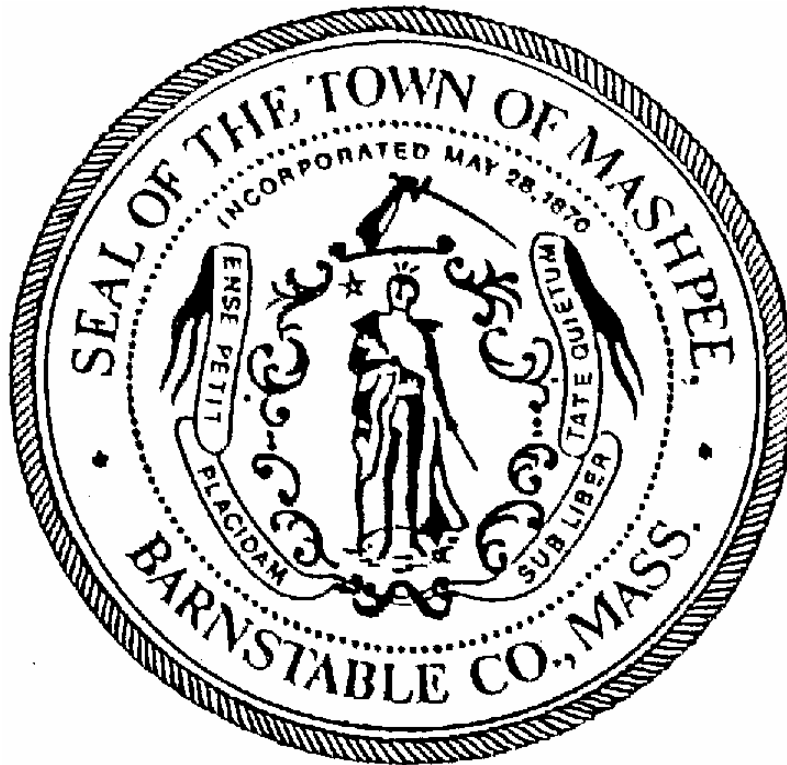


Town of Mashpee Planning Board



Special Permit Regulations

Approved November 18, 2009

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MASHPEE PLANNING BOARD

SPECIAL PERMIT REGULATIONS

Section I

PURPOSE

These regulations have been adopted, in conformance with the provisions of Massachusetts General Laws Chapter 40A, Section 9, to establish the rules and procedures for submission, review and issuance of applications for special permits which require approval by the Mashpee Planning Board under the provisions of the Mashpee Zoning By-law. Chapter 40A requires that these rules shall prescribe a size, form, contents, style and number of copies of plans and specifications and the procedure for a submission and approval of such permits.

Section II

PREAMBLE

Chapter 40A, Sections 9 and 9A of the General Laws, provide that a zoning by-law shall provide for specific types of uses which shall only be permitted in specific zoning districts upon the issuance of a special permit. Such special permits may be issued only for those uses that are in harmony with the general purpose and intent of the by-law and shall be subject to the general or specific provisions set forth therein. Such special permits may also impose conditions, safeguards and limitations on time and use. Section 9 deals with special permits in general, as well as with special permits for cluster subdivisions. Section 9A deals with special permits for "adult uses".

The Mashpee Zoning By-law has provided for special permits for a variety of uses, including hotels, motels, nursing homes and the like, most large commercial or industrial uses, "commercial centers", "adult uses", "personal wireless service facilities", cluster subdivisions and "open space incentive developments". Both the Planning Board and Zoning Board of Appeals have been empowered by the By-law to serve as a special permit granting authority, with certain classes of special permits issued by the Planning Board and others by the Zoning Board of Appeals. Those permits issued by the Planning Board are generally for larger projects. All uses dealt with in Article IX of the Zoning By-law require special permit issuance by the Planning Board. Certain uses within Groundwater Protection Districts may be allowed by the Planning Board under any special permit issued by the Board for a project within said Districts. In addition, the Zoning By-law's *Table of Use Regulations* identifies other land uses that require issuance of a special permit. The By-law specifies that any of those uses shall require a special permit from the Planning Board, except for nonresidential uses not involving new structures containing more than ten thousand (10,000) square feet of gross floor area and not involving a site greater than five (5) acres in area, or expansions which do not result in a total of more than ten thousand (10,000) square feet of gross floor area on a site, or residential conversions under § 174-25A(8) of the *Table of Use Regulations* or for other uses specified by the General Laws for review by the Board of Appeals.

Section 174-24.C. of the Zoning By-law specifies findings which must be made before special permits may be approved, the number and distribution of copies of application materials, the

permit filing and hearing process, examples of conditions which may be imposed on special permits and the conditions under which permits will lapse.

Article IX of the Zoning By-law identifies further specific requirements for issuance of permits for uses identified in that article, including motels, hotels, hospitals, infirmaries, nursing homes, convalescent homes and similar uses, commercial centers, adult uses, open space incentive developments and cluster subdivisions.

None of the provisions of these regulations are intended to conflict with the provisions of the Massachusetts General Laws or of the Mashpee zoning by-law. In the case of any conflict, the General Laws and Zoning By-law shall take precedence over these regulations.

Section III

DEFINITIONS

As used in these regulations, words shall have those meanings defined below, or specified by Chapter 40A, Section 1A of the General Laws, by Article II and Article IX of the Mashpee Zoning By-law, by Chapter 41, Section 81L of the General Laws and by Section III of the Planning Board's *Rules and Regulations Governing the Subdivision of Land*, in that order of precedence. Unless defined therein or by this section, words shall otherwise have the meaning specified in the American Planning Association Planning Advisory Service Report Number 421 *A Survey of Zoning Definitions*, and for terms related to parking facilities which are not specified therein, to *The Dimensions of Parking, Fourth Edition*, published by the Urban Land Institute and the National Parking Association.

Unless the natural construction of the wording indicates otherwise, all present tenses include past and future tenses, words in the singular number include the plural and words in the plural number include the singular. The word "shall", throughout these regulations, is mandatory and not directory.

ABUTTER - The owner of land located directly adjacent to a property for which application has been made for the allowance of a use by special permit. For the purposes of required special permit public hearing and decision notices, an abutter is considered a "party in interest", as is any abutter to such abutter, provided that some portion of his property lies within 300 feet of that for which the special permit application has been made, as well as the owner of any property located directly opposite on a public or private street from the property for which the special permit application has been made. (See "parties in interest".)

ADT - (Average Daily Traffic). The average total number of vehicles traversing a section of roadway (in both directions unless otherwise specified) during a 24-hour day which is typical of a specified month, season, year or other time period. Year-round average daily traffic is described as Annual Average Daily Traffic (AADT).

AISLE, DRIVING - A travelled path through a parking facility, providing access to the parking spaces.

ALLEY - A public or private way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is otherwise on a street. Not to be

considered as a principal means of access to abutting property and not to be considered in determining adequate frontage or access for purposes of lot division.

APPLICANT - (also referred to as the "petitioner"). The person who submits an application for special permit approval and his administrators, executors, heirs, devisees, successors and assigns. The applicant must be owner of all land included in the submitted plan or proposal or any person who shows specific written and notarized authorization by the owner to submit the application and to speak for and bind the owner with regard to any representations regarding the property or the owner's intent, with regard to any agreements made with the Board as part of the permit review and approval process and with regard to the owner's understanding of any conditions imposed upon the project by the Board's special permit decision document. Proof of ownership shall include a copy of the latest recorded deed or Land Court certificate as well as of the Mashpee Board of Assessors' current listing for the property. The applicant is considered a "party in interest" with regard to required public hearing and decision notices.

BICYCLE LANE - (or shoulder bike lane). A lane at the edge of a roadway reserved and marked for the exclusive use of bicycles.

BIKEWAY OR BICYCLE PATH - A pathway, usually separated from the roadway, designed specifically to satisfy the physical requirements of bicycling. (Also see "shared use path".)

BOARD - The Planning Board of the Town of Mashpee.

CALIPER - American Association of Nurserymen standard for measurement of trunk size of nursery stock. Caliper of the trunk shall be taken six (6) inches above the ground for trees up to four (4) inches in diameter and twelve (12) inches above ground level for trees over four (4) inches in diameter.

CAPE COD COMMISSION ACT - Chapter 716 of the Acts of 1989, as amended.

CURB - A vertical or sloping edge of a roadway designed to control vehicle movement or drainage and stabilize the pavement edge. Includes vertical barrier curbs, mountable curbs, "Cape Cod berms" and similar structures.

DEAD-END STREET or CUL-DE-SAC - A street with only one permanent year-round access which serves also as the only exit.

DECELERATION LANE - A speed change lane for the purpose of enabling a vehicle that is to make a right turn from a roadway to slow to a safe speed for the turn after it has left the main stream of faster-moving traffic. Intended both to minimize rear-end collisions and maintain travel speeds in the main travel lanes.

DEFINITIVE PLAN - A final plan of a subdivision or re-subdivision, drawn in ink on tracing cloth or polyester film by a registered land surveyor or registered professional engineer qualified to practice in the Commonwealth of Massachusetts, suitable and intended to be

recorded in the Registry of Deeds or filed with the Recorder of the Land Court upon final approval and signature by the Board.

DESIGN SPEED - A speed selected for purposes of design and correlation of those features of a highway, such as curvature, super elevation and sight distance, upon which the safe operation of vehicles is dependent.

DIAMETER / DIAMETER AT BREAST HEIGHT (dbh) - As regards trees, the diameter of any tree trunk, measured at 4.5 feet above existing grade.

DRAINAGE - The control of surface water within the tract of land to be developed by any means of collecting, diverting, handling, dispersing or disposal of surface runoff due to storm flowage, rainfall or natural means which has been designed by a registered professional engineer.

DRIPLINE - An area encircling the base of a tree which is delineated by a vertical line extending from the outer limit of a tree's branch tips down to the ground.

ENGINEER - A registered professional engineer qualified to practice civil engineering in the Commonwealth of Massachusetts.

GENERAL LAWS, MASS. GENERAL LAWS, G.L. or M.G.L. - The Massachusetts General Laws, Tercentenary Edition, with all additions thereto and amendments thereof. In case of a rearrangement of the General Laws, any citation of particular sections of the General Laws shall be applicable to the corresponding sections of the new codification.

GUTTER - A shallow channel usually set along a curb or the pavement edge of a roadway for purposes of catching and carrying off runoff water. May be included in the width of parking lanes, but not of travel, acceleration or deceleration lanes or of bicycle lanes.

IMPERVIOUS SURFACE - The roof area of structures and any horizontal surface that has been constructed or has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

ISLAND, TRAFFIC OR PARKING LOT - A raised area in a roadway, driveway or parking facility, usually curbed unless otherwise permitted by the Board, placed to guide traffic and separate travel or parking lanes, or used for landscaping, signing or lighting.

LEVEL OF SERVICE (LOS) - A measure of the effect of a number of factors, which include speed and travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience and operating costs defined, in practice, in terms of particular limiting values of certain of these factors and expressed on a scale from A to F, from best to worst. Applied to through traffic or to intersection movements. An intersection or roadway designed for a certain level of service at a specified volume of traffic will actually operate at many different levels of service as the flow varies during an hour, and as the volume varies during different hours of the day, days of the week, periods of the year and during different years due to traffic growth. Unless indicated otherwise, for the purposes of these rules and regulations level of service shall be analyzed using the procedures described in the "Highway Capacity

Manual" (Transportation Research Board Special Report 209; Washington, D.C.; 1985), as most recently revised, and shall be represented for buildout of the project under review and for buildout of all areas which would contribute traffic to its streets. For analysis of adjacent roadways, LOS shall be based on projected traffic movements in twenty (20) years.

LOADING ZONE - A specially marked area for the short-term use of delivery vehicles.

LOT - An area of land in one ownership, with definite boundaries, used, or available for use, as the site of one or more buildings.

OWNER - As applied to real estate, the person (as hereinafter defined) holding the ultimate fee simple title to a parcel, tract or lot of land, as shown by the record in the appropriate Land Registration Office, Registry of Deeds or Registry of Probate. For special permit applicants, proof of ownership shall include a copy of the latest recorded deed or Land Court certificate as well as of the Mashpee Board of Assessors' listing for the property.

PARCEL - An area of land in one ownership, with definite boundaries, which may or may not constitute a lot or group of lots available for use as the site of one or more buildings.

PARKING ANGLE - The angle formed by a parking stall and the driving aisle centerline of a parking facility, ranging from 90 degrees (right-angle or perpendicular parking) to 30 degrees.

PARKING BAY - A parking facility unit that has two rows of parking stalls and a central driving aisle (i.e. double-loaded aisle, aisle with vehicles on both sides).

PARKING LANE - An auxiliary lane primarily for the parking of vehicles.

PARKING MODULE - A driving aisle with cars parked on one or both sides of the aisle.

PARKING STALL - The area, usually marked with distinguishing lines, in which one vehicle is to be parked; a parking space.

PARTIES IN INTEREST - The applicant for a special permit, any abutters, any abutters to such abutters, provided that some portion of their property lies within 300 feet of that for which the special permit application has been made, as well as the owners of any property located directly opposite on a public or private street from the property for which the special permit application has been made, notwithstanding that the land of any such owner is located in another town, and the planning board of every abutting town (Falmouth, Sandwich and Barnstable).

PERSON - An individual, two or more individuals or a group or association of individuals, a trust, a partnership or a corporation having common or undivided interests in a tract of land.

PLANNING BOARD ENGINEER - A registered professional civil engineer and registered land surveyor designated by the Board to act as its consultant and/or advisor in those instances requiring engineering and/or land surveying expertise.

PRELIMINARY PLAN - A plan of a proposed subdivision or resubdivision of land submitted for tentative approval by the Board under M.G.L. Chapter 41.

PROFILE - A complete and accurate representation, prepared by an engineer in accordance with standard engineering practice, of the existing grades and finished vertical profile of a road or roads to be constructed within a development, including proposed utilities, on plan/profile paper and copies or prints thereof. On the plan portion there shall be a plan of the road with centerline stationing corresponding to the stationing on the profile.

PROJECT – The proposed subdivision, roads, buildings etc. which are the subject of the special permit application.

ROADBED - The structure of a street facility required for movement of motor vehicle traffic, including the roadway, curb and gutter, shoulders, subgrade, any fill required or any other element required to support the roadway.

ROADWAY - The actual paved or hardened road surface area within a street, or occasionally separate from a street within a non-residential or multifamily development, which may include travel lanes, bicycle lanes, parking lanes and deceleration and acceleration lanes but not curbs, whether vertical or mountable. Sometimes referred to as the cartway.

SHADE TREE - A tree with a caliper over four (4) inches in a public place, street, special easement or right-of-way adjoining a street, including, but not limited to, public shade trees as defined by M.G.L. Chapter 87, Section 1.

SHARED USE PATH - Update of the term "bike path". The term recognizes that such paths are not used exclusively by bicyclists, and must be designed with accommodation of pedestrians, in-line skaters, baby carriages etc. in mind in addition to bicyclists.

SIGHT TRIANGLE - A triangular-shaped area of land established at street intersections within which nothing may be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SITE - the entire tract on which a proposed use or development is located.

SPECIMEN TREE - A native, introduced or naturalized tree which is important because of its impact on community character, its significance in the historic / cultural landscape or its value in enhancing wildlife habitat. Any tree with a dbh of 6" or larger is eligible to be considered a specimen tree. Trees that have a small height at maturity or are slow growing, such as flowering dogwood or American holly with a dbh of 4" or larger are eligible to be considered specimen trees. Specimen trees shall include, but are not limited to, American holly, American beech, white pine, white or red cedar, locust, hickory, chestnut, horse chestnut, elm, silver maple, sugar maple, Norway maple, tupelo and flowering dogwood meeting the above size specifications.

STREET - A roadway and all associated facilities and land area within the sidelines of a public way laid out by the Town under M.G.L. Chapter 82, Section 21 or other authority or laid out by the state or county, which is open to travel by the general public and is on record at the

Registry of Deeds, or a public or private way duly approved to be laid out, or proposed for approval, by the Planning Board under the Subdivision Control Law, or a way on record at the Registry of Deeds or filed with the Recorder of the Land Court which has been approved by the Planning Board as a principal means of adequate access to abutting property.

STREET FURNITURE - Man-made, above-ground items that are often found within the sidelines of a way, including benches, kiosks, planters, canopies, shelters, phone booths and similar items.

STREET HARDWARE - The mechanical and utility systems often found within the sidelines of a way, such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, parking meters and similar items.

SUBDIVISION - The division of a tract of land into two or more lots, including resubdivision and, when appropriate to the context, the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law or these regulations if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way or (b) a way shown on a plan theretofore approved in accordance with the Subdivision Control Law or (c) a way in existence on March 7, 1966, when the Subdivision Control Law became effective in the Town of Mashpee, having, in the opinion of the Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by the Mashpee Zoning Bylaw for the erection of a building on such lot, and if no distance is so required, such frontage shall be at least twenty feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the Town of Mashpee into separate lots, on each of which one of such buildings remains standing, shall not constitute a subdivision.

SUBDIVISION CONTROL LAW - Sections 81-K. through 81-G.G. of Chapter 41 of the General Laws and any acts in amendment thereof, in addition thereto or in substitution thereof.

SUBGRADE - The natural ground lying beneath a roadway or a proposed roadway.

SURVEYOR - A registered land surveyor qualified to practice surveying in the Commonwealth of Massachusetts.

TOWN PLANNER - The Mashpee Town Planner or Assistant Town Planner.

TRACT - A continuous area of land, which may be subdivided or unsubdivided, may be crossed by roadways or streams and may be in single or multiple ownership, which is proposed for development under these regulations.

TRAVEL LANE - A strip of roadway intended to accommodate a single line of moving vehicles.

TREE - Any woody plant having a caliper of two inches or larger.

TRIP OR TRIP-END - A single or one-way vehicle movement to or from a property or study area. Trips can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

WETLAND - Any of the resource areas subject to regulation by the Mashpee Conservation Commission under Section 172-2 of the Code of the Town of Mashpee, as further defined by M.G.L. Chapter 131, Section 40 and in Wetlands Protection Act Regulations promulgated by the Department of Environmental Protection pursuant to M.G.L. Chapter 131, Section 40.

Section IV

FORM AND CONTENT OF APPLICATIONS

A. Any application for approval of a special permit by the Planning Board shall include the *Application for Special Permit* form referenced in Section XIII, completed in full and signed by the owner of all property included within the proposed development, or by a person who shows specific written authorization by the owner to submit the application and to represent and bind the owner with regard to any representations regarding the property or the owner's intent, with regard to any agreements made with the Board as part of the permit review and approval process and with regard to the owner's understanding of any conditions imposed upon the project by the Board's special permit decision document.

B. The application shall also include:

1. the required fees as specified in Section VII;
2. a copy of the latest recorded deed or deeds to all property included within the proposed site, along with a copy of any currently valid recorded subdivision plan or special permit applicable to the site;
3. a site plan showing existing conditions, including at least all existing property and street layout lines, showing distances, as well as bearings referred to the Massachusetts State Plane coordinates using the North American Datum of 1983 (NAD83), zoning district, the names and addresses of all abutters, the location of buildings on the site (meaning the entire tract on which the proposed use or development is located) and within 300 feet of the site, existing wells and septic systems, existing roadways, existing utilities, any existing roadway, access, utility or drainage easements, wetlands, specimen trees, any other existing trees over ten (10) inches in diameter at breast height, water-courses and significant slope or other natural features, at a scale of 1 inch = 40 feet;
4. a plan of the site and all land within 300 feet of the site, showing existing elevations and topography using the North American Vertical Datum of 1988 (NAVD88) at a maximum of two-foot contour interval, as well as any wetlands protected under 310 CMR 10.02 (1) (a-d)

or under Chapter 172 of the Code of the Town of Mashpee as flagged by a qualified expert, mean high and lowest low water for any adjacent water bodies and flood zones (with base flood elevation data) based on the most recent Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency, at a scale of 1 inch = 40 feet (may be included in the existing conditions site plan described above or as a separate sheet);

5. a natural resource map or maps, on a copy or copies of the topographic plan, indicating all wetlands as defined by MGL C. 131, §40, or otherwise referenced in this section, active or abandoned cranberry bogs or agricultural areas, generalized vegetation types and location, tree line of any wooded areas, soil types based on the latest information available from the United States Department of Agriculture Soil Conservation Service or on more detailed information obtained by the applicant and depth to groundwater table based on exploration by the developer or on other reliable data acceptable to the Board of Health;
6. in order to evaluate the impact of the proposed development to Town services and the welfare of the community, an impact statement in two parts as follows (in addition to the Water Quality Report required by the Zoning By-law):

Part 1 – shall describe the impact of the proposed development on:

- a) all applicable Town services including, but not limited to, schools, water systems, parks, fire and police protection;
- b) at a minimum, all roads and intersections in the immediate vicinity (within one quarter mile) of the proposed development (including an estimate of summer peak hour, summer average daily, annual average peak hour and annual average daily traffic counts as well as level of service for summer and annual average peak hour);
- c) the ecology of the site and any significant off-site impacts.

Part 2 – shall describe what actions have been taken to mitigate the impacts described in Part 1

7. for cluster subdivisions, a definitive subdivision plan and roadway designs conforming with the Board's *Rules and Regulations Governing the Subdivision of Land* or, for other projects, a site plan, prepared by a registered civil engineer and registered land surveyor, showing the proposed project, including:
 - a) property lines and street layout lines showing distances and bearings referred to the Massachusetts State Plane coordinates using the North American Datum of 1983 (NAD83),
 - b) location of all permanent survey monuments properly identified as to whether existing or proposed and with their coordinates under the NAD83 Massachusetts Coordinate System,
 - c) buildings, showing location, dimensions and distances to all lot lines, streets and street rights-of-way,
 - d) roadways, sidewalks and bikeways,
 - e) parking facilities,
 - f) existing and proposed NAVD88 elevations and topography at a maximum of two-foot contour interval, with proposed one foot intervals required for parking areas,

- stormwater management systems and within 50 feet of any proposed buildings, along with sufficient spot grades to adequately show the direction of stormwater runoff, including at transition points, top and bottom of vertical curves, entrances, high points, low points and gutter lines,
- g) types of ground cover and any other precautions to stabilize slopes,
 - h) existing trees over ten (10) inches in diameter at breast height and whether they are proposed to be retained or removed,
 - i) water-courses,
 - j) drainage,
 - k) utilities,
 - l) landscaping,
 - m) trash collection facilities and
 - n) other proposed features

at a scale of 1 inch = 40 feet, with a 24" x 36" index sheet at 1 inch = 100 feet or at another appropriate scale if the entire site can not be shown on one sheet at the 1 inch = 100 feet scale;

8. when a project is proposed to be built in phases (phasing of development is recommended, and will be required for projects involving a developed area in excess of 25 acres), a phasing plan overlaid on the site plan, along with proposed start and completion dates of each phase, showing proposed phasing of buildings, of site infrastructure and of land clearing;
9. a locus plan showing the site in relation to all major roadways and other significant landmarks within one mile of the site;
10. detailed roadway, sidewalk, bikeway and parking area plans at a scale of 1 inch = 40 feet, with roadways shown on plan and profile sheets as described in the Board's *Rules and Regulations Governing the Subdivision of Land*, prepared by a registered civil engineer, in addition to typical roadway cross-sections;
11. detailed landscaping plans at a scale of 1 inch = 20 feet;
12. plans and documents illustrating proposed utilities, including the proposed water supply system showing proposed fire hydrant locations, and any proposed sewer, electric, telephone, gas and cable television utilities, at a scale of 1 inch = 40 feet;
13. plans and documents illustrating the proposed system of wastewater collection, treatment and disposal, at an appropriate scale, along with documentation regarding the proposed treatment technology, data demonstrating removal rates for BOD, total nitrogen and phosphorous and a description of proposed ownership, management and funding of the system;
14. plans and documents illustrating the proposed system of stormwater collection, treatment and disposal, including manholes, catch basins, pipes, drainage ditches, roof drainage systems, headwalls, surface and subsurface discharge areas, retention ponds and any other system elements, along with a stormwater management plan consistent with the provisions

of Subsection 174.82.A.(4) of the Mashpee Zoning By-law, with plan drawings at a scale of 1 inch = 40 feet;

15. proposed building elevation drawings (side, front and back) at a scale of $\frac{1}{4}$ inch = 1 foot, (for large or phased projects, "typical" elevations may be submitted at the discretion of the Board), showing any proposed wall signs, along with any design standards or codes to be applied to structures within the project;
16. proposed signage designs at an appropriate scale, including location and dimensions of any freestanding signs;
17. plans and documents illustrating the proposed system of site lighting, at an appropriate scale showing, at a minimum:
 - a. the location and type of any outdoor lighting fixtures, on a 24"x36" sheet, including lighting of buildings and structures, parking lots, recreation areas, landscaping and other outdoor lighting, including lighting of any signage, and showing the height of any freestanding outdoor light fixtures;
 - b. the fixture manufacturer's specification data, including lumen output and photometric data showing cutoff angles;
 - c. the type of lamp such as: metal halide, compact fluorescent, high pressure sodium with color temperature (Kelvin) and CRI indicated;
 - d. a photometric plan, on a 24"x36" sheet, showing the intensity of illumination at ground level, expressed in foot candles; and
 - e. that light trespass onto any street or abutting lot will not occur. This may be demonstrated by manufacturer's data, cross section drawings, or other means.
18. accurate calculations of the area within the site of wetlands, of any open space to be preserved or transferred to the town or to a nonprofit organization and of areas proposed for roadways and other development, along with the applicant's calculation of allowed dwelling units for residential projects, or square footage of non-residential structures, based on the provisions of the applicable section of the Zoning By-law;
19. a Water Quality Report prepared in conformance with the requirements of Section 174-27 of the Zoning By-law, including a plan showing the location of all water quality monitoring wells at a scale of 1 inch = 100 feet;
20. where the Zoning By-law requires the provision of open space, the developer's declaration of his choice of method or methods of dedicating the required open space of the three (3) methods described in the Zoning By-law, along with proposed covenants and restrictions to secure the permanent legal existence of the preserved open space and the proposed wording of any deed for transfer in fee to the Town or to a nonprofit organization and

21. any additional items required by Article IX of the Zoning By-law for special permits issued under the terms of applicable sections of that article.

C. In addition, the applicant shall submit a listing of the names and mailing addresses of all parties in interest, as determined from the most recent tax list and certified by the office of the Board of Assessors of the town in which their property is located. Applicants shall include three sets of mailing labels, with the names and mailing addresses of all certified parties in interest printed thereon, with the certified list. The Applicant will be required to pay the cost of certified mailing of public hearing notices and of regular mailing of decision notices (see Section VII).

D. The applicant shall submit plans on diskette as required by Sections V and VI.

E. For projects that also involve a subdivision of land, all application materials required by the Board's *Rules and Regulations Governing the Subdivision of Land* shall also be submitted.

F. In addition, traffic studies, additional water-quality impact reports, environmental impact reports, fiscal impact reports and similar items may be required by the Board along with those other specific items required by the Zoning By-law. In order to facilitate the special permit approval process, it is recommended that an applicant meet informally with the Board prior to filing an application to discuss what additional studies or reports are likely to be required. However, such informal meeting will not preclude any additional requests for information or reports that arise from questions raised during the public hearing process.

G. All plan drawings shall be submitted on suitable material at the scales indicated in Subsection B above or such other scale as is approved by the Board, with all plan sheets to have perimeter dimensions of 24" x 36".

H. Failure to submit all required application materials, fees, plans and reports may be considered grounds for disapproval of an application.

Section V

PROCEDURE FOR SUBMISSION AND APPROVAL OF SPECIAL PERMIT APPLICATIONS

A. Any application for a special permit shall be filed by the applicant with the Town Clerk, and a copy of said application, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the applicant with the Board, in care of the office of the Town Planner.

B. One set of all application materials, as specified in Section IV, shall be left with the Town Clerk at the time of filing. Additional sets of all application materials as required by the Mashpee Zoning By-law shall be filed with the Board, in care of the office of the Town Planner. The Town Planner, on behalf of the Board, will transmit one set each to those departments and agencies specified in the Zoning By-law. In addition, all plan drawings specified in Section IV shall also be submitted on a Windows compatible diskette(s) or CD as specified in Section VI and filed with the Board, in care of the office of the Town Planner.

Where the application involves tidal areas or waterways, three additional sets of application materials shall be submitted to the Board and will be forwarded by the Town Planner to the Shellfish Commission, the Harbormaster and the Waterways Commission.

For mixed use or commercial developments, or projects that will involve a variance request, one additional set shall be submitted to the Board for forwarding to the Zoning Board of Appeals.

C. In addition to the materials specified in Section IV, one copy of any documents filed with the Cape Cod Commission as part of any application to the Commission regarding the project, along with one copy of any decision by the Commission on the project, as well as one copy of any filings with the state MEPA office or decisions by the Secretary of Environmental Affairs regarding environmental review of the project, shall be filed with the Board in care of the office of the Town Planner.

D. Prior to the Board's public hearing on the application, the applicant shall stake out the center line of any proposed streets, the location of any proposed buildings and the limits of any proposed clearing.

E. Prior to the Board's public hearing on the application, the applicant shall meet with the Design Review Committee regarding the proposal. The report of the Design Review Committee shall be required prior to any action by the Board on the application.

F. As part of the applicant's presentation at the public hearing, or prior to the hearing, the applicant shall present copies of the minutes of any pre-application conferences held with the Design Review Committee, Conservation Commission and Board of Health, as well as any other letters or comments received from those boards or from the Town Planner, Director of Public Works, Fire Chief, Police Chief, the Consulting Engineer to the Planning Board or other boards or agencies regarding the proposal.

G. The Board will hold a public hearing within sixty-five (65) days, but not less than twenty-one (21) days, of the filing of such application with the Town Clerk, for which notice has been given:

- (1) by publication in a newspaper of general circulation in the town at least once in two successive weeks, with the first publication to be not less than fourteen days before the day of such hearing,
- (2) by posting, in care of the Town Clerk, of such notice in a conspicuous place in the Town Hall for not less than fourteen days before such hearing, and
- (3) by certified mailing to all parties in interest as defined by the General Laws.

H. The Board may continue the public hearing over as many dates as is reasonably necessary to review the application, solicit input from the applicant, parties in interest, other boards and agencies, consultants engaged by the applicant or the Board and the general public, conduct any negotiations necessary regarding the application and develop the Board's decision, findings and any conditions of approval.

I. The decision of the Board and its filing with the Town Clerk shall be made within ninety (90) days of the close of said public hearing.

J. The required time limits for opening a public hearing and reaching and filing the Board's decision may be extended by written agreement between the applicant and the Board. A copy of such agreement shall be filed in the office of the Town Clerk.

K. Approval of a special permit shall require a favorable vote of at least four members of the Board, which may include the Associate Member if one of the five regular members of the Board is not present or has stepped down from acting on the application.

L. All provisions of these Regulations applicable to a special permit application, unless specified otherwise by the Zoning By-law or these Regulations, shall apply to any application for modification or extension of a special permit previously approved by the Board.

M. Pursuant to the requirements of Subsection 174-24.C.(2) of the Mashpee Zoning By-law, a special permit may be approved only if it is determined that the proposed use or development is consistent with applicable state and Town regulations, statutes, bylaws and plans, will not adversely affect public health or safety, will not cause excessive demand on community facilities, will not significantly decrease surface or groundwater quality or air quality, will not have a significant adverse impact on wildlife habitat, estuarine systems, traffic flow, traffic safety, waterways, fisheries, public lands or neighboring properties, will not cause excessive levels of noise, vibrations, electrical disturbance, radioactivity or glare, will not destroy or disrupt any species listed as rare, endangered or threatened by the Massachusetts Natural Heritage Program or any known historic or archaeologic site, will not produce amounts of trash, refuse or debris in excess of the Town's waste disposal capacities, will properly dispose of stumps, construction debris, hazardous materials and other waste, will provide adequate off-street parking, will not cause excessive erosion or cause increased runoff onto neighboring properties or into any natural river, stream, pond or water body and will not otherwise be detrimental to the Town or the area. An applicant should present sufficient evidence to allow the Board to make such determinations.

N. Failure by the Board to take final action within said ninety days or extended time, if applicable, shall be deemed to be a grant of the special permit. Final action, as used here, is the filing of the Board's decision with the Town Clerk. Any applicant who seeks such approval by reason of the failure of the Board to act within the time prescribed shall notify the Town Clerk, in writing, within fourteen days from the expiration of said ninety days or extended time, if applicable, of such approval and that notice has been sent by the applicant to all parties in interest. The applicant shall send such notice to the parties in interest by mail, and each such notice shall specify that appeals, if any, shall be made pursuant to Chapter 40A, Section 17 of the General Laws and shall be filed within twenty days after the date the Town Clerk received such written notice from the applicant that the Board failed to act within the time prescribed by the General Laws.

After the expiration of twenty days without notice of appeal to the Barnstable County Superior Court, or, if an appeal has been taken, after receipt of certified records of the Superior Court indicating that such approval has become final, the Town Clerk shall issue a certificate stating the date of approval, the fact that the Board failed to take final action and that the approval resulting from such failure has become final, and such certificate shall be forwarded to the applicant.

O. The Board will cause to be made a *Special Permit Decision* (or *Special Permit Modification Decision*) document, including a detailed record of its proceedings on the application setting forth clearly the reason for its decision and of its official actions, its findings, any conditions on an approval and any attachments, and indicating the vote of each member on the decision, or if absent or failing to vote, indicating such fact, copies of which shall be filed within fourteen days of the Board's vote in the office of the Town Clerk and shall be deemed a public record. Said document may also include notice of when the permit will lapse, as well as signature lines for a representative of the Board indicating that the document is a true copy as approved by the Board, for the Town Clerk's certification of the date the decision document was filed, of the date that notice was mailed to the parties in interest and that no appeal of the Board's decision was filed within twenty days of filing the decision document or that any appeal has been dismissed or denied, and for signature by the members of the Board after the latter certification by the Town Clerk.

P. In addition to the *Special Permit Decision* (or *Special Permit Modification Decision*), the Board shall cause three sets of all plans approved for the project (except in the case of signed definitive subdivision plans subject to the Board's *Rules and Regulations Governing the Subdivision of Land*) to be endorsed by the Board Chair or designee, with one copy to be forwarded to the Building Inspector / Zoning Enforcement Officer and two copies to be retained for the permanent record by the Town Planner in the Board's files.

Q. Notice of the decision shall be mailed forthwith by regular mail to the applicant, to the parties in interest and to every person present at the public hearing who requested that notice be sent to him and stated the address to which such notice was to be sent. Each such notice shall specify that appeals, if any, shall be made pursuant to Chapter 40A, Section 17 of the General Laws and shall be filed within twenty days after the date of filing such notice in the office of the Town Clerk.

R. After notice from the Town Clerk that no appeals have been filed or that any appeal has been dismissed or denied and the Board's decision stands, the *Special Permit Decision* or *Special Permit Modification Decision* document will be signed by at least four members of the Board and will be released to the applicant for recording. Chapter 40A, Section 11 of the General Laws specifies that no special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed after the decision was filed in the office of the Town Clerk and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, and if approved by reason of the failure of the Board to act thereon within the time prescribed, a copy of the special permit application accompanied by the certification of the Town Clerk stating the fact that the Board failed to act within the time prescribed and no appeal has been filed and that the grant of the application resulting from such failure to act has become final or that if an appeal has been filed, that it has been dismissed or denied, is recorded in the Barnstable County Registry of Deeds and is indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.

S. The *Special Permit Decision* or *Special Permit Modification Decision* shall be recorded before the issuance of any building permit, or within six months of its signature by the Board,

whichever is sonner, and a copy of said recorded decision indicating the Barnstable County Registry Book and Page at which it was recorded, along with the date of recording, shall be submitted forthwith to the Board.

T. Any open space deed restriction or deed of open space to the Town or a non-profit organization which is required by the Board's decision or by the Zoning By-law shall be recorded within ninety (90) days of the signature of the decision by the Board and a copy of said recorded restriction or deed indicating the Barnstable County Registry Book and Page, or Land Court Certificate Number, at which it was recorded, along with the date of recording, shall be submitted forthwith to the Board. Failure to so record will be considered a violation of the special permit and may result in enforcement action and penalties as authorized by law.

U. Any special permit shall lapse within two years from the grant thereof, or within a shorter period of time if specified in the Board's decision or modification document, which shall not include the time required to pursue or await the determination of an appeal under Chapter 40A, Section 17 of the General Laws, if a substantial use thereof has not sooner commenced except for good cause, or in the case of a permit for construction, if construction has not begun by such date except for good cause. The Board reserves the right to include more specific provisions regarding what constitutes substantial use or good cause in its decision or modification document, or to determine what constitutes good cause either at the time a permit is scheduled to lapse or upon a request by the applicant.

Section VI

REQUIREMENTS FOR DISK SUBMITTALS

All plan drawings as specified in Section IV, Form and Content of Applications, shall also be submitted on a Windows compatible 3.5" diskette(s) or CD in DXF (drawing exchange file) format. All digital data shall conform to the following guidelines:

A. The coordinate system shall be Massachusetts State Plane coordinates using the North American Datum of 1983 (NAD83) and the North American Vertical Datum of 1988 (NAVD88). Whenever possible, the plan submittals shall be "tied into" real world State Plane coordinates using the datum specified above. To demonstrate this tie down, all features shall be stored in the Massachusetts State Plane Coordinate System and the plan location and coordinate values of at least two points shall be included in the CAD file.

B. In addition, the CAD file shall use the layering scheme listed in Table 1. This layering system will ensure that all plans are submitted to the Town in a consistent format.

Section VII

FEE SCHEDULE

A. The following fees shall be applicable to special permit and special permit modification applications for residential, non-residential and mixed-use projects. Additional fees may be required in conjunction with the employment of outside consultants as described in Section VIII.

TABLE 1 DESCRIPTION OF LAYERS - GIS REQUIREMENTS

<u>LAYER DESCRIPTION</u>	<u>LAYER NAME</u>	<u>LAYER NUMBER</u>	<u>COLOR</u>
<u>Base Map</u>			
Road Centerlines	RDCLINE	<u>1</u>	Black
Right of Way	ROW	<u>2</u>	Black
Existing pavement	PVMT_EXI	<u>3</u>	Black
Proposed pavement	PVMT_PRO	<u>4</u>	Black
Easements	EASEMENT	<u>5</u>	Black
Sidewalks	SWALK	<u>6</u>	Black
Building footprints	BLDGS	<u>7</u>	Red
Streams and ponds	HYDRO	<u>8</u>	Blue
Wetlands & wet areas	WETAREA	<u>9</u>	Green
Driveways & parking areas	DRIV_PRK	<u>10</u>	Grey
Parcel boundary lines	PARCELS	<u>11</u>	Black
Property markers (monuments) & metes and bounds text	PROPMRK	<u>12</u>	Black
<u>Topography</u>			
Existing contours & spot elevations	CONT_EXI	<u>13</u>	Black
Proposed contours	CONT_PRO	<u>14</u>	Black
<u>Utilities</u>			
Exist. water system (lines & appurtenances)	WAT_EXI	<u>15</u>	Cyan
Prop. water system (lines & appurtenances)	WAT_PRO	<u>16</u>	Cyan
Public or private wellhead locations	WELLS	<u>17</u>	Cyan
Exist. sewer system (lines & appurtenances)	SEW_EXI	<u>18</u>	Yellow
Prop. sewer system (lines & appurtenances)	SEW_PRO	<u>19</u>	Yellow
Exist. drain system (lines & appurtenances)	DRN_EXI	<u>20</u>	Blue
Prop. drain system (lines & appurtenances)	DRN_PRO	<u>21</u>	Blue
Elect. system & st. lgting (lines,poles,appurt.)	ELECTRIC	<u>22</u>	Orange
Cable TV system (lines,poles,appurtenances)	CATV	<u>23</u>	Grey
Exist. gas system (lines & appurtenances)	GAS_EXI	<u>24</u>	Magenta
Prop. gas system (lines & appurtenances)	GAS_PRO	<u>25</u>	Magenta
<u>Other Features</u>			
Zoning boundaries & classification text	ZONE	<u>26</u>	Magenta
Lot numbers & street addresses	LOT_ADD	<u>27</u>	Black
Fences & walls	FENCE	<u>28</u>	Red
Wooded areas (tree lines)	WOODS	<u>29</u>	Green
FEMA FIRM zone boundaries & text	FLOOD	<u>30</u>	Cyan
Large trees (4" or larger diameter)	TREES	<u>31</u>	Green
Proposed landscaping	LAND_PRO	<u>32</u>	Green
Coordinate locations and text	COORDS	<u>33</u>	Black
Notes/miscellaneous notations	NOTES	<u>34</u>	Black
<i>Additional Layers: Proponents discretion on naming, however, documentation on all layer names should be provided to the Board.</i>			

Residential Projects (waived for cluster subdivisions, but subdivision fees required)

Filing Fee: \$20 per residential lot or unit, minimum \$200, plus \$30 advertising fee

Review Fee: \$15 per residential lot or unit, minimum \$300

Inspection Fee: \$250 + \$.50 / linear foot of roadway and per 20 sq. ft. of any common parking areas

Re-inspection fee: \$100 per inspection

Non-Residential Projects

Filing Fee: \$.05 per sq. ft. gross floor area, minimum \$500, plus \$30 advertising fee

Review Fee: \$.02 per sq. ft. of impervious surface coverage or of outdoor commercial space (including golf courses and other recreational facilities, outdoor seating areas, outdoor storage areas and the like), minimum \$300

Inspection Fee: \$250 + \$.50 / linear foot of roadway plus \$.02 per sq. ft. of building footprint and any other impervious surface coverage

Re-inspection Fee: \$100 per inspection

Mixed-Use Projects

Filing Fee: \$20 per residential lot or unit, plus \$.05 per sq. ft. of gross non-residential floor area, minimum \$500, plus \$30 advertising fee

Review Fee: \$15 per residential lot or unit, plus \$.50 per linear foot of roadway, plus \$.02 per sq. ft. of other impervious surface coverage or of outdoor commercial space (including golf courses and other recreational facilities, outdoor seating areas, outdoor storage areas and the like), minimum \$300

Inspection Fee: \$250 + \$.50 / linear foot of roadway plus \$.02 per sq. ft. of building footprint and any other impervious surface coverage

Re-inspection Fee: \$100 per inspection

Permit Modifications

Filing fees for special permit modifications shall be the same as listed above for an original application.

Review fees and **inspection fees** shall be the same as listed above for an original application, but based only on that portion of a project which is proposed to be modified, except that there will be no minimum fee.

Re-inspection fees shall be the same as listed above for an original application.

In addition to the above fees, the applicant will be responsible for the cost of postage for mailing of required notices to abutters, including certified mailing of public hearing notices and regular mailing of decision notices. The Board encourages applicants to assume responsibility for required mailings of hearing notices.

B. Normal inspections covered by the basic inspection fees listed above include drainage inspection, gravel inspection, inspection of paving binder course, inspection of paving finish course and final inspection for roadways, and for parking areas in projects other than cluster subdivisions, as well as other site development, including landscaping and surface drainage

patterns around buildings, but exclusive of buildings or wastewater treatment facilities, as required by the Board for the project.

A re-inspection fee will be charged for additional inspections beyond those listed above that are made necessary due to unsatisfactory materials or construction that lead to a failure to pass the original inspection.

C. The filing and review fees specified above shall be submitted to the Board as part of the original application for the special permit. An application will be deemed to be incomplete without payment of said fees at the time of submittal.

Inspection fees specified above shall be submitted to the board within 20 calendar days following the approval of the special permit and prior to the Board's endorsement of the *Special Permit Decision* (or *Special Permit Modification Decision*) document.

Any re-inspection fees due shall be submitted prior to the release of any roadway covenant (for cluster subdivisions) or performance bond for road construction or other facilities covered by a special permit approval.

Section VIII

EMPLOYMENT OF OUTSIDE CONSULTANTS

A. Pursuant to the provisions of Chapter 44, Section 53G of the General Laws, the Planning Board may impose reasonable fees for the employment of outside consultants to review special permit project applications and supporting materials and studies submitted for approval by the Board . The Board also considers the use of such consultants for inspections of facilities permitted or required under a *Special Permit Decision* (or *Special Permit Modification Decision*) document, to determine compliance with the terms and conditions of said decision or modification document, other than those inspections covered by the Board's standard inspection fees as listed in Section VII, or of buildings inspected by the Town's Building Inspector, to be an appropriate use of such outside consultants and fees.

The decision to seek consultant assistance, the selection of a consultant, the establishment of a consultant fee or fee schedule and any request to the applicant for payment shall be made by majority vote of the Board at a public meeting.

Said funds shall be paid by the applicant within seven days of a request by the Board for payment and shall be deposited in a special account established by the Town Treasurer and be kept separate and apart from other monies. Failure to pay the required fees may be considered grounds for disapproval of the application.

Any excess amount in the account attributable to a specific project, including any accrued interest, at the completion of said project shall be repaid to the applicant or to the applicant's successor in interest and a final report of said account shall be made available to the applicant or to the applicant's successor in interest. Standard Town accounting and reporting procedures relative to special accounts and consistent with the provisions of Ch. 44 §53G of the General Laws shall be followed.

B. The special account, including any accrued interest, shall be expended at the direction of the Planning Board without further appropriation; provided, however, that such funds are to be expended by it only in connection with carrying out its responsibilities under the law.

Subjects for which consultant assistance may be sought may include, but are not limited to, water quality impacts of a project, stormwater management systems, wastewater collection and treatment systems, traffic and transportation impacts, mitigation and facilities, including bicycle and pedestrian facilities, fiscal impact of a project, solid and hazardous waste, public safety, landscaping, site design, architecture, wildlife habitat and endangered or threatened species, wetlands delineation, historic or archaeologic preservation, noise levels, lighting or light levels, personal communications service and other wireless communications facilities and their potential impacts, electromagnetic or radiofrequency radiation, radiofrequency engineering, or other subjects relevant to the proposed project and its impacts on neighboring properties, the town or adjacent towns. Such assistance may be sought either to develop original information and reports to the Board, or to review plans, reports and other information submitted on behalf of an applicant.

C. Selection of any consultant will be by the Board, in conformance with any applicable General Laws or regulations of the Commonwealth, and may include use of consultants retained on a continuing basis by the Board.

Any applicant may file an administrative appeal from Board's choice of consultant to the Board of Selectmen. Grounds for administrative appeal from the selection of the outside consultant to the Board of Selectmen shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications, consisting either 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.

D. The required time limits for action upon an application by the Planning Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by Board of Selectmen within one month following the filing of the appeal, the selection made by the Planning Board shall stand. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in Chapter 44 §53G.

Section IX

DESIGN AND PERFORMANCE GUIDELINES

The Planning Board will review any application with reference to the applicable portions of the following design and performance guidelines:

A. Roadways, Sidewalks and Bicycle Facilities.

1. Roadways shall be designed and constructed in conformance with the Board's *Rules and Regulations Governing the Subdivision of Land*, with the following exceptions and additions:
2. Streets serving up to five (5) residential units or carrying fewer than fifty (50) vehicles per day may be built to reduced standards of paving and right-of-way upon approval of the

Planning Board, but in no case shall they provide a paved width of less than eighteen (18) feet for two-way traffic.

3. Where alleys are provided which are not intended to provide the principal means of access to properties, they shall have a minimum roadway width of 16 feet for two-way traffic and 14 feet for one-way traffic. No fencing, utility poles or other obstructions may be placed within two feet of the pavement edge. Where necessary for Fire Department access, minimum roadway width shall be 20 feet, with a minimum inside turn radius of thirty feet two inches (30'2") and a minimum outside radius of fifty feet eight inches (50'8").
4. Streets which will carry more than two hundred (200) vehicles per day AADT (annual average daily traffic) shall be constructed in conformance with the standards listed below. Projected traffic shall be based on a factor of nine and five-tenths (9.5) trips per day for single-family residences, seven and two-tenths (7.2) trips per day for townhouses and condominiums, six and seven-tenths (6.7) trips per day for apartments, four and five-tenths (4.5) trips per day for age-restricted retirement communities and on the best available information for other uses.
5. The following design standards shall apply to streets which will carry two hundred (200) to one thousand (1,000) trips per day, and over one thousand (1,000) trips per day (including streets adjacent to the site of the developed parcels or portions of the project or providing access to the project):

Standards	200 - 1,000 Trips	1,000 Plus Trips
Design speed (mph)	30	40
Intersection separation	125	600
Width of lanes (feet)*	10	11
Minimum curve radius (ft.)	250	460
Maximum grade (percent)	9	8
Minimum layout width(ft.)	40	50

*Lane width in any industrial development, or where extensive truck traffic is anticipated, shall be 12 feet and inside curb radius shall be a minimum of thirty (30) feet.

6. No on-street parking shall be allowed on such streets unless 8-foot-wide parking lanes are constructed, with a minimum length of twenty four (24) feet per parked car, except that they may be reduced to twenty three (23) feet in length where it is demonstrated that the use served will not involve high parking turnover or a large proportion of senior citizen users or of large vehicles. Any gutters, berms or other drainage facilities shall be in addition to the required lane width.
7. Vertical curbs shall be of granite or cast-in-place concrete. Asphalt vertical curbs shall not be permitted.
8. Project driveways shall be located at least 125 feet from any street intersection or any other driveway, measured from driveway center lines and from street sidelines (i.e. sidelines extended to the point of intersection with the sideline of the intersecting street, ignoring

corner radii). Only one driveway exit and one driveway entrance may be located along any street abutting the project, unless the Board determines that a greater number will provide a safer and more efficient access and egress to the property. Unless the Board determines that such access is required on the basis of public safety considerations, direct driveway access to Routes 28, 151 and 130, Great Neck Road North and South, Great Oak Road, Red Brook Road, Quinaquisset Ave., Cotuit Road, South Sandwich Road, Lowell Road, Old Barnstable Road west of Lowell Road, Donna's Lane and Job's Fishing Road shall be prohibited where alternate access from other streets is available. Where a project has frontage on more than one street, driveway access shall generally be required to be from the street or streets with lower AADT.

9. Driveway or street interconnections between adjacent projects shall be required wherever feasible in order to improve traffic circulation and reduce turning movements and travel on abutting major streets. Where a project abuts vacant property in the same zoning district, it shall provide for future interconnection to said property at points approved by the Board.
10. Shared driveways are encouraged, where feasible.
11. Paved sidewalks with a minimum width of four feet shall be required on one (1) side of streets having five hundred (500) to one thousand (1,000) trips per day and on both sides of streets having over one thousand (1,000) trips per day. The Board may also require sidewalks on other streets. Sidewalks shall be separated from any roadway travel lane by a minimum of five feet, and from any parking lane or parking bay by a vertical barrier curb.
12. Where required by the Planning Board, bicycle facilities shall be constructed along such streets in the form of two (2) paved shoulder bike lanes with a width of at least four feet each or a paved bike path or shared use path of sufficient width to accommodate expected use. Bike paths or shared use paths shall be separated from any roadway travel lane by a minimum of five feet, and from any parking lane or parking bay by a vertical barrier curb.
13. Bicycle facility design, signage, marking, as well as bicycle parking facilities, shall be consistent with the guidelines contained in the Commonwealth of Massachusetts' publication *Building Better Bicycling*, latest edition.
14. Pavement thickness and structure, subgrade design, roadway drainage and other related design features for roadways, sidewalks and bicycle facilities shall require the approval of the Board, and shall generally follow the requirements of the Board's *Rules and Regulations Governing the Subdivision of Land*.

B. Parking Facilities.

1. Parking shall be provided in conformance with the requirements of the Mashpee Zoning By-law. Parking in excess of those requirements is generally discouraged.
2. Parking facilities shall be located to the side or rear of the principal structure(s) on a lot, unless the Board determines that an alternative location will improve the project aesthetically or substantially reduce impacts on natural or historic resources.

3. Minimum parking lot aisle widths, one bay and two-bay parking module widths (from curb to curb or edge of pavement to edge of pavement) shall be as follows:

Parking Angle	Aisle Width*	1 Bay Module Width	2 Bay Module Width
90 degree	24'	43'4"	62'
75 degree	20'	39'9"	59'6"
70 degree	18'4"	38'2"	58'
65 degree	17'	36'9"	56'6"
60 degree	16'	35'6"	55'
55 degree	14'8"	33'10"	53'
50 degree	13'8"	32'4"	51'
45 degree	13'	31'	49'

*Aisles for 90 degree parking may be permitted for two-way traffic. All other parking aisles may allow only one-way traffic, heading in to angle parking spaces.

4. Parallel parking spaces shall be a minimum of twenty four (24) feet in length and 8 feet in width, except that they may be reduced to twenty three (23) feet in length where it is demonstrated that the use served will not involve high parking turnover or a large proportion of senior citizen users or of large vehicles.
5. ADA parking requirements shall be met for all non-residential projects.
6. Appropriately sized and designed off-street truck loading/unloading and parking spaces shall be provided for all retail and industrial projects, for any "dumpster" location and for other development as required. Loading docks shall be constructed with eight (8) inches of suitable road base material and a three (3) inch bituminous concrete surface or twelve (12) inches of suitable road base material and six (6) inches of reinforced cement concrete as appropriate to the use. Loading docks should be sloped, and may be required to incorporate a storm water capture structure capable of capturing and holding hazardous materials spills, with sizing dependent upon use. Loading facilities shall not interfere with use of, or circulation within, roadways, driveways or parking areas. If approved by the Planning Board as part of a Commercial Center, OSID or other mixed-use project, appropriately sized on-street loading zones may be used.
7. Where drive-through window facilities are proposed, stacking lanes of an appropriate length shall be provided separately from any parking aisle or emergency access lane.
8. Access for Fire Department vehicles to all structures shall be provided as recommended by the Fire Department and shall provide sufficient inside and outside radius to accommodate the Department's ladder truck, including truck overhangs.
9. Interconnection between parking areas on adjacent commercial properties shall be required where appropriate.
10. All parking stalls shall be provided with adequate space for backing out, including turnarounds or Ts at the end of dead-end parking aisles.

11. Driveways and parking aisles shall be laid out so as to intersect as nearly as possible at right angles. No driveways or aisles shall intersect at less than sixty degrees.
12. Parking facilities shall be sloped $\frac{3}{4}\%$ to drainage grate inlets, catch basins or curb inlets and in all cases shall be constructed so that ponding of drainage within the paved surface shall not occur. Storm water from parking areas shall be treated to minimize the amount of nitrogen reaching groundwater to the greatest extent feasible pursuant to the provisions of the Zoning By-law.
13. Pavement thickness, subgrade and other structural design specifications shall require approval by the Board. All parking areas and driveways shall be constructed with a base of not less than eight (8) inches of good binding gravel or other suitable road base material, properly shaped and compacted. Where the subsoil consists of peat or similar spongy material, it shall be excavated and replaced with solid fill as necessary to support the finished surface. All parking areas and driveways required to meet the minimum parking space requirements of Section 174-39 of the Zoning By-law shall be paved with a minimum of two and one half ($2\frac{1}{2}$) inches of bituminous concrete, type I, consisting of one and one-half ($1\frac{1}{2}$) inches of binder course and one inch of surface course, both properly compacted by a ten-ton roller. Where additional overflow parking areas are proposed, the base shall be constructed as above, but alternate materials or grass may be used as a finished surface if approved by the permitting authority.
14. The perimeter of any parking area and any driveway or parking lot islands shall have curbs and gutters of granite, cast-in-place concrete or other edge treatment, not including bituminous concrete, suitable to control parking lot drainage, prevent erosion and maintain the pavement edge in good condition. A minimum five (5) foot radius shall be required for all vertical barrier curbs adjacent to parking lot driveways, islands and planting areas, with a fifteen (15) foot radius preferred along major driveways or those expected to be used by significant numbers of trucks or large vehicles.
15. No structure, fence, post or other solid object other than curbing shall be allowed within three (3) feet of the paved surface of any parking area or driveway.
16. Striping of parking lots shall be done with either white or yellow paint, with double 4-inch stripes, approximately 18-24 inches apart between parking stalls. Striping paint shall meet federal specifications and should be applied to provide a 15-mil wet thickness.
17. Sidewalks shall be provided where appropriate along the perimeter of the parking area and within parking lot islands to facilitate safe movement of pedestrians.
18. No parking area will be allowed within 10 feet of the property line of abutting property owners, or such larger buffer area distance as may be required by the Zoning By-law. The minimum buffer area may be reduced by the Board if written endorsement of such reduction is received from the owner of the abutting property. Such setback area shall be left in its natural state, or revegetated in conformance with the requirements of the Zoning By-law in accordance with plans approved by the Board. Larger buffer areas may be required where the parking area abuts residential property, publicly-owned parcels, water

bodies or wetlands or where such buffer is required to maintain existing scenic or historic vistas from public ways or public lands.

19. In addition to any undisturbed buffer areas required by the Board or the Zoning By-law, the use of landscaped berms or additional plantings to screen parking areas from view from abutting properties or public roadways is encouraged.
20. Any parking area (i.e. the area within any proposed parking field) shall have a minimum ratio of 1:5 of landscaping or natural area to paved area. Natural vegetation shall be retained in any such landscaped area to the greatest extent possible. No trees over 4" in diameter at breast height may be removed from such areas without approval of the Board.
21. Site and parking lot design should preserve any large or outstanding trees, specimen trees or groves of trees to the greatest extent possible. No trees over ten (10) inches in diameter at breast height may be removed without approval of the Board. Large parking lot islands are encouraged to help accomplish such preservation, to provide opportunities for denitrification of stormwater runoff and to improve the visual character of the parking area.
22. Plantings should not be located within three (3) feet of the curb or pavement edge, to allow for car overhangs, unless low-lying ground cover is used.
23. Plantings shall be installed in exact accordance with planned dimensions to avoid any adverse change in parking due to improper location.
24. Irrigation facilities shall be installed to ensure proper maintenance of parking lot landscaping.
25. No more than 40% of the area within the drip line of any tree to be planted or retained within or adjacent to a parking area, when fully grown, may be made impervious, unless a certified arborist or landscape architect can demonstrate that the long-term health of such tree will not be adversely effected.

C. Storm water Management.

For any project for which the Board's approval of a special permit is sought, a system of storm water management and artificial recharge of precipitation shall be provided, in conformance with the provisions of Section 174-21.1 of the Mashpee Zoning By-law, which is designed to achieve the following purposes: prevent untreated discharges to wetlands and surface waters, preserve hydrologic conditions that closely resemble pre-development conditions, reduce or prevent flooding by managing the peak discharges and volumes of runoff, minimize erosion and sedimentation, not result in significant degradation of groundwater, reduce suspended solids, nitrogen, volatile organics and other pollutants to improve water quality and provide increased protection of sensitive natural resources.

The Applicant shall submit sufficient plans and specifications to demonstrate the operation and effectiveness of the proposed storm water management facilities and practices and shall require their implementation and maintenance, including provisions for deed restrictions and other implementing provisions, as a condition of approval of the proposed project. No permit may be

approved for a project unless the Board determines that the proposed system of storm water management and artificial recharge will achieve the purposes described above.

D. Wastewater Facilities.

Private Sewage Treatment Facilities designed to generate effluent with an annual average total nitrogen concentration of 5 mg/l or less, and not to exceed 10 mg/l at any time, shall be constructed for any project for which a special permit is approved by the Board which is expected to generate more than 5,000 g.p.d. of wastewater based on the Mass. State Environmental Code, Title 5, unless prohibited by the Mass. Department of Environmental Protection, the Mashpee Board of Health or the Mashpee Zoning By-law.

For projects generating less than 5,000 g.p.d., except cluster subdivisions, an Alternative System of on-site wastewater disposal approved by the Mass. Department of Environmental Protection shall be provided which has been demonstrated to generate effluent with an annual average total nitrogen concentration of 19 mg/l or less.

Where connection is available within 1000 feet to a Town sewer line, such connection shall be made in lieu of the above-required facilities if allowed by the Sewer Commission.

E. Landscaping.

1. Irrigation facilities shall be installed to ensure proper maintenance of landscaping. No more than 40% of the area within the dripline of any tree, when fully grown, may be made impervious, unless a certified arborist or landscape architect can demonstrate that the long-term health of such tree will not be adversely effected.
2. Site plans shall indicate any proposed change of grade in areas within the drip lines of trees to be retained. No more than 6 inches of fill may be added within said drip line (except as noted above for new trees in parking areas) unless a tree well or other arrangement designed by a certified arborist to maintain the long-term health of the tree is approved by the Board.
3. Existing vegetation shall be preserved wherever possible. All trees over four (4) inches in diameter at breast height shall be retained unless removal is specifically authorized by the Board. Within buffer areas adjacent to streets or abutting properties, understory vegetation shall be retained unless removal is specifically authorized by the Board where not prohibited by the Zoning By-law.

F. Structures.

1. Exterior design of buildings should be consistent with traditional Cape Cod architectural styles and materials and with the architectural context of the abutting properties and neighborhood.
2. For non-residential buildings within the C-1, C-1-SV and C-1-O districts and in the C-2 district located at the intersection of Great Neck Road North and Main Street, at least one-third (1/3) of the area of the first floor façade facing the street shall permit visibility of the

building interior or window displays, unless the Board determines that a more appropriate alternative means of maintaining pedestrian visual interest will be provided.

3. For buildings containing only residential uses, the length of any single wall plane on a lot shall not exceed one hundred (100) feet measured between the two (2) farthest points along the same horizontal wall plane, including wall indentations or protrusions and any wall planes which are visually substantially the same.
4. The location of structures, building heights and setbacks between buildings shall require approval by the Fire Department with regard to emergency access and fire protection. In no case may one- or two-story primary structures be located less than twenty (20) feet from each other or may structures containing more than two (2) stories be located less than thirty (30) feet from any other habitable structure without specific approval from the Mashpee Fire Chief.

G. Phasing.

1. In order to minimize dust, erosion and adverse impacts on adjoining properties, phasing of any project involving a significant amount of clearing and earth moving is encouraged, and shall be required for projects involving clearing of more than 25 acres.
2. Only one phase of such projects may be cleared at one time, and no clearing may commence on the next phase until the Board has determined that the previous phase is substantially complete or has been sufficiently protected against erosion, the generation of dust or aesthetic or other impacts on abutting properties or on occupants of preceding project phases.
3. Project phasing shall be designed so that:
 - (a) temporary soil stockpiles and staging areas are located so as to prevent additional disturbance of soil or vegetation,
 - (b) utility construction is accommodated within each phase,
 - (c) temporary turnarounds and emergency access are provided at each phase,
 - (d) both temporary and permanent storm water management are addressed in each phase,
 - (e) construction access is provided in each phase separate from access for permanent occupants,
 - (f) later upstream phases address potential impacts to already completed "downstream" phases and
 - (g) the sequence of construction of each phase and the entire project is clearly identified.
4. No portion of the site shall be disturbed except for valid construction purposes consistent with the construction of project infrastructure and roadways or of buildings for which detailed site plans have been approved by the Board. The applicant shall install temporary landscape materials or other means of preventing erosion on any areas disturbed for more than four months but not yet developed with structures. A plan for said landscape materials or other means shall be presented to the Board for approval prior to installation, and installation shall be completed within sixty days of said approval.

H. Lighting.

In order to insure minimal light pollution, reduce glare, increase energy conservation and maintain the quality of the town's physical and aesthetic character, for any new residential or non-residential development the following will be expected by the Board before a special permit will be approved:

1. All outdoor light fixtures shall be shielded, except that any light intended solely to illuminate any freestanding sign or the walls of any building shall be shielded so that its direct light is confined to the surface of such sign or building.
2. All outdoor light fixtures using a metal halide lamp or lamps shall be shielded and filtered. Filtering using quartz glass does not meet this requirement.
3. Any fixture with a lamp or lamps rated at a total of more than 2000 lumens shall be of fully shielded design and shall not emit any direct light above a horizontal plane passing through the lowest part of the light emitting luminaire.
4. All fixtures, regardless of lumen rating, shall be equipped with whatever additional shielding, lenses, or cutoff devices are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptible to persons on any street or abutting lot or parcel.
5. The use of highly efficient lamp sources is encouraged.
6. The following light sources are prohibited: neon lights, mercury vapor and quartz lamps and searchlights.
7. Unless a waiver is specifically voted by the Board, no freestanding outdoor light fixture may exceed twenty (20) feet in height.
8. Unless a waiver is specifically voted by the Board, outdoor lighting shall not be illuminated between 11 p.m. and 6 a.m. with the following exceptions:
 - a. If the use is being operated, such as a business open to customers, or where employees are working or where an institution or place of public assembly is conducting an activity, normal illumination shall be allowed during the activity and for not more than one half hour after the activity ceases;
 - b. Low level lighting sufficient for the security of persons or property on the lot may be in operation between 11:00 p.m. and 6:00 a.m., provided the average illumination on the ground or on any vertical surface is not greater than 0.5 foot candles.
9. The Board will consider waiving the requirements of this Section, provided that it determines that such modification is consistent with the objectives set forth for this Section, in the following cases:
 1. where an applicant can demonstrate by means of a history of vandalism or other objective means, that an extraordinary need for security exists;

2. where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas;
3. where a minor change is proposed to an existing non-conforming lighting installation, such that it would be unreasonable to require replacement of the entire installation;
4. where it can be demonstrated that for reasons of the geometry of a lot, building, or structure, complete shielding of direct light is technically unfeasible.

Section X

PERFORMANCE GUARANTEES

Before approval of a special permit, the Board may require that a bond or other performance guarantee be filed by the applicant in an amount determined by the Board to be sufficient to cover the cost of roadway improvements, parking areas, storm water management facilities, water quality monitoring programs, landscaping or other items required by the Board's permit decision, and approved as to form and sureties by the Town Treasurer, conditioned on the satisfactory completion of such improvements within such period of time, if any, as the Board may specify in its decision.

A total or partial release from the performance guarantee referred to in the previous paragraph may be obtained when the required improvements are complete, in whole or in part, as set forth in the bond or at the Board's discretion.

In the event that the applicant fails to perform satisfactorily the requirements set forth in the special permit decision, or any written agreement regarding said performance guarantee, within the specified period of time, if any, the then outstanding principal amount (penal sum) of the bond shall be payable to the Town as provided by law, to the extent of the reasonable cost of the Town of the completion of the improvements required under the bond. In such case, the approval by the Board of the special permit may also be rescinded following the procedures provided by law.

Section XI

WAIVERS

A waiver of the requirements of these regulations, except where they are mandated by the General Laws or the Mashpee Zoning By-law, may be permitted upon written request of the applicant, by a favorable vote of at least four of the members of the Board at a public meeting when, in the opinion of the Board, topography, proper engineering, aesthetic or natural resources impacts or other considerations necessitate such waiver.

Section XII

VALIDITY AND REFERENCE

The invalidity of any section or provision of these regulations shall not invalidate any other section or provision thereof.

For matters not covered by these Rules and Regulations, reference is made to the Mashpee Zoning By-laws and to Chapter 40A of the General Laws.

Section XIII

FORMS

As indicated in these regulations, the filing of forms is required for a number of steps in the process of having applications approved. These forms may be obtained at the office of the Town Planner. The following forms are available and are required for the action or approvals indicated. Unless otherwise stated in the rules and regulations or the Mashpee Zoning By-law, all forms shall be filed in triplicate.

Planning Board Special Permit Application

Planning Board Special Permit Modification Application

Application for Waiver of Planning Board Regulations