

**RULES
RELATIVE TO THE ISSUANCE of SPECIAL PERMITS
by the
WELLESLEY PLANNING BOARD
for
PROJECTS OF SIGNIFICANT IMPACT**



**Adopted by
Wellesley Planning Board
September 18, 1990
rev. November 27, 2001; rev. March 10, 2008; rev. August 18, 2014**

A. AUTHORITY.

These rules are prepared and adopted by the Planning Board acting as Special Permit Granting Authority under the authority of Section 9, of Chapter 40A, M.G.L. for the purposes of consideration of special permit requests submitted under Paragraph E. SECTION XVI. RESTRICTIONS AFFECTING ALL DISTRICTS. and SECTION XVIA. SITE PLAN APPROVAL. of the Zoning Bylaw for "Projects of Significant Impact."

B. DEFINITIONS.

- "the application" - Application for issuance of a special permit for a Project of Significant Impact.
- "the applicant" - A person submitting an application with the approval and endorsement of the land owner.
- "the Board" - The Wellesley Planning Board unless otherwise indicated.
- "the Board of Public Works" - The Wellesley Board of Public Works.
- "impact analysis" - Municipal Systems Impact Analysis conforming to Section XVIA. of the Zoning Bylaw.
- "the Municipal Light Board" - The Wellesley Municipal Light Board
- "outside consultant" - Professional engineers registered in the Commonwealth of Massachusetts accordance with Section XVIA. of the Zoning Bylaw not including Town of Wellesley employees.
- "project" - a Project of Significant Impact (PSI) as defined in the Zoning Bylaw.
- "review department" The Wellesley Board of Selectmen, the Wellesley Board of Public Works, the Wellesley Municipal Light Board, the Wellesley Fire Chief, or an outside consultant as designated by the applicable Town Board or Official to review a component of the impact analysis.
- "review component"- Each distinct review category of the Municipal Systems Impact Analysis.

C. SUBMISSION

Twenty copies of the completed APPLICATION as described below shall be submitted to the Planning Board Office to initiate the definitive review; the Planning Board shall send copies to the Board of Selectmen, the Board of Public Works, the Municipal Light Board and the Fire Chief.

1. APPLICATION

The application shall consist of ten copies of:

- a) the completed APPLICATION FORM FOR DEFINITIVE SUBMISSION;
- b) DEFINITIVE SUBMISSION - PROJECT PLAN SPECIFICATIONS;
- c) MUNICIPAL SYSTEMS IMPACT ANALYSIS, consistent with the specifications contained in Section XVIA. of the Zoning Bylaw;
- d) a description of any specific design alternatives and/or off-site improvements to municipal facilities to meet minimum service standards, and;
- e) the SUBMISSION FEE.

These shall be submitted to the Planning Board Office during regular office hours.

Distribution of copies shall be made by the Planning Board in accordance with Section XXV. of the Zoning Bylaw.

2. SUBMISSION FEE

PSI Submission Fees shall be as established in the Planning Board's adopted Fee Schedule. The fee shall be made in the form of a check payable to the "Town of Wellesley." Failure of an applicant to pay a Submission Fee shall constitute an incomplete application and review of the submittal shall not be initiated.

The applicant shall be responsible for expenses incurred by the Town for project review.

3. REVIEW OF APPLICATION

Copies of the completed application form and the Municipal Systems Impact Analysis to be reviewed shall be sent by the Planning Board to each review department.

The Planning Board shall not approve an application until the municipal systems analysis has been reviewed and approved by the Board of Selectmen for the traffic and pedestrian safety portion, by the Board of Public Works for water, sewer, storm drain and refuse disposal portions, by the Municipal Light Board for the electric system portions, by the Fire Chief for the municipal fire alarm system portion and has been completed to the satisfaction of the Planning Board. It should be understood that project reviews, in most cases, are performed by department staff or outside consultants. For Town sponsored projects, the Planning Board may request that one or more review departments utilize outside consultants, rather than department staff, for the review of the municipal systems impact analysis.

Written recommendations of the review departments shall become part of the file.

4. APPROVAL OF MUNICIPAL SYSTEMS ANALYSIS

The Board of Selectmen shall review and make its decision within 65 days of the receipt of the definitive submission regarding the traffic and pedestrian safety component of the Municipal Systems Impact Analysis. It shall decide whether the review component is adequate in accordance with established standards.

The Board of Public Works shall review and make its decision within 65 days of the receipt of the definitive submission regarding the water, sewer, storm drain, maintenance and improvement aspects of the municipal fire alarm system and refuse disposal components of the Municipal Systems Impact Analysis. It shall decide whether the review component(s) is/are adequate in accordance with established standards.

The Municipal Light Board shall review and make its decision within 65 days of the receipt of the definitive submission regarding the electric systems aspects of the municipal fire alarm system and refuse disposal components of the Municipal Systems Impact Analysis. It shall decide whether the review component(s) is/are adequate in accordance with established standards.

The Fire Chief shall review and make a decision within 65 days of the receipt of the definitive submission regarding the operational aspects of the municipal fire alarm portion of the Municipal Systems Impact Analysis. He/she shall decide whether the review component is adequate in accordance with established standards.

The Municipal Systems Impact Analysis shall be completed to the satisfaction of the Planning Board.

5. PUBLIC HEARING

The Planning Board shall hold a public hearing on the PSI within 65 days from the date of filing the application. A decision shall be made within ninety (90) days following the public hearing.

6. NEGOTIATED IMPROVEMENTS

Applicants may propose specific design alternatives and/or off site improvements to municipal facilities to meet minimum service standards.

The Planning Board is authorized to incorporate these design alternatives and improvements as conditions of the special permit.

The required design work and cost of construction and implementation of the special permit approval conditions shall be the full responsibility of the applicant. All work proposed to improve or upgrade Town utilities or facilities shall be done according to the specifications adopted by the Board of Selectmen, Board of Public Works and the Fire Chief.

The cost of review of plans and the cost of periodic inspections of such work during construction shall be the full responsibility of the applicant and shall be charged in accordance with these rules.

7. DECISION

The Board shall make no decision in connection with an application until the required written recommendations have been received or thirty-five (35) days shall have elapsed after such referral of the application without a decision being received.

The Board shall act within ninety (90) days following a public hearing, concerning a complete application, for which due notice has been given as provided in the Zoning Bylaw. Failure of the Board to take final action within ninety (90) days or extended time, shall be deemed to constitute approval of the application. This time period shall be extended, day for day, for the time of appeal of one or more outside consultants as provided for in Part F, below.

8. APPEAL PERIOD

There is a 20 day appeal period which follows the decision.

9. TIME EXTENSION

The required time limits for a public hearing and action, may be extended by written agreement between the applicant and the Special Permit Granting Authority. A copy of such agreement shall be filed in the office of the Town Clerk.

D. SITE PLAN REVIEW FOR PROJECTS OF SIGNIFICANT IMPACT

The applicant is encouraged to make application to the Design Review Board for design review under the provisions of Section XXII. Design Review of the Zoning Bylaw prior to preliminary design phase. The review by the Design Review Board is more valuable if it is initiated early in the project planning process.

After the issuance by the Planning Board of a special permit for a Project of Significant Impact the applicant may make application to the Zoning Board of Appeals for Site Plan Approval for a major construction project in accordance with Section XVIA.

E. NEGOTIATED IMPROVEMENT CONSTRUCTION INSPECTION

If the applicant performs work within public ways in conjunction with a PSI project there will be periodic inspections of the work by Department of Public Works personnel. Costs associated with these inspections, may not be included in the submission fee. These costs shall be paid by the applicant in accordance with the requirements of the Department performing the inspection. In these cases the applicant should consult with the supervising department involved regarding any separate charges or fees.

(Some portions of these rules are summarized from the Wellesley Zoning Bylaw and are included here for the convenience of applicants. For reference to complete text applicants should examine the Zoning Bylaw; particularly Sections XVI., XVIIA., and XXV.)

F. APPEAL OF OUTSIDE CONSULTANT(S) SELECTION.

Per Section 53G, of Chapter 44, M.G.L., an applicant may appeal the selection of an outside consultant to the Board of Selectmen. 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 as specified in the Zoning Bylaw. The required time limit 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 the Board of Selectmen within 30 days following the filing of the appeal, the appeal shall be sustained.

APPENDIX

Example Fee for a new-construction project of 75,000 square feet –

Base Fee =	\$20,000
.60 X 40,000	\$24,000
.30 X 25,000	\$7,500
PSI Project Submission Fee	\$51,500