

Burlington Planning Board

Site Plan Rules & Regulations

As Adopted on July 14, 1988, and Amended November 17, 1988, December 7, 1989,
June 21, 1990, June 18, 1992, and May 3, 2012



Planning Board

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Paul R. Raymond, Member Clerk
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Applicants should also refer to Section 9.3.0 through 9.3.6 of Article IX of the Burlington Zoning Bylaw. These sections list general requirements, procedures, approval criteria, public hearing and final action requirements.

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SECTION 1.0: SITE PLAN APPROVAL REGULATIONS

1.1 Authority

Pursuant to Massachusetts General Laws Chapter 40A, Section 9 and Article IX, Section 9.3 of the Zoning Bylaws of the Town of Burlington, the Burlington Planning Board hereby adopts the following Rules and Regulations governing Site Plan Approval in the Town of Burlington. Such regulations shall be effective on and after November 17, 1988.

1.2 Requirement

In all zoning districts except RO and FP, no structure or premises shall be constructed, reconstructed, altered, or used except in conformity with a site plan. The requirements set forth herein are in addition to those set forth in Article IX of the Zoning By-Laws of the Town of Burlington.

1.3 Completeness of Application

Before the Planning Board may act on an application filed pursuant to these Rules and Regulations, the Board shall first determine whether the submitted application is complete and properly submitted. In order for an application to be considered a proper submittal, the provisions of the Filing requirements and the Submission requirements, and the Form and Contents requirements shall be fulfilled.

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

1.4 Withdrawal

Prior to public notice being filed with Town Clerk, if an applicant wishes to withdraw an application for Site Plan Approval or Waiver and not resubmit a new application within sixty (60) days, the filing fee less three hundred and fifty (\$350.00) dollars shall be returned to the applicant.

Prior to public notice being filed with Town Clerk, if an applicant wishes to withdraw an application for Site Plan Approval or Waiver, and wishes to resubmit within sixty (60) days of the withdrawal, the Town will retain the filing fee which shall be fully credited towards the new application, and a resubmission fee of one hundred (\$100.00) dollars will be required at the time of the new filing.

If an applicant wishes to withdraw an application for Site Plan Approval or Waiver after public notice has been filed with Town Clerk, the withdrawal must be approved by an affirmative vote of not less than four (4) members of the Planning Board. If the withdrawal is granted, ten (10%) percent of the filing fee or three hundred fifty (\$350.00) dollars, which ever is greater, shall be

retained by the Town. Any resubmission of the application thereafter shall be treated as an entirely new application.

To withdraw an application for Site Plan Approval or Waiver the applicant must submit a written request on Form III to the Planning Board and Town Clerk.

A copy of the approved withdrawal shall be filed with the Town Clerk.

1.5 Extension

An applicant may request an extension to the statutory limits for the Planning Board to take action on an application in order to provide additional time to discuss issues related to an application filed pursuant to these Rules and Regulations. The request shall be made in writing on Form IV giving a description of the application and plan, the date of filing, the statutory deadline for action, any previously approved extensions, the length of the requested extension and the proposed date for final action.

A copy of the request for an extension together with the Board's approval for the extension shall be filed with the Town Clerk.

1.6 Surveying and Drafting Requirements

- 1.6.1 The Site Plan shall be prepared by a Registered Professional Engineer, Registered Architect, Registered Land Surveyor or Registered Landscape Architect and shall be clearly and legibly drawn on mylar. The minimum size of these sheets shall be eighteen (18) inches by twenty-four (24) inches in overall dimension with a three-quarter (3/4) inch margin on all sides.
- 1.6.2 A Mylar and two (2) copies of the final approved plan shall be submitted for signatures in a form appropriate for recording in the Registry of Deeds. One (1) copy shall be retained by the Planning Board.
- 1.6.3 The horizontal scale shall be no less than forty (40) feet to the inch. For profiles the vertical scale shall be four (4) feet to the inch. A locus plan of a scale of one (1) inch equals four hundred (400) feet is to be included with the application.

1.6.4 All surveying shall conform to the error of closure requirements of the Land Court of the Commonwealth of Massachusetts.

1.6.5 All elevations shall reference the United States Coastal and Geodetic Survey datum. Description of benchmarks used must appear on profile sheets.

1.7 Submission Requirements and Plan Form and Contents

Any person desiring approval of a Site Plan under this section shall submit one (1) original completed application on Form I titled "Application for Site Plan Approval" (see Appendix A), a certified list of abutters, and twelve (12) copies of said Site Plan and supporting documents together with the required filing fee outlined in Section 1.8.

The Town Clerk shall within three (3) days of receipt of said Site Plan and application transmit the original completed application (Form I), and four (4) copies of said Site Plan to the Planning Board; In addition one (1) copy each of the completed application and said Site Plan shall be transmitted to the Inspector of Buildings, the Board of Selectmen, the DPW, the Board of Health, the Conservation Commission, the Town Engineer, the Police Department and the Fire Department who shall consider the plan and submit a report thereon with recommendations to the Planning Board within thirty-five (35) days of transmittal by the Town Clerk.

1.7.1 A title block in the lower right hand corner shall be included, stating the street address, lot number(s), or other identifying information; the date; the scale; all benchmarks; the names of the applicant and/or the owner; the name of the person who prepared the plan; and shall be in the following format:

SITE PLAN IN BURLINGTON, MASS.

Location _____

Applicant _____ Address _____

Owner _____ Address _____

Name of Engineer or Architect _____

Certification Number _____

Scale: _____

Horizontal _____ Vertical _____

Name of Engineer or Architect _____

Certification Number _____

Date _____ Signature _____

Benchmarks used _____

1.7.2 The following signature block may be placed anywhere along the lower edge of the plan:

Approved by the
BURLINGTON PLANNING BOARD

Chairman

Application Filed _____

Hearing Date _____

Plan Approved _____

1.7.3 The north point, indicating true or magnetic.

1.7.4 The names of all abutting owners, as shown on the most recent tax list.

1.7.5 The names, widths and exterior lines of existing ways, public or private; the boundaries of existing areas dedicated to other public uses; and the location and character of other easements, public or private, and side, front, and rear yards, and fire lanes, within or adjacent to the site.

1.7.6 The names, widths and exterior lines of proposed public ways, and the boundaries of other public areas within the plan.

1.7.7 The lines, boundaries, areas, lot numbers and proposed street numbers of all lots. Street numbers shall be in accordance with the requirements of the Inspector of Buildings.

1.7.8 The location of all existing permanent monuments to be indicated and of all fences, walls, buildings, waterways and natural drainage courses, large boulders or outcroppings of rock, trees six (6) inches or more in diameter, existing landscaping to be retained and proposed landscaping. All buildings shall be shown on the plans and their sidelines given.

1.7.9 All street lines, lot lines or other boundaries shall be accurately dimensioned and have a bearing consistent with existing street layouts. Sufficient data must be shown to accurately determine all elements of curved lines (radii, lengths of arc and deflections

- 1.7.10 Topography, existing and proposed, at two (2) foot contour intervals, or of other intervals when requested by the Planning Board.
- 1.7.11 Size and location of existing and proposed water mains and their appurtenances, and all existing and proposed Fire Hydrants. Existing and proposed water usage calculations shall be shown on the plan or included in the application.
- 1.7.12 Size and location of existing and proposed sewers and their appurtenances; also profile showing rates of grade of sewer.
- 1.7.13 Size and location of existing and proposed surface water drains and their appurtenances, also profile showing rates of grade.
Existing and proposed drainage with calculations. No catchbasin to catchbasin connections. All catchbasins shall be installed with oil separator hoods/grease traps.
- 1.7.14 Size and location of existing and proposed subsurface drains and their appurtenances as required by the Planning Board.
- 1.7.15 Drainage proposals for each building and elevations of the ground floor sill or sills.
- 1.7.16 Size and location of existing and proposed electric and gas facilities as approved by the proper utility company.
- 1.7.17 Availability of public sewer service, access to trunk lines, capacity of the trunk lines and available increase of flow. Also profiles showing rates of grade of sewer, proposed sewers to be designed and constructed at such slopes as to prevent deposition of solids and to avoid scouring velocity. All manhole castings shall be eight (8) inches unless otherwise specified. All sewers shall be designed and laid with a uniform slope between manholes.
- 1.7.18 The basement and first floor elevations of all existing buildings adjacent to the property. The basement and first floor elevations, height, use, and floor area in square feet of all existing and proposed building(s) on the property.
- 1.7.19 Required parking, and the location and type of surface of all existing and proposed parking areas, loading areas, maneuvering areas, driveways, firelanes and accesses, walkways to include wheelchair ramps and crosswalks.
Delineation of each parking space showing the size of a typical parking space for standard and/or compact cars, block totals for number of spaces, with the final number of existing, required and proposed regular, compact and handicapped spaces noted on the plan.
- 1.7.20 The location, type of surface and type of screening of rubbish collection areas and type of container(s). The Planning Board requires a stockade or other suitable fence around all dumpster locations. Such fencing shall be no less than the height of the dumpster provided.

- 1.7.21 Zoning classification of the property, and the location of the zoning district lines if the property lies in one or more zoning classifications, or abuts a different zoning district.
- 1.7.22 The required buffer zones existing and proposed.
- 1.7.23 Noted on the plan in a conspicuous place that "The Contractor shall give twenty-four (24) hour notice to pertinent Town Departments before commencing any work in the field".
- 1.7.24 Reserve strips, when deemed necessary in the opinion of the Planning Board, prohibiting access to streets or adjoining property.
- 1.7.25 Location and outline of all existing cesspools, septic tanks, leaching areas and wells on the property, as well as the location of all underground storage tanks.
- 1.7.26 Sufficient data to enable the Planning Board to relate the proposed plan to any adjoining land. Such data shall include the lines of proposed ways and lots and approximate grades, and other details as the Board may reasonably require.
- 1.7.27 A table showing Zoning Requirements with regard to minimum lot area, frontage, setback, side setback, rear setback, maximum building-to-ground area ratio, maximum building height, percentages of impervious surface area, and wetland areas; also a list of allocation of floor area among various uses and the required number of parking spaces from Section VII of the Zoning By-Law and the proposed number of parking spaces to meet such parking requirements (See Appendix B, "Standard Reference Table for Site Plans: Zoning Requirements").
- 1.7.28 Notation of any variance issued by the Board of Appeals, including the case number, date granted, and description and conditions of the variance.

Where information cannot be legibly provided on one sheet, the above required information may be provided on additional sheets in logical groupings, as is acceptable to the Planning Board.

1.8 Filing Fees

The required application fee for Site Plan Review shall be based on one-tenth of one percent (.001) of the total estimated construction costs for the development up to one hundred thousand (100,000) square feet of proposed gross floor area (GFA). Thereafter the fee shall be calculated at one-twentieth of one percent (.0005). The fee shall be calculated using the following regional construction cost benchmarks. To calculate the fee, find the appropriate development type and multiply the cost shown per square foot by the GFA (Gross Floor Area). The GFA is calculated by multiplying the estimated construction cost by .001.

DEVELOPMENT TYPE / USE ¹	PER SQUARE FT.
Office: General Professional	\$58.00
Industrial / Light Manufacturing	\$40.00
Institutional - Including hospitals and any government related facilities	\$88.00
Medical Offices	\$68.00
Bank	\$80.00
Retail	\$50.00
Churches	\$61.00
Auditoriums / Fraternal Facilities	\$63.00
Theaters	\$63.00
Recreational Facilities - Including rinks, bowling alleys, health clubs	\$36.00
Outdoor Tennis	\$27.00
Hotel	\$98.00
Motel	\$68.00
Restaurants (Regular)	\$56.00
Restaurants (Fast Food)	\$65.00
Multifamily Housing - Garden & High Rise	\$58.00
Houses for Group Care / Elderly	\$82.00
Parking Structures	\$28.00
Carports / Garages	\$15.00
Multiple Family Dwellings (Town Houses & Duplexes)	\$55.00
Single Family Dwelling	\$83.00
Dormitories	\$82.00
Warehouse (Distribution)	\$47.00
Warehouse (Storage)	\$39.00
Automotive Service / Garage	\$44.00
Automotive Dealer	\$53.00
Mini-Lube Garage	\$46.00
Gas Station	\$50.00
Gas Station Self-Service and Car Wash	See note 2
Special Use Categories & Miscellaneous	See note 2

NOTES:

- ¹ The Planning Board reserves the right, in consultation with the Inspector of Buildings, to determine the use category to which an application is best defined. If no use category above is determined, the application fee will be based on and formulated by the procedure for "Special Use Categories" referenced below.
- ² Applications which fall within this category, will submit an estimate of total construction cost to the Planning Board for verification at the time or prior to application. Such estimate should include both site preparation (including excavation costs) yard and building or construction costs.

Municipal uses shall be exempt from Filing Fees. However, the applicable municipal department presenting said Site Plan or Site Plan Waiver shall bear the cost of all required legal noticing.

In no case shall an application for Site Plan Approval be less than five hundred (\$500.00) dollars nor more than eight thousand (\$8,000.00) dollars. *(Fees amended May 3, 2012)*

1.9 Project Review Fees

Any applicant who submits an application pursuant to these Rules and Regulations may be required to submit a project review fee in accordance with the following provisions of this section:

- A. When reviewing an application for approval, the Planning Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project or because of a project's potential impacts. The Planning Board may require that applicants pay a "project review fee" consisting of the reasonable costs incurred by the Planning Board for the employment of outside consultants engaged by the Planning Board to assist in the review of a proposed project.
- B. In hiring outside consultants, the Planning Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Planning Board in analyzing a project to ensure compliance with all relevant Zoning Bylaw requirements and compliance with these Rules and Regulations. Such assistance may include but not be limited to analyzing the application, inspecting the project during construction or implementation, and monitoring the project for compliance with the Planning Board's decision.

C. Funds received by the Planning Board pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Planning Board without further appropriation.

Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a project review fee shall be grounds for denial of the application.

D. At the completion of the Planning Board's review of a project, any excess amount in the account, including interest, attributable to a specific project, shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant or the applicant's successor in interest. For the purpose of this regulation, any person or entity claiming to be an applicant's successor in interest shall provide the Planning Board with documentation establishing such succession in interest.

E. Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. Such appeal must be made in writing and shall be taken only within twenty (20) days after the Planning Board has mailed or hand delivered notice to the applicant of the selection. 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. The minimum qualifications shall consist 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. 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 one month following the filing of the appeal, the selection made by the Planning Board shall stand.

Amended June 21, 1990 - Section 1.9

SECTION 2.0: SITE PLAN WAIVER APPROVAL REGULATIONS

2.1 Site Plan Waiver

The Planning Board may, in any particular case where such action is in the public interest and not inconsistent with the intent and purpose of Rules and Regulations, waive strict compliance with its Rules and Regulations and with the requirements herein.

2.2 Waived Requirements

When, in the opinion of the Planning Board, the alteration or reconstruction of a structure does not substantially change the relationship of the structure to the site and to abutting properties and structures, the Planning Board may determine, without a public hearing, that submission of a Site Plan is not required. Upon application, such a determination may be made by an affirmative vote of not less than all members of the Planning Board present except one (1), and in no event less than four (4) members, and all abutters must be notified by certified mail, return receipt requested, by the applicant, at least seven (7) days prior to the meeting at which such vote is taken. The involved structure shall be as shown on a Site Plan previously approved under this section or on a plan determined by the Planning Board to be equivalent to a Site Plan. Such Plan, if applicable, with all proposed changes shown thereon, shall be included with the application. The structure, as changed, shall comply in every respect with all provisions of the Zoning Bylaw and other applicable Laws and By-Laws.

2.3 Filing Fee

A filing fee of five hundred dollars (\$500.00) shall be submitted to the Planning Board with twelve (12) copies of redlined changes to the original Site Plan. Any Site Plan Waiver which results in a building addition with a gross floor area in excess of seventy-five hundred (7,500) square feet shall be subject to filing fees set forth in Section 1.8 of these Rules and Regulations.

2.4 Submission Requirements

Any applicant who submits an application for a Site Plan Waiver shall file with the Town Clerk the following:

- A. A properly executed application - Form II
- B. A Certified Abutters List
- C. The required filing fee.

- D. Twelve (12) copies of a revised or redlined plan, where applicable, to show changes to approved original Site Plan drawing which shall show all requirements of Section 1.6 and 1.7 of the Site Plan Approval Rules and Regulations. The applicant shall not make any changes to the record mylar plan, previously approved by the Planning Board, until the Planning Board grants approval of a Site Plan Waiver Application.
- E. Statement supporting the basis upon which applicant claims that Site Plan Waiver is indicated.

2.5 Review and Decision Process

The Planning Board in considering an application for a Site Plan Waiver shall first determine whether the application is a proper submittal. If the Board determines that the application is not a proper submittal, the application shall be denied without prejudice. If the application is determined to be a proper submittal, the Board may consider the application.

If the Planning Board determines that Site Plan Waiver approval is being appropriately requested, the Board shall, without a public hearing, give approval for a Site Plan Waiver.

The Planning Board shall send written notice to the Town Clerk of its determination regarding a plan submitted for Site Plan Waiver approval within seven (7) days after the Board's decisions.

The Planning Board shall send written notice to the person who submitted the plan for such determination within seven (7) days of the Board's decision and shall also give written notice of its decision to the Building Inspector, the Town Engineer/ Subdivision Inspector, the Board of Health, and the Conservation Commission.

SECTION 3.0: MINOR ENGINEERING CHANGE APPROVAL REGULATIONS

3.1 Minor Engineering Changes

The Planning Board, where it is not otherwise inconsistent with these provisions or with the Town's Zoning By-Law, may approve minor engineering changes to a previously approved Site Plan. A filing fee of five hundred dollars (\$500.00) shall be submitted with all applications for approval of Minor Engineering Changes.

Minor Engineering Changes may be approved for such changes including, but not limited to:

- The total number of parking spaces.
- Parking space sizes and alignment.
- Drainage (surface/stormwater).
- Curb opening dimensions and locations (provided such opening has been approved by the Board of Selectmen).
- Removal of underground storage tanks and other underground utilities.
- Changes in site/building elevations, and topographic changes on portions of the site.
- Changes in walkways and Handicapped Access Ways.
- Changes in the type of screening/rubbish collection areas.

3.2 Procedure and Request for Minor Engineering Changes

Requests for approval of minor engineering changes shall be submitted to the Planning Board on Form V. Such written request shall be accompanied by six (6) redlined plans indicating proposed changes and a statement supporting the basis for granting a minor engineering change.

The Board shall send written notice of its action to the applicant, Inspector of Buildings, Town Engineer/Subdivision Inspector, and other affected Departments and Boards of its decision regarding a minor engineering change.

SECTION 4.0: INSIGNIFICANT CHANGE APPROVAL REGULATIONS

4.1 An "Insignificant Change" to an Approved Site Plan

The Planning Board, acting through its Chairman and professional staff, may approve changes to an approved Site Plan which are considered to be of an insignificant nature. A filing fee of two hundred fifty dollars (\$250.00) shall be submitted with all applications for approval of Insignificant Changes. Such changes may include:

Changes in Building Footprint which will not increase the gross floor area of the building or buildings within the approved Site Plan.

Changes in exterior doorways, location/placement, design of building facade (awnings) which otherwise conform to the Zoning By-Law.

The minor adjustment of parking space alignment necessitated by on-site conditions. Such movement would not increase the number/sizing of spaces or vehicular or pedestrian circulation.

Changes in exterior stairways and loading docks which constitute a reduction in size of these building details.

4.2 Procedure for Requesting Approval of "Insignificant Changes"

To an approved "Site Plan" requests for the approval of Insignificant Changes in an approved Site Plan shall be submitted to the Planning Board on Form VI. Such written request shall be accompanied by six (6) redlined plans indicating the proposed changes and a statement supporting the basis for approving such insignificant changes in a Site Plan.

The Planning Board Chairman or Planning Director on behalf of the Chairman, upon consultation with its professional staff and other related professional Town staff, if needed, will issue a written decision to the applicant, Inspector of Buildings, Town Engineer/Subdivision Inspector, whether such request properly constitutes "Insignificant Changes to an approved Site Plan" or constitutes a "Minor Engineering Change" which requires further review by the Planning Board.

**PLANNING BOARD
TOWN OF BURLINGTON, MASSACHUSETTS**

**APPENDIX A
PROCESSING FORMS - SITE PLAN RULES AND REGULATIONS**

Form I Application for Site Plan Approval and Request for Recommendation on Site Plan.

Form II Application for Site Plan Waiver Approval and Request for Recommendation on Site Plan Waiver.

Form III Request to Withdraw an Application.

Form IV Request for Extension of Statutory Time Limits.

Form V Request for Approval of "Minor Engineering Changes" to an approved Plan.

Form VI Request for Approval of "Insignificant Changes" to an approved Plan.

Form VII Request for Inspection.

Form VIII Notice of Possible Violation - Request for Enforcement.

**APPENDIX B
STANDARD REFERENCE TABLE FOR SITE PLANS**

Zoning Requirements Table

(Specify Zoning District Here)	Required	Existing	Proposed
Minimum Lot Area			
Minimum Frontage			
Minimum Front Setback			
Minimum Side Setback			
Minimum Rear Setback			
Max. Building - to - Ground Ratio			
Maximum Building Height			
% Impervious Surface			
% Wetland Area			
Maximum Floor Area Ratio			

Parking Requirements Table

Total Square Feet of Floor Area	Required	Existing	Proposed
(List all allocations of floor area among various uses and give minimum and maximum parking standard from Article VII of the Zoning Bylaw) Example: Office Use - xxx sq. ft. Min. 2.5 spaces/1000 sq. ft. Max. 3.0 spaces/1000 sq. ft.			

Plans should also include; Street Address, Assessor's Map and Parcel Number, Owner & Applicant's Name, Address and Telephone Number.