following terms shall have the following meanings:

1.3.1 **Applicant:** Any person or such person's authorized representative who files an Application for a Site Plan Approval under the Bylaw.

1.3.2 **Application:** All Plans, Forms, Reports, Studies or other documents which are submitted to the Board under these Rules by an Applicant.

1.3.3 **Bylaw:** The Zoning Bylaw of the Town of Ashby, as amended.

1.3.4 **Parties in Interest:** The Applicant; abutters; owners of land directly opposite on any private or public street or way; and abutters to the abutters within three hundred feet of the property line of the Applicant as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town; the Ashby Planning Board; and the Planning Board of every abutting city or town in the Commonwealth.

1.3.5 **Rules:** The Site Plan Rules and Regulations (hereinafter the Rules) as presented herein and subsequently modified hereafter.

1.3.6 **Site Plan:** Plans and supplementary information as described in these Rules.

1.3.7 **Planning Board:** Ashby Planning Board

1.3.8 **Subdivision Rules and Regulations:** The Rules and Regulations Governing the Subdivision of Land in Ashby as amended and then in effect.

1.3.9 **The Zoning Act:** Massachusetts General Laws, Chapter 40A, as amended.

1.3.10 **Town:** the Town of Ashby.

1.4 Applicability

Any person or entity proposing a project meeting the requirements of section 4.5 or any other section of the Zoning Bylaw requiring Site Plan Approval, shall comply with the provisions of these Rules.

1.5 Waiver of Rules

1.5.1 Waiver from Compliance – Strict compliance with these Rules may be waived when, in the opinion of the Planning Board, such waiver would substantially serve the intent of the Zoning Bylaw and provide adequate information to the Planning Board and the public regarding the proposed project.

1.5.2 Request for Waiver from Rules – If a waiver to a filing requirement is being requested, a written request for such waiver shall be made at the time of filing. If an oral request is made at a hearing or meeting, it shall be reduced to and submitted as a written request by the Applicant. Any request from an Applicant for a waiver from these Rules must be submitted, in writing, to the Planning Board prior to the close of the public hearing. Any request for a waiver from these Rules must clearly identify the provision or provisions of these Rules from which relief is sought and such request must be accompanied by a statement setting forth the reason or reasons why, in the Applicant’s opinion, the granting of such a waiver would be in the public interest and consistent with the intent and purpose of the Bylaw and these Rules.

1.5.3 Denial of Waiver Request – If a requested waiver is not granted, the time for the submission of the required material or information shall be set by the Planning Board and said material or information shall be received prior to the close of the public hearing. If an extension of the time for conducting the public hearing or rendering a decision is necessary for consideration of this additional material or information, and such extension is not granted by the Applicant upon request of the Planning Board, such refusal may be grounds for denial of the Application.

1.6 Provision of Security

The Planning Board may require that security be posted with the Town in such form and amount as is required by the Planning Board to secure the satisfactory completion of all or any part of the work authorized by or required under the Site Plan Approval. The form of security shall be generally as allowed in the Subdivision Rules and Regulations.

1.7 Amendments to the Rules

The Rules may be amended by a majority vote of the Planning Board after a public meeting at which such amendment has been discussed.

1.8 Effective Date of the Rules

These Rules, or any amendment thereto, shall become effective upon vote of the Planning Board following a public hearing and the filing of the same with the Town Clerk.

SECTION 2

PRELIMINARY REVIEW

2.1 Preliminary Consultations

Consultations between an Applicant and the Planning Board prior to the filing of an Application with the Planning Board are recommended and can prevent delays in the processing of the final Application.

2.2 Form of Request

At least three (3) copies and one (1) electronic version (PDF preferred) of all application materials to be reviewed shall be provided to the Planning Board along with a letter requesting such a review and including the name, address, and phone number of a person who may be contacted concerning the review. All materials must be submitted at least three (3) weeks prior to the public hearing for the proposal. All correspondence and communication must be sent through the Planning Board.

2.3 Scope of Planning Board Reviews

The Planning Board will review preliminary materials in an attempt to avoid unnecessary technical deficiencies in the Application to be filed and to promote efficiency in the formal review and hearing process. The Planning Board will not be responsible for assuring the accuracy, correctness or thoroughness of any Application submitted for review. It is the responsibility of the Applicant to assure that any Application to the Planning Board is thorough, complete and accurate. An incomplete Application that is not promptly corrected may result in a denial of such Application.

2.4 Preliminary Review Fees

The first such preliminary review by the Planning Board shall be free of charge. Subsequent preliminary reviews shall require payment of a fee by the Applicant of \$100.00 each at the time of submission. The fee shall be submitted in check form and made payable to "Town of Ashby". The Planning Board may require as part of the preliminary review process that the Applicant shall deposit fees for reviews by consultants pursuant to M.G.L. Ch. 44 S. 53G as set forth below.

SECTION 3

FILING REQUIREMENTS

3.1 Who May File

A complete Application for Site Plan Approval shall be made in writing on a form entitled "Application for Site Plan Approval". Such form is available at the offices of the Planning Board and Town Clerk. In the case where the Applicant is a person other than the record owner of the property, the Applicant shall be required to submit as part of the Application for Site Plan Approval written certification executed by the record owner of the property that the Application is submitted with the knowledge and consent of the record owner.

All information required by any form as part of an Application for Site Plan Approval shall be furnished by the Applicant in the manner prescribed in these Rules and by such form unless a waiver is requested and granted as set forth above.

3.2 Submission of an Application - The Application shall be submitted to the Planning Board or the Office of the Ashby Town Clerk during posted business hours. The Applicant may request and shall be entitled to a written receipt for the materials submitted. All materials should be submitted to the Planning Board or Office of the Ashby Town Clerk at least three (3) weeks prior to the desired date of the Public Hearing for the proposal. The date of filing shall be considered the date upon which the Application or notice thereof has been delivered to or received by the Ashby Town Clerk as required in these Rules.

3.3 Notice To Town Clerk - Should the Applicant submit the Application to the Planning Board, the Applicant shall, in accordance with the Zoning Act, promptly and without delay notify the Ashby Town Clerk of the submission of such Application.

3.3.1 Number of Copies of Application – Three (3) standard size copies, no larger than 30” X 42”, of the Application (including plan sheets) shall be required at the time of submission of an Application.

3.3.2 Electronic Copy of Site Plan –Applicants shall also submit their application and site plan as an electronic document(s), preferably a PDF, which the Planning Board will then distribute to reviewing boards and town officials equipped to review such electronic documents.

3.4 Filing Fee

Any Application for Site Plan Approval shall include a fee to cover the expenses incurred by the Town in reviewing the Application, excluding the cost of plan review by a consulting engineer for the Town which shall be billed separately. The fee is not refundable. The fee shall be submitted in check form and made payable to “Town of Ashby”. The amount of the fee shall be \$500.00 for an Application to construct, renovate or alter any structure or structures larger than 10,000 gross square feet in aggregate, and \$250.00 for all other Applications.

3.4.1 Additional Review Fee Deposits – So that the Planning Board may make the findings required under the Bylaw and these Rules, and insure that the public safety will be protected, the Planning Board may hire outside traffic, engineering, landscape architectural, technical, legal or planning consultants to review an Application. To cover the cost of these reviews a review fee deposit may also be required of an Applicant at the time of submission or at any appropriate time in the review process. As the scope of the study and review will vary according to the size of a particular project, the Applicant is hereby strongly advised to consult the Planning Board concerning the scope and cost of any such studies during the preliminary review. Failure to do so could result in serious delays in the processing of an Application.

The amount of the fee deposit will reflect the anticipated consultant fees plus 10%. Note that some projects may require additional fees to cover further study if significant impacts or problems are found in the initial review. Any amount of the deposits remaining after the issuance of building permits for the proposed construction plus any remaining accrued interest will be repaid to the Applicant or the Applicant’s successor in interest. The Planning Board will make the choice of the consultant(s).

3.4.2 Appeal from the Selection of the Consultants – The Applicant may appeal the selection of an outside review consultant to the Board of Selectmen. If no decision is made by the Board of Selectmen within thirty days following the filing of an appeal, the selection of the Planning Board stands. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The Applicant must specify the specific grounds which the Applicant claims constitute a conflict of interest or a failure to meet minimum professional requirements.

3.4.3 Continuations – Either party can request a continuation of the public hearing in writing.

3.4.4 **Amendments** – Applications for amendment to Site Plan Approval shall require the filing of a new Application for such purpose.

3.4.5 **Legal Notices** – The Applicant shall submit a copy of the Notice of Public Hearing utilized by the Applicant in publication of the Public Hearing notice.

SECTION 4

CONTENTS OF AN APPLICATION

4.0 Site Plan Submission Requirements

A Site Plan Review application package shall include the following materials unless the Planning Board agrees in writing, prior to submittal, to waive any materials not relevant to a proposed development.

4.1 A narrative describing:

- a. the nature and location of the project and the site, including a legal description of the property; complete dimensions and area;
- b. the zoning classification(s) that apply to the property and the proposed use;
- c. assessor's map and lot numbers;
- d. the proposed building or addition size with a breakdown of proposed use(s);
- e. calculation of existing and proposed lot coverage;
- f. estimated cost of all site improvements;
- g. projected public water demand, if any;
- h. projected impact on town services including the Fire Department, Police Department, Highway Department, Public Schools and other public services as applicable;
- h. projected number of employees, hours of operation and description of shifts, where applicable;
- i. projected parking spaces required for the development, based on proposed use(s) or number of employees, as applicable;
- j. the name and address of the property owner and the applicant, if different from the property owner, evidence of site control such as a deed, purchase and sales agreement, or lease;
- k. Provisions for waste disposal
- l. Provisions for stormwater management and erosion control
- m. Provisions for snow removal and storage.

4.1.2. The names and addresses of all abutting property owners within 300 feet, certified by the Board of Assessors.

4.2 Site Plan contents:

- a. A title block showing the name of the site, the date, scale, name(s) of the owner(s) and the signature and seal of the registered professional engineer, architect or landscape architect.
- b. North arrow and benchmarks used.
- c. Graphic scale
- d. A locus plan at a scale of one inch equals 2,000 feet (1"=2,000'), showing the subject property and all property and streets within 1,000 feet.
- e. Parcel lot lines for the proposed project and surrounding parcels.

- f. Location, footprint, height and use of all existing and proposed buildings or structures, total area of buildings in square feet, streets, ways, drives, driveway openings within 300 feet of the site boundaries, walkways, service areas, parking spaces, loading areas, fences and screening, utilities, waste storage and disposal facilities, wells, and drainage facilities.
- g. Proposed surface treatment of paved areas and the location and design of drainage systems with drainage calculations prepared by a registered professional engineer.
- h. The location and description of all proposed septic systems, water supply wells, storm drainage systems, utilities, and refuse and other disposal methods, noting applicable approvals, if received.
- i. Existing and proposed topographical contours of the property, taken at a minimum contour interval of two feet by a registered professional engineer or registered land surveyor. Select spot elevations may be required by the Planning Board.
- j. Vegetation, indicating areas of retained vegetation, the existing woodland edge, if applicable, the location of any trees of more than eight inches in diameter and specimen trees of more than four inches in diameter, both measured as diameter at breast height (dbh), including trees located in the road right of way, and other unique natural features.
- k. The location of wetlands and other areas subject to control under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, Section 40, including regulatory buffer zones or setbacks from resource areas, identified through field survey acceptable to the Conservation Commission; Flood Plain and Floodway boundaries; and erosion control measures.
- l. Location of all water resource protection areas, if any portion of the site is within 1,000 feet of a DEP Zone II, interim wellhead protection area or any surface water protection zone.
- m. Location of the site in relation to any Areas of Critical Environmental Concern (ACEC) designated by the Commonwealth of Massachusetts, Executive Office of Environmental Affairs.
- n. Lighting plan showing the location, height, intensity, and bulb type of all external lighting fixtures, the direction of illumination, and methods to reduce glare onto adjoining properties.
- o. Landscaping plan showing the location, name, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps, paths and other walkways and or sidewalks.
- p. Location and description of all proposed open space.
- q. Location, height, materials, and size of all proposed signage.
- r. Before and after perspective drawings in the case of redevelopment.
- s. Location of waste disposal facilities and associated screening.
- t. Location of snow storage areas.
- u. Location of all fire hydrants on the site or off-site within 500 feet of the principal building on the site. If no fire hydrants are located within 500 feet of the principal building on the site, then a note shall appear with the distance and location of the nearest fire hydrant. The location of any proposed fire lanes shall be clearly shown and identified.
- u. Additional information that may be required by the Planning Board, as reasonably necessary, to make determinations required by the Ashby Zoning Bylaw.
- v. A table of information showing how the plan conforms to the use and dimensional standards of the Ashby Zoning Bylaw.

4.3 Scale and elevations. The site plan shall be at a scale of one inch equals forty feet (1"=40') or such other scale as the Planning Board may allow to adequately show detail. Profiles of each individual street or service road shall be provided at a vertical scale of one inch equals four feet (1"=4'). Elevations shall refer to the bench mark or datum utilized. Sheet size shall be twenty-four by thirty-six (24 x 36) inches including a one-inch border.

4.4 Building design plans that include:

a. In cases involving changes to existing buildings:

1. Photographs of existing buildings showing location of proposed alterations/renovations and of adjacent areas.
2. Drawings showing exterior elevations, outline plans, schedule of exterior materials and colors.
3. Landscaping (site) plan showing all proposed changes and describing all materials including plantings.
4. Manufacturers' brochures with illustrations and specifications for new exterior materials, components or assemblies to be used.

b. In cases involving construction of new buildings:

1. Site plan locating the structure and showing existing and proposed grades.
2. Drawings of exterior elevations.
3. Schematic floor plans.
4. Schedule of all exterior materials and colors.
5. Manufacturer's brochures as described above.
6. Landscaping plan as described above.
7. Photographs of adjacent buildings.

c. Drawings standards. Drawings need not be professionally prepared but must:

1. Be drawn to scale.
2. Show all exterior features completely and accurately.
3. Show finish grades and floor elevations.
4. Indicate all materials, colors and unusual details.
5. Photograph standards. Photographs must be recent. Photographs should be in color and no smaller than 4" x 6". Several different views are necessary, including those of adjacent properties.
- 6.. Samples, models, mock-ups, perspective views, etc., may be requested by the Planning Board.

4.5 Analysis of environmental impacts. The Applicant shall submit an analysis of existing and expected post-development environmental conditions, including but not limited to measures proposed to prevent pollution of surface and ground water, erosion of soil, excessive runoff of precipitation, excessive raising or lowering of the water table, or flooding of other properties; measures to protect air quality, minimize noise levels, prevent harmful or noxious emissions, and prevent damage or threat to wetlands, flood plain, and the visual environment. Potential smoke, odors and vibration shall be identified and addressed. Waste disposal and off-site environmental drainage impacts shall be discussed.

4.6 Analysis of traffic impacts. The Applicant shall submit estimated average daily traffic and peak hour traffic to be generated by the development. A traffic impact plan shall be required indicating impacts, if any, to surrounding intersections servicing the project site if the proposed development generates more than 150 vehicle trips per day or more than 50 trips at the peak hour according to these estimates or as determined by the most current edition of the Trip Generation Manual published by the Institute of Traffic Engineers (ITE). The Planning Board may, at its discretion, require the Applicant to prepare a traffic study and/or pay for consultants review.

4.7. Analysis of community impacts. The Applicant shall submit an assessment of existing and projected demand for municipal services, revenues to the Town and fiscal or economic impacts.

4.8. The Site Plan filing fee as determined by the Planning Board's regulations.

SECTION 5

PUBLIC HEARING

5.1 Public Hearing Notice

5.1.1 Publication of Notice – Upon receipt of a complete Application for Site Plan Approval, the Planning Board shall set the date, time, and place of the public hearing, which shall be held within 65 days of the Application filing date but no sooner than 35 days from the Application filing date. Notice of the hearing shall be published by the Applicant in a newspaper of general circulation once in each of two (2) successive weeks. The first such publication shall appear not less than fourteen (14) days before the day of the hearing and a copy of the notice shall be posted in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the date of the hearing. The day of the hearing shall not be counted as one of the required fourteen days. In addition, copies of the notice shall be sent by certified mail (return receipt requested) by the Applicant to all Parties in Interest at least fourteen (14) days prior to the date of the public hearing.

Certified mail return receipts and proof of publication shall be submitted to the Planning Board no later than the commencement of the public hearing.

5.1.2 Content of Public Hearing Notice – The Applicant shall submit as part of the Application a properly executed form entitled “Draft Legal Notice”. It is important that all of the information required by said form be submitted in complete form. Failure to submit information which is accurate could render the public hearing invalid and could cause serious delays in the processing of the Application.

5.2 Appearance of Applicant at Public Hearing

An Applicant may appear on his own behalf or be represented by an agent or attorney. In the absence of an appearance, the Planning Board may decide the matter using the information it has received. In any case, the Planning Board shall not be responsible for presenting any Site Plan to the public at a public hearing or any other forum. It is the responsibility of the Applicant to present the Site Plan to the Planning Board and to the public. Failure to appear at a public hearing could seriously jeopardize the success of an Application.

5.3 Public Hearing Procedure

The objective of a public hearing is to provide Parties in Interest the opportunity to have their opinion heard by a public decision-making body. In order to encourage informed opinions, it is important that the Plan in question be presented to the public in a thorough but concise manner, Unduly lengthy presentations do not inform the public any better than short, concise, accurate presentations. Also, lengthy presentations often take up the time which could be better used by the public to provide its comment. Therefore, these Regulations are intended to promote a well-prepared, brief, and accurate presentation of the Application for Site Plan Approval, thereby providing the public with maximum opportunity to speak on issues of concern.

5.3.1 Plan Completeness – The Ashby Planning Board shall review all submitted application materials, including the site plan application, plans and supporting documents, and vote on an application’s completeness at the next regularly scheduled meeting following submission of application materials according to the procedures described in Section 3 above, Filing Requirements. If the Planning Board deems a plan incomplete, it shall instruct the applicant, in writing, of what materials and information are needed for the plan to be considered complete.

5.3.2 Time Of Hearing – No hearing shall begin before the time published in the notice.

5.3.3 Public Invited – Any party whether entitled to notice thereof or not may appear in person or by agent or by attorney.

5.3.4 Rules of Conduct – The Chairman will conduct the hearing in accordance with applicable laws and rules for the conduct of such meetings and may administer oaths, summon witnesses, and call for the presentation of relevant documents. The Planning Board may retain any record which has been introduced in evidence for reference in its deliberations on the case.

5.3.5 Notice of Public Hearing – The Chairman will open each hearing by reading the notice as published.

5.3.6 Applicant's Presentation – The Applicant will then present the Site Plan in accordance with the procedure for such presentations as set forth in these Rules.

5.3.7 Time Limit for Presentation – Because the time afforded the Applicant to present the Plan is limited, the Chairman shall not allow any person in attendance, including members of the Planning Board, to interrupt the Applicant during the presentation of the Site Plan.

5.3.8 Questions by Planning Board Members – When the Applicant has concluded the presentation, the Chairman will allow members of the Planning Board to ask questions of the spokesperson related to clarifying any points made during the presentation. In addition, members of the Planning Board may direct appropriate questions during the hearing. The Chairman will also read comments of other town boards and departments into the record at this time.

5.3.9 Questions from Public – When all questions have been asked by members of the Planning Board, the Chairman will allow all those present to speak on the matter under consideration. Those who wish to speak shall, upon recognition by the Chairman, give their names and addresses, then proceed.

5.3.10 Questions Addressed to Chairman – Any comments or questions said by any person in attendance except members of the Planning Board shall be directed to the Chairman and not directly to the Applicant, the Applicant's representatives or any other persons without the express permission of the Chairman.

5.3.11 No Cross-Examination – No cross-examination will be allowed, although questions seeking information and deemed relevant by the Chairman may be allowed at the discretion of the Chairman.

5.3.12 Rebuttals – Rebuttals may only be allowed at the discretion of the Chairman.

5.3.13 Close of Hearing – When all the facts have been presented and all persons wishing to speak on the Application have been heard, the Chairman will close the hearing in accordance with parliamentary procedure and inform the Applicant and others present that the Applicant will be notified, by certified mail, of the Planning Board's decision.

5.3.14 New Evidence Limitation – In no case shall the Planning Board allow new evidence to be admitted after the close of the public hearing. However, written information may be submitted after the close of the public hearing provided the information does not contain new evidence and is intended to clarify existing factual evidence. In any case the Planning Board shall have the right to refuse admission or receipt of information which in the Planning Board's opinion constitutes new evidence or which is otherwise deemed inappropriate.

5.4 Public Hearing Presentation

The Planning Board highly recommends that the Applicant present the Site Plan to the Planning Board and to the public in the following manner:

5.4.1 Locus of Site – The Applicant should locate the site under consideration by using a locus map which clearly shows the location of the site within the Town and the applicable neighborhood. The site, major roads or other landmarks should be clearly discernible to all persons in the hearing room by the use of color or other graphic techniques.

5.4.2 Application and Plan Summary – The Applicant should then summarize the Application for all those present so that they may have a full understanding of the purpose and scope of the project, and the extent to which the project strives to meet the objectives of the Bylaw. During the summary the Applicant shall limit the discussion to facts which are part of the Application submitted. New facts not contained in the Application must be clearly identified as new facts by the Applicant. Often it is the presentation of new facts at a public hearing which will necessitate that the hearing be continued so that the Planning Board and the public may have the opportunity to evaluate the new facts. Therefore, in order to prevent the delays caused by a continued hearing, the Applicant should strive to assure that the initial Application is complete.

5.4.3 Plan Analysis – The Applicant should then provide a brief but thorough analysis of the Plan, clearly identifying all major Plan components, and shall explain their respective roles in the Plan so that lay persons in the hearing room can clearly understand the scope and probable impacts of the proposal. Any plans or other graphic representations of the proposal used during the presentation should be clearly drawn and easily discernible to all those present. It is highly recommended that major Plan components such as buildings, parking facilities, drainage and utility systems, site landscaping, major topographic changes such as hills or valleys, and major site features such as ponds, streams, and stone walls be shown in color so that these Plan elements can be identified by persons in the hearing room. It is also recommended that major Plan components be shown on separate Plan sheets if it is deemed that their display will be confusing if shown on only one Plan sheet.

5.4.4 Time Limit of Presentation – The Chairman shall allow any Applicant a maximum of 30 minutes to complete the presentation. If the Applicant feels that the presentation requires more time, the Applicant may request that the Chairman allow an additional specified amount of time for the presentation. Such a request must be made prior to the beginning of the presentation; otherwise the presentation shall not exceed the required 30 minutes allowed for the presentation. The Chairman may upon his own motion allow the Applicant to exceed the time limitation imposed herein when the Chairman deems such an action appropriate under the circumstances. Upon completion of the presentation, the Applicant shall advise the Chairman that the presentation has been completed.

5.5 Continuance of Public Hearing

The Planning Board may continue a public hearing if the Planning Board finds that the continuance is necessary or appropriate to allow the Applicant or others to provide additional information. In such a case, the Chairman shall announce to those present, prior to the adjournment of the hearing, the specific date, time, and place where the hearing will be continued, and the subject matter to be discussed at the continued hearing. The Planning Board may require the Applicant to re-advertise or re-notify Parties in Interest, where it deems such an action to be in the public interest.

5.5.1 **Extension** – The period within which final action shall be taken may be extended for a defined period by written agreement between the Planning Board and the Applicant and a copy is filed with the Town Clerk.

SECTION 6

SITE DEVELOPMENT STANDARDS

6.0 Site Development Standards; General Requirements.

The purpose of site development standards is to ensure that adequate consideration will be given to the natural resources and characteristics of a site, to its topographic, hydrologic and geologic conditions, to public convenience and safety, particularly with regard to abutters, and to the suitability of a proposed use on a site. Before approving any site plan, the Planning Board shall assure that each site plan submitted for review and approval complies in full with the following site design standards:

6.1 **Stormwater Runoff** - For all sites, the peak rate of stormwater runoff from the development site shall not exceed the rate existing prior to the new construction based on a twenty-five-year design storm. The applicant shall provide the analysis, certified by a Massachusetts registered professional engineer, necessary to document the previous and proposed runoff rates. The Planning Board may authorize the use of stormwater drainage facilities located off the development site and designed to serve one (1) or more lots, provided that it finds that:

6.1.1 The peak rate of stormwater runoff from such off-site facilities does not exceed the rate existing prior to the new construction based on a one-hundred-year design storm; and

6.1.2 The applicant has retained the rights and powers necessary to assure that the off-site stormwater drainage facilities will be properly maintained in good working order.

6.1.3 Low-Impact Development (LID) or Green Infrastructure (GI) approaches to stormwater management, including but not limited to such methods as rain gardens, grassed swales and parking materials that allow infiltration; are encouraged wherever feasible.

6.1.4 For any site containing 40,000 sq.ft. of land area or more, the peak rate of storm water runoff including sudden snow melt off the development site to the drainage area(s) shall not exceed the rate existing prior to the new construction based on a 10 year design storm.

6.1.6 The Massachusetts DEP Stormwater Management Policy Handbook and Stormwater Management Standards adopted by the DEP for controlling stormwater are incorporated into these Site Plan Regulations, by reference. The Stormwater Management Standards apply, as contained in the Wetlands Protection Act, 310 CMR 10.00.

6.1.7 An Operation and Maintenance Plan shall be provided for the proper maintenance of the stormwater drainage system and to ensure that systems function as designed, in accordance with DEP Best Management Practices.

6.2 **Landscaping** – Landscaping of open space shall be designed to enhance the visual impact of the use upon the lot, adjacent property and views from the road. Where appropriate, existing vegetation shall be retained and used to satisfy the landscaping requirements. Open areas shall be kept free of encroachment by all buildings, structures, storage areas, parking and interior drives. Open area landscaping shall be maintained as planted areas and used to ensure buffers between properties; minimize the visual effect of the bulk and height of buildings, structures, parking areas, lights or signs; and minimize the impact of the use of the property on land and water resources.

6.2.1 In a business or industrial district where a business or industrial use abuts a residential district, the Planning Board may require a continuous landscaped buffer as required in Section 12.5.4.3 of the Ashby Zoning Bylaw.

6.2.2 All parking lots and loading facilities shall be suitably landscaped to minimize their visual impact on the lot and upon adjacent property by the use of existing vegetation, where appropriate, and by the use of trees, shrubs, walls, fences or other landscape elements.

6.2.3 Any parking lot containing six (6) or more parking spaces shall include landscaping which, in the opinion of the Planning Board, is located and designed to enhance the visual appearance of the parking or loading facility, to ensure traffic safety, and to minimize the adverse effects of the parking or loading facility on the natural environment.

6.2.4 Such landscaped areas shall not be less in area than five percent (5%) of the total area of the parking lot and shall be in addition to any minimum open space required in the Ashby Zoning Bylaw. Any landscaping located at the perimeter of a parking lot which, in the opinion of the Planning Board, is deemed to satisfy the above standard shall be counted as open space and may be included as part or all of the required five percent parking lot landscaping.

6.2.5 Shade trees shall be of a species tolerant to the climatic conditions of Ashby and the site, and be at least two inch caliper (measured four feet above grade level). All trees shall be staked and mulched. Shrubs shall be a mix of deciduous and evergreen varieties, tolerant to the climatic conditions of Ashby, and be at least eighteen inches in height at time of planting.

6.2.6 All disturbed areas shall be stabilized through a mix of lawn and perennials and groundcover with mulch.

6.3 Pavement and Parking Surface Standards

6.3.1 The total number of parking spaces required for various land uses are found in section 4.4.2 of the Ashby Zoning Bylaw.

6.3.2 At least 75 % of the spaces required for vehicular parking pursuant to the requirements of section 4.4.2 of the Ashby Zoning Bylaw shall be paved. All paving materials must be 'vehicular grade' and meet the "Material Standard Specifications for Highways and Bridges" by the Massachusetts Department of Transportation. The balance of the required number of parking spaces can be provided on a permeable surface that meets the standards of section 6.3.5 below or this section as it may be amended after Public Hearing by the Ashby Planning Board.

6.3.3. When the required number of parking spaces pursuant to Section 4.4.2 of the Ashby Zoning Bylaw is only one or two spaces, these spaces shall be paved according to the "Material Standard Specifications for Highways and Bridges" by the Massachusetts Department of Transportation.

6.3.4 Pedestrian walkways shall be clearly distinct from paved areas for vehicular use. Walkways must meet all applicable Americans with Disability Act (ADA) standards. The selection of surface treatments for pedestrian walkways shall be approved by the Planning Board.

6.3.5 Gravel Parking Standards

Gravel parking areas should only be utilized for low traffic and/or temporary parking areas, though up to 25% of the required parking spaces may be located over gravel.

Gravel parking lots shall meet the specifications found in “Material Standard Specifications for Highways and Bridges” by the Massachusetts Department of Transportation. These construction standards can be modified upon approval by the Ashby Planning Board.

6.4 Traffic and Access – The Applicant shall submit estimated average daily traffic and peak hour traffic to be generated by the development.

6.4.1 A traffic impact study shall be required indicating impacts, if any, to surrounding intersections servicing the project site if the proposed development generates more than **150** vehicle trips per day or more than 50 trips at the peak hour according to these estimates or as determined by the most current edition of the Trip Generation Manual published by the Institute of Traffic Engineers (ITE). The Planning Board may, at its discretion, require the Applicant to prepare a traffic study and/or pay for consultants review.

6.4.2 A traffic impact statement shall be prepared, which shall contain: Traffic flow patterns at the site including entrances and egresses, loading and unloading areas, and curb cuts on site and within one hundred (100) feet of the site.

6.4.3 A detailed assessment of the traffic safety impacts of the proposed project or use on the carrying capacity of any adjacent highway or road, including the projected number of motor vehicle trips to enter or depart from the site estimated for daily hour and peak hour traffic levels, road capacities and impacts on intersections.

6.4.4 Sidewalks for adequate pedestrian access and bicycle access shall be provided to adjacent properties and between individual businesses within a development.

6.4.5 Applicants for projects or uses within the Commercial District must demonstrate that the project or use will minimize traffic and safety impacts on highways. 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:

6.4.5.1 Access via a common driveway serving adjacent lots or premises

6.4.5.2 Access via an existing side street

6.4.5.3 Access via cul-de-sac or loop road shared by adjacent lots or premises.

6.4.6 One driveway shall be permitted as a matter of right per business or per project, if a project includes several businesses within a structure or group of structures.

6.4.7 Entering and exiting lanes shall be separated by a median strip when possible. Where deemed necessary by the Planning Board, two driveways may be permitted as part of the Site Plan Approval process which shall be clearly marked "entrance" and "exit".

6.5 Outdoor Lighting

6.5.1 As used in this section, the following terms shall have the following meanings:

“Disabling Glare” shall mean the eye’s line-of-sight contact with a direct light source, which may cause a partial blindness.

“Footcandle” shall mean a unit of measure for luminance. A unit of luminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

“Full Cut-off Type Fixture” shall mean a luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree, horizontal plane from the base of the fixture

“Light Trespass” shall mean light from an artificial light source that is intruding into an area off the site or onto a buffer zone.

“Uplighting” shall mean any light source that distributes illumination above a 90 degree horizontal plane. Lighting shall conform to the requirements of the Zoning Bylaws.

6.5.2 A **lighting plan** shall be provided showing the proposed locations, size, height and orientation of outdoor lighting.

6.5.3 The Applicant must provide product cut-sheets for all proposed fixtures. For Site Plans showing a high level of illumination, the Planning Board may require an iso-lux plan indicating levels of illumination in footcandles, at ground level.

6.5.4 All exterior lights shall be designed, located, installed, and directed in such a manner as to prevent observable shadows at the property lines and Disabling Glare at any location on or off the property.

6.5.5 All parking area lighting shall be Full Cut-off type Fixtures. The lighting shall be shielded to prevent Disabling Glare and/or Light Trespass. The lighting shall be contained to the target area as much as physically possible.

6.5.6 All building lighting for security or aesthetics shall be full cut-off or a shielded type, not allowing any Uplighting. Floodlighting is discouraged, and if used, shall be shielded to prevent (A) Disabling Glare for drivers or pedestrians, (b) Light Trespass beyond the property line, and (c) light above a 90 degree, horizontal plane.

6.5.7 Lighting fixtures attached to buildings should be avoided, unless they are of residential type, scale and intensity. Adjacent to residential property, no direct light source will be visible at the property line at ground level or above at any time of year.

6.6 Architectural Style and Scale – Note: This section only applies to the Ashby Town Center Overlay District (AVCOD) as described in the Ashby Zoning Bylaw.

Architectural design shall be compatible with the character and scale of buildings in Ashby’s Town Center through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation and separation between buildings. The Planning Board may take into consideration whether exterior building facades and materials are consistent with the character of Ashby’s Town Center. For example, exterior materials such as wood, metal, vinyl clapboards, stone or brick, and treatment compatible on all four sides, are considered consistent with the character of Ashby’s Town Center. The Planning Board may consider whether the roofline is

peaked, or is otherwise consistent with the City's character. Large work area doors or open bays shall not open toward or face roadways.

6.7. Utilities

All utilities in the AVCOD shall be placed underground to the greatest extent possible, at the discretion of the Planning Board. In all other districts, underground installation is preferred but not required.

SECTION 7

SITE PLAN REVIEW CRITERIA

The Planning Board may approve a site plan upon its determination that the below criteria have been in a satisfactory manner:

7.1 Action by the Planning Board: The Planning Board, in considering a site plan, shall ensure that the use of the site is consistent with the uses permitted in the district in which the site is located. Prior to the granting of any site plan, the Planning Board shall find that, to a reasonable degree, the site plan:

- 1) Protects the neighborhood and the town against detrimental or offensive uses on the site and against adverse effects on the natural environment, including stormwater runoff and erosion.
- 2) Provides for convenient and safe vehicular and pedestrian movement, and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site,
- 3) Provides an adequate arrangement of parking and loading spaces in relation to the uses proposed for the premises,
- 4) Provides adequate methods for the disposal of refuse or other wastes resulting from the uses permitted on the site.
- 5) Provides for the development's visual compatibility with the surrounding area.

7.2 Performance Guarantee.

7.2.1. The Planning Board may require that a performance bond, secured by deposit of money or negotiable securities in the form selected by the Planning Board, be posted with the Town to guarantee completion of improvements to be made in compliance with the plans submitted and approved hereunder.

7.2.2. The Planning Board may also require that an amount be included for land restoration not having to do with the construction of improvements. The amount of security shall be determined by an estimate from the applicant's engineer which may be confirmed or increased by the Board.

7.2.3. The Town may use the secured funds for their stated purpose in the event that the applicant does not complete all improvements in a manner satisfactory to the Planning Board within two years from the date of approval, or the final date of the last extension of such approval, if any.

7.3 As-Built Plan

Upon completion of all work, a red-lined “as-built” plan or a plan by a registered land surveyor and a letter of certification shall be submitted to Building Inspector by a registered professional engineer, registered architect, registered landscape architect or registered land surveyor, as appropriate to the work involved, that all work has been done substantially in compliance with the approved Site Plan.

SECTION 8

PLANNING BOARD ACTION

8.1 Voting Requirements

8.1.1 Required Vote – The concurring vote of a majority of the Planning Board shall be necessary to decide in favor of approving the Site Plan. A failure of the Planning Board to achieve the required vote shall be deemed a denial of such Application.

8.1.2 Hearing Attendance Required for Action – Only those members of the Planning Board who were in attendance at the public hearing may vote on the Application in question.

8.1.3 Record of Proceedings – The Planning Board shall cause to be made a detailed record of its proceedings, showing the vote of the Planning Board and whether a member of the Planning Board was absent or failed to vote, and setting forth clearly the reason or reasons for its decision and for its other official actions. Copies of such record shall be filed at the Planning Board and the Office of the Town Clerk.

8.2 Withdrawal of Application Before Public Hearing Notice

Any Application may be withdrawn without prejudice by filing a properly executed form entitled, “Notice of Application Withdrawal”. Said form must be received by the Planning Board prior to the first publication of notice of the public hearing. No refund of fees will be provided if an Application is withdrawn.

8.3 Withdrawal of Application After Public Hearing Notice

Withdrawal of any Application after the first publication of notice for the public hearing requires Planning Board approval. The request for such approval shall be made on a properly executed form entitled, “Request for Application Withdrawal”. Requests made in any other manner than that prescribed herein shall not be considered for approval by the Planning Board.

8.4 Decision of the Board

8.4.1 Time Period for Deliberation – The Board will act on each Application for Site Plan Approval within ninety (90) days from the date of the close of the public hearing.

8.4.2 Notice of Decision – The Board will send a full copy of its Decision to the property owner and the Applicant if other than the property owner, the Ashby Town Clerk and the Building Inspector.

8.4.3 Recording of Decision – The Decision issued by the Board must be recorded at the Registry of Deeds. Evidence of said recording must be submitted to the Planning Board and the Building Inspector. No construction shall be allowed to begin at the site which was the subject of the Application until evidence, satisfactory to the Building Inspector, has been presented to the Building Inspector that the Decision in question has been duly recorded as required herein.

8.4.4 Submission of Final Approved Plans – Two (2) copies of the final plans, and one electronic copy, as approved for construction by the Planning Board, shall be submitted to the Building Inspector prior to the issuance of a building permit.

8.5 Appeal of Decision

Any person aggrieved by a decision of the Planning Board, whether or not previously a party to the proceeding, may appeal such decision in accordance with Section 17 of the Zoning Act.

8.6 Time Limitation on Approval

In the case where Site Plan Approval is granted by the Planning Board, all other permits for the execution of the work shall be obtained and substantial use thereof shall be commenced, except for good cause, or construction begun, except for good cause, within two years from the date of filing of the Planning Board's Decision in the Office of the Town Clerk, unless the Planning Board otherwise provides for a different period of time in the Site Plan Approval. Said time shall not exceed two years.

8.7 Extension of Time Limitation to Begin Work

8.7.1 Extension for Good Cause – A reasonable extension of said time may be granted by the Planning Board where good cause is shown after a public hearing has been conducted in accordance with the requirements of Section 5 of these Rules on the request for extension. Such extension or extensions shall not exceed two years beyond the original expiration date of the Site Plan Approval.

8.7.2 Form of Extension Request – Any request for an extension shall be made in writing to the Planning Board. Such request must be submitted to the Planning Board and a copy thereof to the Town Clerk at least sixty (60) days prior to the date when the Site Plan approval is due to lapse. Failure to submit the request as prescribed above shall be due cause for the Planning Board to deny the requested time extension.

8.8 Amending an Approved Site Plan - A previously granted Site Plan Approval may be amended upon written request to the Planning Board or upon the Planning Board's own motion. The Planning Board shall determine whether any request for further alterations to a site constitutes a minor modification and therefore does not require an amendment to the Site Plan Approval.

8.8.1 Public Hearing – Unless the original Site Plan Approval specifically allows certain modifications or alterations without the necessity of a new public hearing, all requests for amendments shall require a new public hearing to be advertised and conducted in accordance with these Rules.

8.8.2 Applicable Requirements – All of the requirements applicable to Site Plan Approval shall be applicable to an amendment to an approved Site Plan. Because of the variety of amendments which are possible, Applicants are advised to inquire whether they will need to submit any plans, reports or other information in addition to those

submitted at the time the original Site Plan Approval was applied for. If any plans, reports or other information is required, then such plans, reports or other information will comply with the requirements set forth in these Rules.

8.8.3 Application Fee Reduction – Amendments to an existing Site Plan Approval may take many forms. Some amendments may be quite simple while others could be quite complex. In each case where an amendment to an existing Site Plan Approval is sought the Applicant may request that the Planning Board reduce the Application fee required by these Rules. Failure to pay the required payment in a timely manner may be considered due cause to deny the requested amendment.

8.9 Validity - In the event of a conflict between the provisions of these Rules and Regulations and the provisions of the Zoning Act and the Ashby Zoning Bylaw, the provisions of the Zoning Act and the Ashby Zoning Bylaw shall apply.

8.10 Forms - All mentioned forms may be obtained from the Planning Board or the Town Clerk.

TOWN OF ASHBY PLANNING BOARD

APPLICATION

FOR

SITE PLAN APPROVAL

File completed Application with the Town Clerk and then present 16 separate copies of the Application, folded to fit neatly within a letter-sized file folder, to the secretary for the Planning Board along with a filing fee payable to "Town of Ashby" in the amount required by the Rules and Regulations for Site Plan Approval. Refer to the "Rules and Regulations for Site Plan Approval" for details on the information required.

Please type or print this Application.

APPLICANT'S NAME: _____ PHONE #: _____

MAILING ADDRESS: _____

LOCATION AND STREET ADDRESS OF SITE: _____

AREA OF SITE: _____ sq. ft. FRONTAGE: _____ linear feet

ZONING DISTRICT: _____ ASSESSOR'S MAP NO.(s): _____ PARCEL NO.(s): _____

SOUTH MIDDLESEX REGISTRY OF DEEDS BOOK NO.(s): _____

PAGE NO.(s) or LAND COURT CERTIFICATE OF TITLE NO.(s): _____

PROPERTY OWNER: _____ PHONE #: _____

MAILING ADDRESS: _____

REASON FOR APPLICATION: _____

Please complete the following check list for your Application indicating with a check mark the information included. If an item is not applicable to your Application, write "N/A" in the blank. If any applicable items are missing attach additional sheets explaining the omission. Note that this list is not a complete description of the requirements for a complete Application; it is each Applicant's responsibility to prepare a complete Application according to the "Rules and Regulations for Site Plan Approval" as adopted by the Planning Board and available from the Planning Board's secretary. An Application lacking any required information in the appropriate format may not be accepted or may be cause for denial of said Application.

If any Special Permits or variances have been filed previously for this site please attach copies of the decisions.

_____ DEVELOPMENT IMPACT STATEMENT

- _____ Description of proposed or possible uses
- _____ Building coverage, total coverage, and open space areas
- _____ Drainage calculations
- _____ Earth removal calculations
- _____ Traffic study (8 copies)
- _____ List variances and Special Permits previously issued by the
Planning Board of Appeals and any needed for this proposal

_____ **PROVIDE COPIES OF ANY "APPROVAL NOT REQUIRED" SUBDIVISIONS**

_____ **LIST ANY SPECIAL PERMITS OR HEALTH PERMITS REQUIRED AND PROVIDE COPIES OF ANY RECEIVED**

- _____ Note if Conservation Commission approval needed and provide
copy of approval if received

_____ LOCUS PLAN

_____ SITE COMPOSITE PLAN

Design certifications

Legends

General site characteristics -

Existing and proposed buildings and structures

Driveway entrances for abutting properties and those across a public way with dimensions

All underground tanks/structures existing or proposed or abandoned

Zoning, Flood Plain, and Groundwater Protection District boundaries if applicable

Yards/setbacks dimensioned

Names of abutting property owners

Natural site characteristics -

Waterways

Wetland boundaries and buffers

Existing and proposed contours

Open space with square footage calculations

Site improvements -

Dimensions of traffic lanes

Label all paved surfaces and note materials

Parking spaces and parking lot landscaping with dimensions

Building areas for each floor

Exterior lighting

Existing and proposed signage

Outdoor storage areas labeled

Parking calculations

Site utilities -

Stormwater drainage facilities shown & dimensioned

Underground storage containers with capacities and contents

Water services

Fire hydrants on or off site

Underground utilities

Fire alarm master box

Sprinkler feed line

Solid waste disposal facilities

Sewage disposal system

Erosion and sedimentation controls

_____ CONSTRUCTION DETAIL PLAN

Detail of structures

Landscaping details

Parking details in compliance with the Ashby Zoning Bylaw

Tabulations of building coverage and open space

Details of outdoor lighting

_____ LANDSCAPE PLAN

Certifications

Legend

Number, type, & size of trees and shrubs

Landscape buffers

Land contours

Site features

RULES AND REGULATIONS FOR SITE PLAN APPROVAL

Limits of work

Perimeter of trees

Outdoor lighting structures

_____ BUILDING ELEVATION PLAN

Certifications

Scale

Front, rear, & side elevations with maximum height

_____ FLOOR PLAN

Certifications

Scale

Net floor areas

Any additional maps, plans, photographs, deeds, or documents which the Applicant wishes to submit should be enclosed with each copy of this Application.

The undersigned hereby apply to the Planning Board for a public hearing and site plan approval under the Town of Ashby Zoning Bylaw approving the Application as described above.

The undersigned hereby certify that the information on this Application and plans submitted herewith are correct, and that all applicable provisions of Statutes, Regulations, and Bylaws will be complied with.

The above is subscribed to and executed by the undersigned under the penalties of perjury in accordance with Section 1-A of Chapter 268, General Laws of the Commonwealth of Massachusetts.

Date Signature of Applicant

OWNER’S KNOWLEDGE AND CONSENT

I hereby assert that I have knowledge of and give my consent to the Application presented above.

Date Signature of Owner

ASHBY PLANNING BOARD

DRAFT

LEGAL NOTICE

TOWN OF ASHBY PLANNING BOARD

PUBLIC HEARING

Notice is hereby given that the Ashby Planning Board will hold a public hearing on

_____, _____, at _____ P..M. in the Ashby Town Hall,

Main St., Ashby, Massachusetts on the Application of

_____ for property located at

_____ Ashby, Massachusetts

for Site Plan Approval pursuant to Section 4.5 of the Ashby Zoning Bylaw in order to

permit _____

(describe subject matter of the hearing)_____

The land is further identified and shown as Parcel(s) _____ on

Assessor’s Map(s) _____. All interested persons should attend the hearing.

A copy of the Application is available for review at the Office of the Town Clerk during posted business hours.

ASHBY PLANNING BOARD

PETITION FOR EXTENSION OF TIME PERIOD

Name of Applicant: _____

Applicant's Address: _____

Location of Property: _____

Nature of Application: _____

I hereby give my consent to the Planning Board to continue the public hearing to

_____ and hereby grant an extension of the time period within
which the Planning Board has to make a decision on the above referenced Application until
_____.

Signature of Applicant: _____

Date of Signature: _____

The foregoing is hereby agreed to:

Date: _____

For the Ashby Planning Board

ASHBY PLANNING BOARD

NOTICE OF APPLICATION WITHDRAWAL
(Prior to Publication of Legal Notice)

Name of Applicant: _____

APPLICANT'S ADDRESS: _____

Location of Property: _____

Nature of Application: _____

NOTES: 1. The Site Plan Approval Rules and Regulations specify that any Application for Site Plan Approval may be withdrawn without prejudice provided written notice has been received by the Planning Board prior to the first publication of notice of the public hearing.

2. No refund of fees will be provided if an Application is withdrawn.

Reason for withdrawal of Application: _____



I hereby withdraw the above referenced Application for Site Plan Approval and acknowledge that I bear the full and complete responsibility for any expenses incurred by the Planning Board in the review of the Application prior to withdrawal.

Signature of Applicant: _____

Date of Signature: _____

ASHBY PLANNING BOARD

REQUEST FOR APPLICATION WITHDRAWAL

Name of Applicant: _____

APPLICANT'S ADDRESS: _____

Location of Property: _____

Nature of Application: _____

- NOTES: 1. Withdrawal of any Application after the first publication of notice for the public hearing requires Planning Board approval.
2. No refund of fees will be provided if an Application is withdrawn.

Reason for withdrawal of Application: _____

RULES AND REGULATIONS FOR SITE PLAN APPROVAL

I hereby withdraw the above referenced Application for Site Plan Approval and acknowledge that I bear the full and complete responsibility for any expenses incurred by the Planning Board in the review of the Application prior to withdrawal.

Signature of Applicant: _____

Date of Signature: _____

The Planning Board, by vote of a majority of its five members, hereby consents to withdrawal of the Application described above.

ASHBY PLANNING BOARD

_____	_____
_____	_____
_____	_____

(Dated)