

ARTICLE XII

SPECIAL REGULATIONS

Section 12.01 Environmental Performance Standards - Any use permitted by right or special permit in any district shall not be conducted in a manner as to emit any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactivity or other hazard, noise, vibration, smoke, dust, odor or other form of environmental pollution; electrical or other disturbance; glare; liquid or solid wastes; conditions conducive to the breeding of insects, rodents, or other substance; conditions or element in an amount as to affect adversely the surrounding environment. The following standards shall apply:

1. Emissions shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance, hazard, or other disturbance from being perceptible (without the use of instruments) at any lot line of the premises on which the use is located.
2. All activities and all storage of flammable and explosive materials at any point, shall be provided with adequate safety devices against fire and explosion and adequate fire-fighting and fire-suppression devices and equipment.
3. No activities that emit dangerous radioactivity, at any point; no electrical disturbance adversely affecting the operation at any point, of any equipment, other than that of the creator of such disturbance, shall be permitted.
4. No emission of visible smoke of a shade equal to or darker than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines shall be permitted for a period or aggregate period of time in excess of six minutes during any one hour provided that at no time during said six minutes shall the shade, density or appearance be equal to or greater than No. 2 of the Chart.
5. No emission which can cause any damage to health or animals or vegetation or which can cause excessive soiling at any point shall be permitted.
6. No emission which contains particle matter shall exceed federal standards of the Environmental Protection Agency.
7. No facility regardless of its size shall discharge more than 40 pounds per hour of dust and fumes to the atmosphere.
8. No discharge, at any point, into a private sewerage system, stream, the ground, or a municipal sewerage disposal system of any material in such a way, or of such a nature or temperature as may contaminate any running stream, water supply, water body, or otherwise cause the emission of dangerous or objectionable elements and

accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.

9. No activity shall be permitted which causes or creates a vibration, at any point on any lot line, with a displacement and respective frequency listed below.

Maximum Permitted Steady State Vibration Displacement

<u>Frequency, cycles per second</u>	<u>Displacement, inches</u>
10 and below	.0008
10 - 20	.0005
20 - 30	.0003
30 - 40	.0002
40 - 50	.0001
50 - 60	.0001
60 and over	.0001

Maximum Permitted Impact Vibration Displacement

<u>Frequency, cycles per second</u>	<u>Displacement, inches</u>
10 and below	.0016
10 - 20	.0010
20 - 30	.0006
30 - 40	.0004
40 - 50	.0002
50 - 60	.0002
60 and over	.0002

10. Maximum permissible sound pressure levels for noise radiated continuously from a facility between 10 p.m. and 7 a.m. at any lot line shall be as follows;

<u>Frequency Band, cycles per second</u>	<u>Sound Pressure Level, decibel re 0.0002 dyne/cm²</u>
20 - 75	69
75 - 150	54
150 - 300	47
300 - 600	41
600 - 1,200	37
1,200 - 2,400	34
2,400 - 4,800	31
4,800 - 10,000	28

If this sound is not smooth and continuous, one of the following corrections should be added to each of the actual decibel levels given:

- a. Day time operation only +5
 - b. Noise source operates less than 20 percent of any hour period: +5.
11. No emission of odorous gases or odoriferous matter in such quantities as to be offensive shall be permitted. Any process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001202 ounces per thousand cubic feet of hydrogen sulfide or any "Odor Threshold" as defined in Table III in Chapter 5 of Air Pollution Abatement Manual, copyright 1951, by Manufacturing Chemists Association, Inc., of Washington, D.C. shall be permitted.
 12. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as welding shall be permitted when it is determined that it will be hazardous or obnoxious.
 13. In the event of a conflict between the above, performance standards and state standards, the standards of a duly organized regional authority, or local standards, the standards which are more stringent shall govern.

Section 12.02 Site Plan Approval - Site Plan Review shall be used to evaluate the impacts of a proposed project. Any request for a permit for construction, additions, exterior alteration, relocation, change in use of non-residential use permitted by right or by special permit in any district shall not be granted until a site plan for such use has been submitted to and approved by the Board except that the Board may waive the requirement for Site Plan Approval where the proposed alteration or change in use is found to be minor.

1. All applicants for site plan review shall fully comply with the submission requirements set forth in the Town of Marshfield Zoning Board of Appeals Rules and Regulations except where said Rules and Regulations are waived by the Board. Except as provided in Section 10.09(5) hereof, any person desiring approval of a site plan under this Section shall submit nine copies of said plan, with application for approval thereof, directly to the Board. The Board shall, within ten (10) days after receipt thereof, transmit one copy of such plan to the Planning Board, which said Board may, in its discretion, investigate the case and report in writing its recommendation to the Board. Applicants are encouraged to meet informally with the Building Inspector prior to making a formal submission of plans to discuss site plan requirements and consider possible waivers. The Board may provide a set of guidelines to assist applicants in meeting site plan, architectural and landscaping objectives.

2. Consultant Review: If in the opinion of the Board, the project requires review by a consultant the applicant will be responsible for consultant review fees as may be required by the Zoning Board of Appeals Rules and Regulations and as governed by M.G.L. Ch. 44 Sec. 53G.
3. A traffic study may be required by the Board as more fully described in Sec. 11.10.
4. The Board shall not take final action on such plan until it has received a report thereon from the Planning Board, or until said Planning Board has allowed thirty-five (35) days to elapse after receipt of such plan without submission of a report thereon.
5. In exercising its jurisdiction under this Section, the Board shall conform to all procedural requirements applicable to the Board when deciding requests for special permits as set forth in General Laws Chapter 40A, Section 9 and Article X of this Bylaw.
5. In exercising its jurisdiction under this Section, the Board shall conform to all requirements applicable to the Board when deciding requests for special permits as set forth in General Laws Chapter 40A, Section 9 and Article X of this Bylaw.
6. Review Criteria/Required Performance Standards: In considering a site plan under this Section, the Board shall assure, to a degree consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which located:
 - a. Protection of adjoining premises against detrimental or offensive uses on the site, including compliance with all dimensional requirements set forth in this Bylaw, and provision of adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscaped buffer along the street frontage.
 - b. Convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements, including compliance with Section 11.10 where required.
 - c. Adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses permitted or permissible on the site.
 - d. Adequacy of the proposed drainage system within and adjacent to the site to manage all increased runoff resulting from the development on site, and adequacy of the soil erosion plan and any plan for protection of steep slopes, both during and after construction. Site plan review shall also include review

of an Operations and Maintenance Plan for the approved drainage system to be certified by a registered professional engineer.

- e. Compliance with Sections 8.07 and 8.08 of this Bylaw, including adequacy of space for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment.
 - f. Adequacy of lighting, including compliance with Section 8.09 of this Bylaw, such that all lighting and other sources of illumination, whether interior or exterior, and all intense light emanating from operations or equipment shall be shielded from direct view at normal eye level from adjacent properties.
 - g. Building sites shall minimize any material or significant adverse impacts on steep slopes, floodplains, scenic views, grade changes and wetlands.
 - h. In the B-1 zoning district, the development shall be reasonably consistent with respect to setbacks, placement of parking, landscaping and entrances and exits with surrounding buildings and development. If there is more than one building on the site, the buildings shall relate harmoniously to each other in architectural style, site location and building exits and entrances.
 - i. Conformance with all appropriate provisions of the Zoning Bylaw except where variance from such provision is applied for and approved by the Board. All permits issued under this bylaw shall be conditioned upon receipt of all other required permits including Board of Health; Conservation Commission if necessary; all required permits set out in Section 10.10, Article XI, Article XIII and Article XV; and others as required.
5. Design Objectives - The following objectives, in addition to any standards prescribed elsewhere in this Bylaw, shall be utilized by the Board during its site plan review. These objectives are intended to provide specific guidelines for the Board and the applicant.
- a. Architectural details - Architectural details of new buildings and additions, textures of wall and roof materials, should be harmonious with the building's overall architectural style and should preserve and enhance the character of the surrounding area.
 - b. Building Articulation - Giving emphasis to architectural elements (including windows, balconies, porches, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces.
 - c. Building Form and Features - The mass, proportion and scale of the building, roof shape, roof pitch, and proportions and relationships between doors and windows should be harmonious among themselves and with those of the surrounding area.

- d. Building Location - Proposed buildings and structures shall be integrated as much as possible within the existing building locations, landscape and terrain. The building's location shall be orientated parallel or perpendicular to the street. Where the minimum setback cannot be maintained by the building, the applicant shall provide adequate spatial definitions through the use of walls, fences and or other elements, which will maintain the street line.
 - e. Building Design - The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roof line, roof pitch, arrangement of openings, color, exterior materials, proportion and scale of existing buildings in the vicinity.
 - f. Spatial Definition - Define various areas both public and private with walks, plantings, walls, fences and other elements that are in keeping with the overall architectural design.
 - g. Special Features - Exposed machinery, utility structures and areas for parking, loading, storage, service and disposal shall be screened from adjoining properties and streets.
 - h. Lighting - Lighting should match the architectural style of the building and comply with the Zoning Bylaws Sec. 8.09.
 - i. Pedestrian furnishings - Benches, bollards, lighting, street trees, refuse containers, flowers boxes, canopies shall be provided and shall be consistent with the character of the development.
 - j. Protection of Historic Character - When renovating an historic building, character defining exterior elements of historic building, shall be preserved. Signage should be compatible with the historic character of the building.
6. The Board shall have the power to modify or amend its approval of a site plan on application of the owner, lessee or mortgagee of the premises, or upon its own motion if such power is reserved by the Board in its original approval. All of the provisions of this section 12.02 shall, where apt, be applicable to such modification or amendment.
7. The site plan submitted to the Board shall show, among other things as may be required by the Board in the proper administration of this section, all existing and proposed buildings, structures, parking areas, loading areas, driveway openings, driveways, walkways, access and egress points, service areas, recreation areas and other open spaces, including dimensions and all elevations,; easements within the lot; existing and proposed on-site wells, water supply systems, storm drainage systems, utilities, sites for enclosed refuse containers and location and capacity of septic systems; wetlands, streams, bodies of water, drainage swales; the location and description of all existing and proposed topographic features on the lot and adjoining areas within 50 feet of said lot including two (2) foot contours, walks, fences, walls, planting areas, and greenbelts; and the amount(s) in sq. ft. of proposed building(s), impervious surface area and open space (natural and landscaped) of the lot. The Board may

request additional information or data it judges to be necessary to render its decision.

8. Compliance and Enforcement:

- a. The final approved site plan will be valid for two years and not contingent on continued ownership. Failure to actively begin construction within that time will require a new submittal. Construction, once commenced, shall be prosecuted conditionally to conclusion.
- b. No building permit shall be issued by the Building Inspector for any development subject to this section and no construction or site preparation shall be started, until a decision of the Board approving a site plan has been filed with the Town Clerk and all other required permits have been received and filed with the Town Clerk.
- c. The Board may require submittal of an as-built, certified by a registered professional land surveyor and engineer to the Board and Building Inspector before the issuance of a permanent occupancy permit. The as-built plan shall attest to a development's conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives. No activity subject to site plan approval shall be conducted on the site unless, in the opinion of the Building Inspector, the development or approved phase thereof has been substantially completed according to the approved site plan, and unless the proposed activity was reviewed by the Board pursuant to the Site Plan Approval procedure.
- d. The owner(s) and/or developer(s) of any lot, and all successors in interest, shall be responsible for the maintenance of all landscaped open space and buffers. Landscaping shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. Screening shall be provided for storage areas, loading docks, dumpsters, rooftop equipment, utility buildings and similar features.
- e. A permanent landscaping irrigation system, sufficient in the Board's determination, shall be provided by the installation of a sprinkler system and/or hose bibs placed at appropriate locations. Whenever possible, "gray" or re-used water, or wells, shall be used as the water source for the irrigation system.
- f. Maintenance bond: The Board may require a bond to ensure that required landscape plantings are maintained and survive for up to two (2) growing seasons following completion of planting.

- g. Any changes in the approved site plan, or in the activity to be conducted on the site shall be submitted to the Board for review and approval.

(Article XII Section 12.02 5. amended at 2009 ATM, the word "procedural" was inserted)