



TOWN OF HOPKINTON

OFFICE OF THE PLANNING BOARD

TOWN HALL
18 MAIN STREET
HOPKINTON, MASS. 01748
(508) 497-9755

VILLAGE HOUSING SUBMISSION REQUIREMENTS AND PROCEDURES MANUAL

Adopted June 21, 2004

These Submission Requirements and Procedures explain the procedures and submission requirements of the Village Housing process as it pertains to certain zoning districts pursuant to Chapter 210, Hopkinton Zoning Bylaw, Art. XIII.A. Village Housing. The purpose of the requirements and procedures is to guide the applicant and others through the application process and to detail the requirements for submission.

The application process for a Village Housing development is comprised of two steps. In the first step, the applicant submits a Village Housing Concept Plan Special Permit application. If the Special Permit is granted by the Planning Board, the applicant then submits a Village Housing Site Plan application to the Planning Board. Two separate public hearings, one for the special permit and one for the site plan, must be held.

The purpose of the concept plan stage is to give guidance to the applicant as to the whether a proposed development meets the objectives of the Bylaw and the Town, to further define and identify any information needed at the site plan stage, and to make these determinations prior to the expenditure of significant funds on the part of the applicant. It is the intent that developments which do not meet the objectives of the Bylaw would be denied. Approval of the Concept Plan Special Permit allows the applicant to move to the site plan stage and does not authorize any construction. Submission of the Concept Plan Special Permit application is mandatory.

Roadway design, construction and inspection shall conform to the Subdivision Rules and Regulations.

It is requested that applicants consult the Design Guidelines as adopted by the Design Review Board when designing a Village Housing site, and meet and review plans with the Design Review Board prior to submission to the Planning Board. It is also recommended that prospective applicants become familiar with the requirements of the Local Initiative Program of the Massachusetts Dept. of Housing and Community Development prior to submitting an application.

It is recommended that the applicant at all times remember that the purpose of the Village Housing bylaw is to provide affordable housing which is an asset to the community, socially, visually, and environmentally.

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A. VILLAGE HOUSING CONCEPT PLAN SPECIAL PERMIT

1. Submission Requirements

At the request of the applicant, the Planning Board may waive specific submission requirements on a case-by-case basis, depending on the size and location of the proposed development.

- a) Completed application form.
- b) Submission Fees:
 - 1) Administrative Fee: \$150, plus \$3 per dwelling unit proposed.
 - 2) Deposit for Consultant Review: \$2,000, plus \$500 for every 5 acres over 20 acres. Costs for consultant review in excess of this amount shall be sole responsibility of the applicant. Any funds not spent for consultant review shall be returned to the applicant.
 - 3) Legal Advertisement in Newspaper: Cost of the legal advertisement, paid directly to the newspaper publishing the notice.
 - 4) Notification of Abutters: One envelope for each abutter on the certified list of abutters, stamped with postage sufficient to send certified mail, return receipt requested.
- c) Certified list of abutters within 300 feet of the property, from the Assessors office. The list shall include abutters across any street and in adjacent communities, where applicable.
- d) Narrative briefly describing the proposed project, including information on:
 - 1) Proposed number of dwelling units;
 - 2) Projected increase in traffic trips;
 - 3) Projected Town water and sewer demand, if any;
 - 4) Building size(s) proposed and computation of proposed lot coverage;
 - 5) Proposed number of parking spaces;
 - 6) Proposed methods of screening the premises and parking from abutting property and the street;
 - 7) How the project conforms with the Master Plan, Housing Plan, and Open Space and Recreation Plan;
 - 8) Impact on municipal services and finances;
 - 9) An analysis of the environmental impact of the proposed development.
- e) Narrative indicating how the proposed development meets each approval criteria contained in the Zoning Bylaw:
 - 1) That the proposed development constitutes a desirable development in the neighborhood and in the Town.
 - 2) That the proposed development will not be detrimental to the neighborhood or the Town.
 - 3) That the plans generally provide adequately for convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, property

- or improvements, with the understanding that review of such items will be more detailed at the site plan stage.
- 4) That the plans appear to provide adequate methods of disposal of sewerage, refuse and other wastes, adequate methods for drainage for surface water and seasonal flooding, if any, and adequate provision of water for domestic purposes, with the understanding that review of such items will be more detailed at the site plan stage.
 - 5) That the plan complies with the Master Plan.
 - 6) That the provisions of bylaw sections Planning, design, conservation, and development objectives and General Objectives have been met.
- f) Eight (8) copies of the concept plan at a scale of 1" = 40', on sheet sizes 24" x 34", and one set reduced and on 11" x 17" paper, prepared by a registered professional engineer or registered architect, unless indicated otherwise by the Board, containing the following information:
- 1) Locus plan at a scale of 1" = 800';
 - 2) Zoning district boundaries;
 - 3) Proposed parking areas;
 - 4) Existing and proposed wetlands, flood plains, streams, rivers and water bodies, if any;
 - 5) Existing and proposed topography at 5 foot contour intervals;
 - 6) Existing and proposed roadways, driveways, sidewalks, curbs and curb cuts with proposed dimensions indicated;
 - 7) Existing and proposed landscape features including trees, stone walls, plantings and walkways;
 - 8) Existing and proposed boundaries and easements;
 - 9) Adjacent streets;
 - 10) Existing structures on adjacent properties within 50 feet of the property line;
 - 11) Existing significant environmental features such as ledge outcrops, scenic views and large trees;
 - 12) Estimated location and dimensions of existing structures;
 - 13) Proposed structures including setbacks, exterior dimensions and exterior elevation drawings, in a conceptual manner;
 - 14) Proposed stormwater management system, in a general manner;
 - 15) Location of proposed sewage disposal systems, in a general manner;
 - 16) Proposed recreation areas and open space;
 - 17) Impact of the proposed development on existing views within, into and out of the site. Indication of new long views to be created by the development.

The application is deemed to be submitted only when all of the required items are delivered to the Planning Board office, complete and in the required number of copies and a copy of the application filed with the Town Clerk by the applicant.

An applicant may request, in writing, that the Planning Board waive the submission of specific items listed above. The Board may waive the submission of specific items if it determines that the item is not necessary or not applicable to a specific project.

2. Application Procedure

- a) The applicant should first submit plans sufficient to judge the scope of a project to the Zoning Enforcement Officer (Director of Municipal Inspections) and Planning Director for determination of whether the proposed project complies in general with bylaw requirements. The Planning Board encourages potential applicants to attend a Planning Board meeting to discuss the general concept prior to submission, for feedback and guidance.
- b) Applicant submits the required materials to the Planning Board and the Town Clerk.
- c) After a Village Housing Concept Plan Special Permit application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of roads, no grading of land or lots, no excavation except for purposes of soil testing, no dredging or filling, and no construction of buildings or structures shall be done on any part of the site until the application has been reviewed and approved.
- d) The Planning Board will transmit copies of the plan and application within 7 days of its receipt, to the Director of Public Works, Conservation Commission, Board of Health, Police Department, and Fire Department for comment and recommendations. Those Boards and officials have up to 35 days to make recommendations to the Board. The Board cannot act on the application until the comments are received or 35 days has elapsed, whichever is sooner.
- e) The Planning Board will transmit copies of the plan and other information submitted to its consultant for review. Applicants are urged to work with the consultants to resolve any outstanding issues prior to the public hearing.
- f) The Planning Board will hold a public hearing within 65 days of submission. Abutters will be notified by mail of the hearing date and time by the Board.
- g) The Planning Board is required to make its decision and file it with the Town Clerk within 90 days from the close of the public hearing. The criteria for approval are listed below.
- h) After the decision has been filed with the Town Clerk, there is a 20 day appeal period from the date the Board files its decision. If the permit is granted, the applicant must file the decision with the Registry of Deeds.
- i) If not exercised, the special permit will expire two years from the date of issue, which is the date on which it is filed with the Town Clerk.

3. Approval Criteria

Before the Planning Board may issue the Special Permit, it shall determine each of the following criteria are met. The submission information should be sufficient to illustrate to the Board how

the conditions will be met. Please note that the issuance of a special permit is discretionary, and it is the responsibility of the applicant to provide all information necessary for the Board to make an informed decision.

- (1) That the proposed development constitutes a desirable development in the neighborhood and in the Town.
- (2) That the proposed development will not be detrimental to the neighborhood or the Town.
- (3) That the plans generally provide adequately for convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, property or improvements, with the understanding that review of such items will be more detailed at the site plan stage.
- (4) That the plans appear to provide adequate methods of disposal of sewerage, refuse and other wastes, adequate methods for drainage for surface water and seasonal flooding, if any, and adequate provision of water for domestic purposes, with the understanding that review of such items will be more detailed at the site plan stage.
- (5) That the plan complies with the Master Plan.
- (6) That the provisions of bylaw sections Planning, design, conservation, and development objectives and General Objectives have been met.

Approval of the Village Housing Concept Plan Special Permit application is not considered approval of any construction. The approval is considered preliminary, with the intent to give guidance to the applicant as to the development of the site plan and whether the proposed concept meets the objectives of the Bylaw and the Town.

The Special Permit decision approving the concept plan must be recorded in the Registry of Deeds by the applicant.

B. VILLAGE HOUSING SITE PLAN

1. Submission Requirements

At the request of the applicant, the Planning Board may waive specific submission requirements on a case-by-case basis, depending on the size and location of the proposed development.

- a) Completed application form.
- b) Submission Fees:
 - 1) Administrative Fee: \$300, plus \$3 per dwelling unit proposed.
 - 2) Deposit for Consultant Review: \$4,000, plus \$500 for every 5 acres over 20 acres. Costs for consultant review in excess of this amount shall be sole responsibility of the applicant. Any funds not spent for consultant review shall be returned to the applicant.
 - 3) Legal Advertisement in Newspaper: Cost of the legal advertisement, paid directly to the newspaper publishing the notice.
 - 4) Notification of Abutters: Stamped envelope sufficient to send the public hearing notice to each abutter by mail.

- c) Certified list of abutters within 300 feet of the property, from the Assessors office. The list shall include abutters across any street and in adjacent communities, where applicable.
- d) Narrative briefly describing the proposed project, including information on:
 - 1) Proposed number of dwelling units;
 - 2) Projected increase in traffic trips;
 - 3) Projected Town water and sewer demand, if any;
 - 4) Building size(s) proposed and computation of proposed lot coverage;
 - 5) Proposed number of parking spaces;
 - 6) Proposed methods of screening the premises and parking from abutting property and the street;
 - 7) How the project conforms with the Master Plan and Open Space and Recreation Plan;
 - 8) Proposed off-site improvements;
 - 9) Proposed long-term method of monitoring the affordable units. If the Town will not be monitoring the units, the applicant shall submit a draft Monitoring Agreement with an organization with expertise in the field.
- e) Draft unit deed rider for ownership units, or property deed restrictions and property management documents for rental developments. Such documents shall describe how long-term affordability of all of the units within the development will be preserved.
- f) Draft completed Local Initiative Program application which includes an attached Marketing Plan and lottery description, a low & moderate income unit sales price analysis, and a development pro-forma.
- g) Three (3) copies of a traffic study for developments of 15 or more units. The purpose shall be to document the existing traffic volumes, capacities, road condition, hazards and level of service on the site and streets and intersections adjacent to the site, assess the projected impact of such changes, and to propose and discuss management and structural improvements and mitigation measures, both on and off the site. The study shall cover vehicular, bicycle and pedestrian traffic. The study shall be prepared by a Registered Professional Engineer in the Commonwealth of Massachusetts qualified in the field of Traffic Engineering.
- f) Three (3) copies of an Environmental Analysis. The Analysis shall be prepared by a qualified Environmental Scientist, with qualifications including training, education, etc. provided to the Board. The person performing the Environmental Analysis shall: 1) have at least a masters degree in ecological science from an accredited college or university, or 2) be another competent professional with at least 2 years experience in environmental analysis. The Analysis shall analyze the impact the development will have on the environment within and adjacent to the development.

The Analysis shall include, but shall not be limited to, the evaluation of pre-development conditions and post-development impacts on:

1. Surface and ground water quality.
2. Groundwater recharge of upper aquifers and perched groundwater layers.
3. Wildlife habitats and corridors.
4. Wetlands and bodies of water, including streams and rivers, both localized and general.
5. Existing and potential domestic water supplies.
6. Species of special concern in Massachusetts.

The Analysis shall include an evaluation of pre-development conditions and post-development impacts of:

1. Road salt.
2. Fertilizer loading.

The Analysis shall include proposed mitigation of the post-development impacts identified. Mitigation measures requiring ongoing or periodic maintenance shall be identified and a maintenance plan shall be included with the Environmental Analysis.

- h) Nine (9) copies of the site plan at a scale of 1" = 40', on sheet sizes 24" x 34" prepared by a registered professional engineer or registered architect, unless indicated otherwise by the Board, containing the following information:
- 1) Locus plan at a scale of 1" = 800';
 - 2) Zoning district boundaries;
 - 3) Proposed parking areas;
 - 4) Proposed phasing plan;
 - 5) Landscape Plan which shows all proposed landscaping for the property and includes types, numbers, and size of species when planted;
 - 6) Existing and proposed wetlands, flood plains, streams, rivers and water bodies, if any;
 - 7) Existing and proposed topography at 5 ft. contour intervals;
 - 8) Existing and proposed roadways, driveways, sidewalks, curbs and curb cuts with proposed dimensions indicated;
 - 9) Lighting plan, including photometric plan with proposed foot-candle levels, and proposed hours of illumination;
 - 10) Existing and proposed boundaries and easements;
 - 11) Adjacent streets;
 - 12) Existing structures on adjacent properties within 50 ft. of the property line;
 - 13) Location and dimensions of existing structures;
 - 14) Proposed structures including setbacks, exterior dimensions and exterior elevation drawings;
 - 15) Location of existing and proposed utilities;
 - 16) Proposed stormwater management system;
 - 17) Erosion and Sedimentation Control Plan;
 - 18) Roadway and sidewalk construction details including a typical roadway cross section. Roadways and sidewalks shall be designed to the standards contained in the Subdivision Rules and Regulations.
 - 19) Location of proposed sewage disposal systems;

- 20) Location of fire protection system and domestic water service;
- 21) Proposed recreation areas and open space;
- 22) Signature block for the Planning Board to sign an approved plan. The block shall be in the same location on every sheet within the plan set.

The application is deemed to be submitted only when all of the required items are delivered to the Planning Board office, complete and in the required number of copies and a copy of the application filed with the Town Clerk by the applicant.

2. Application Procedure

- a) Applicant submits the required materials to the Planning Board with a copy of the application to the Town Clerk.
- b) The Planning Board will transmit copies of the plan and application within 5 days to the Director of Public Works, Conservation Commission, Board of Health, Police Department, and Fire Department for comment and recommendations. Those Boards and officials have up to 35 days to make recommendations to the Board. The Board cannot act on the application until the comments are received or 35 days has elapsed, whichever is sooner. The Board may also transmit copies to other Boards and Town officials for comment as it deems necessary.
- c) The Planning Board will transmit copies of the plan and other information submitted to its consultants for review. Applicants are urged to work with the consultants to resolve any outstanding issues prior to the public hearing.
- d) The Planning Board will hold a public hearing within 45 days of submission. Abutters will be notified of the hearing date and time by the Board.
- e) The Planning Board is required to make its decision and file it with the Town Clerk within 90 days from the date of submission. This time may be extended by mutual agreement between the applicant and the Board. The criteria for approval are indicated below.

3. Approval Criteria

Before the Planning Board may approve the Site Plan, it shall determine each of the following:

- 1) That the plans provide adequately for convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, property or improvements.
- 2) That the plans assure the adequacy of the methods of disposal of sewerage, refuse and other wastes and the methods of drainage for surface water and seasonal floodings, if any.
- 3) All provisions of the Bylaw have been complied with, and all necessary special permits and variances have been granted by the Board of Appeals.

If the Planning Board does not make all of the above determinations, it will deny the application, stating the reasons for denial.

C. CONDITIONS OF APPROVAL

Conditions of approval may include the following:

- 1) A phasing plan of the village housing site plan construction so that no more than 40 units per year of affordable housing will be constructed, using a three year average as a standard.
- 2) A requirement for a performance guarantee to be posted with the Town to guarantee completion of improvements to be made in compliance with the approved plans. The Board may also require that an amount be included for land restoration not having to do with the construction of improvements. The amount of security will be determined by an estimate from the applicant's engineer which may be confirmed or increased by the Board. The Town may use the secured funds for their stated purpose in the event that the applicant does not complete all improvements in a manner satisfactory to the Board within 2 years from the date of approval, or the final date of the last extension of such approval, if any. The term "improvements" does not include the construction of buildings.
- 3) Off-site improvements to correct conditions directly caused by the Village Housing development.
- 4) Duration of approval and a specified completion date.

Because all of the units in the development must be affordable, as defined in the Bylaw, and qualify for inclusion on the Ch. 40B Subsidized Housing Inventory, approval of any Site Plan will be conditional upon the successful application to the Mass. Department of Housing and Community Development under the Local Initiative Program.

D. MODIFICATIONS TO APPROVED PLAN

An approved site plan may be modified or amended by the Board on its own motion or upon application by the developer. If the Board determines that the proposed modifications are significant, it will hold a public hearing.

The submission fees for modification of an approved plan are:

- 1) Administrative fee: \$100
- 2) Consultant review fee: Actual cost of review, with an estimate received from the Board's consultant upon application. An amount equal to the estimate shall be deposited with the Town prior to review of the plan. Costs for consultant review in excess of this amount shall be sole responsibility of the applicant. Any funds not spent for consultant review shall be returned to the applicant.

- 3) Legal Advertisement in Newspaper: Cost of the legal advertisement, paid directly to the newspaper publishing the notice.
- 4) Notification of Abutters: Stamped envelope sufficient to send certified mail, return receipt requested, to each abutter.

The applicant is required to submit any and all plans necessary for the Board to act on the proposed modification and review by its consultant.

E. INSPECTION

Inspection of infrastructure and roadways during construction shall be in accordance with the procedures in the Subdivision Rules and Regulations. The cost of the inspections shall be the sole responsibility of the developer. An inspecting engineer will be retained by the Planning Board in accordance with the procedures in the Subdivision Rules and Regulations.

F. COMPLETION

Upon completion of construction of all site work and building construction, the applicant must file a "completion certificate" with the Director of Municipal Inspections, such certificate to state that the site development, conservation and building construction has been completed in conformity with the approved plans.

The applicant must submit two As-Built Plans showing the entire site and including, but not limited to, the following: utilities; structures; roadways; open space; recreation area. The contents of the As-Built plan shall conform to the requirements of Section 11.3 of the Subdivision Rules and Regulations.

After submission of the completion certificate and As-Built Plans, the Board will review the information and if such As-Built Plans conform to the Site Plan as approved and modified or amended, release the remaining performance guarantee, if any.

G. APPEALS

Appeals of Planning Board decisions on the Special Permit or Site Plan applications shall be pursuant to M.G.L. Ch. 40A, Section 17.