Rules and Regulations for
Wind Facilities
Special Permit and/or Site Plan Review

as adopted by the
Planning Board of the City of Quincy, Massachusetts

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ATTACHED:

ARTICLE 1: Filing and Approval Procedures
ARTICLE 2: Plan Contents Checklist
ARTICLE 3: Application
ARTICLE 4: Fee Schedule & Regulations

Applicable zoning: **Sections 17.06.7, 17.09.4 and 17.09.5**

Internet Link to Planning Department:
http://www.quincyma.gov/Government/PLANNING/PlanningBoard.cfm

Main phone number for Planning and Community Development: 617-376-1362
Main phone number for Inspectional Services: 617-376-1450

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Wind Facilities
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TABLE OF CHANGES:

Department of Planning and Community Development

1305 Hancock Street, Quincy, Massachusetts 02169
Tel. (617) 376-1362 FAX (617) 376-1097
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DENNIS E. HARRINGTON
Planning Director

THOMAS P. KOCH
Mayor

Wind Facilities
Article 1

The following Rules and Regulations (the "Rules") are enacted by the Planning Board pursuant to Section **17.9.3.3 and 9.3.4** of the City of Quincy Massachusetts Zoning Ordinance and M.G.L. ch. 40A, Section 9. The Rules establish procedures for applications to the Board for Wind Facilities pursuant to Section **17.06.7.**

PART 1: FILING AND APPROVAL PROCEDURES

NOTE: In view of the comprehensiveness of the Wind Facilities filing, it is strongly recommended that the applicant schedule an informal discussion with the Planning Board staff prior to the filing. A Special Permit is required for Wind Facilities 250' or higher; a Site Plan Review is required for Wind Facilities over 100' up to 249'. An applicant for a Wind Facility less than 100' may apply for a building permit from the Director of Inspectional Services after review and approval of the materials required in 17.06.7.3 by the Planning Director.

1. Have eighteen sets of the Special Permit – Site Plan Review plans made (NOTE: 10 **sets** at 11" x 17"; 8 **sets** full size – no larger than 2' x 3') as well as eighteen (18) 8-1/2" x 11" sets of any additional information including, but not limited to, application form, narrative and any technical reports that may accompany the application.

2. Make 18 copies of the application form and obtain copies of Abutter's list – certified by the Assessors' Office - and two sets of corresponding mailing labels from the Assessors' Office. Please ensure that the subject property is included on all lists obtained from the Assessor. Please note that the Assessor's Office may take up to ten (10) business days to produce a certified Abutter's list and two sets of labels.

3. Bring one set of plans and application to the City Clerk's office (with abutters list and matching mailing labels attached). The Clerk will time-stamp the original application and retain for their file. The applicant shall obtain from the City Clerk a certified copy of the application including the date and time of filing.

4. Bring certified copy plus eighteen (18) plan sets and applications to the Planning Board office with a bank check in the appropriate amount for required administrative and project review fees (see attached

fee schedule and regulations) and the Planning Board secretary will date-stamp the entire submittal as "Received."

5. In the event that the Planning Director deems an application to be incomplete or otherwise not properly filed, the applicant will be notified in writing and given the opportunity within a specified period of time (not less than seven (7) days after the date of the notice) to bring the application into compliance. An application which is the subject of such notice, but is not brought into compliance within the period specified in such notice, shall be denied for failure to comply with these rules.

6. Once the Planning Director deems the application complete, the Planning Board secretary will then do the following:

   - In consultation with the Planning Director and Board, set a date for the public hearing. For Special Permit, the public hearing must take place within sixty-five (65) days of the date of the filing.

   - Distribute the plans to the appropriate City Departments, and request comments

   - Post the Public Hearing in the City Clerk's Office 14 days prior to hearing

   - Advertise the public hearing in a local newspaper for two consecutive weeks at least 14 days prior to the hearing date

   - Mail a copy of the hearing notice, postage prepaid, to the applicant and to all "parties in interest" as per Ch. 40A, section 11.

   - Copies of all comment memos received shall be distributed to applicant, Board Members, Planning Director and Principal Planner II.

7. Copies of Peer Review, departmental comments and technical memoranda shall be circulated by the Department of Planning and Community Development (PCD) staff to the Planning Board and Applicant not less than 48 hours and/or one week prior to the opening of the public hearing or continued public hearing. The applicant or their agent may not request Peer Reviewers to send their reports directly to them, or at an earlier date.

   Peer review responsibilities will cover such items listed in the **Site Plan Contents Checklist**, technical specialties (i.e., traffic, drainage) and determination of application completeness.

8. **For Special Permit**, The Planning Board will take final action on the filing within ninety (90) days, of CLOSE of hearing or extended time if requested in writing by the applicant and agreed to by the Board. A copy of the agreement shall be filed in the Office of City Clerk.

9. **For Site Plan Review,** the Planning Board shall review and take action upon the site plan within ninety (90) days of its receipt or extended time if requested in writing by the applicant and agreed to by the Board. A copy of the agreement for extension of time shall be filed with the City Clerk.

10. Prior to final action by the Planning Board, the applicant will furnish the Board with three complete sets of plans with the latest revised dates as referenced in the staff recommendation. Any surviving conditions of approval shall be placed on the Title page of the plans. The same shall apply to construction drawings.

11. The Planning Board will file a copy of the decision with the City Clerk, including a record set of plans. Notice of the decision will be mailed, postage prepaid, to the applicant and to parties in interest and persons requesting notice. Notice will specify the 20 day right to appeal.

12. Once the 20 day appeal period has lapsed, and in the absence of any appeal, the applicant, if granted the Special Permit, shall have the City Clerk certify that no appeal has been filed and shall file a certified copy of the decision notice at the Norfolk County Registry of Deeds, Dedham, Massachusetts and provide a copy of the recorded decision notice to the Board for its files before applying for a building permit.

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ARTICLE 2: Plan Contents Checklist

INFORMATION REQUIRED FOR WIND FACILITIES SPECIAL PERMIT and/or SITE PLAN REVIEW

The PGA, or its designee, shall, in its discretion, require the following information for all applications for Wind Facilities Special Permits and/or Site Plan Review including, but not limited to #1-29 below. The applicant shall also provide all documentation as required under **17.06.7 Wind Facilities.** If any duplication exists between this Plan Contents Checklist and 17.06.7, the more stringent shall apply.

Upon written request by the applicant, the PGA may waive submission of any of the required information, if the PGA finds the information is not applicable to the project. An applicant must provide documentation in compliance with 17.06.7.15 for waiver of setback, sound and shadow flicker provisions.

The applicant is strongly encouraged to arrange with the Planning Director for a preliminary meeting with the Planning Board staff before submitting the application to help the applicant identify the applicable information requirements as well as any design related issues that may arise. The applicant should be prepared to present schematic plans to facilitate this preliminary discussion.

1. **Title page** name, addresses, telephone numbers and signatures of the applicant, co-applicants, the owner, if other than the applicant, and other agents for the applicant, such as the architect, landscape architect, engineer and/or attorney, and the name and address of the proposed project; table of dimensional and parking requirements, existing, required and proposed;

2. **Plot plan** certified by land surveyor indicating total land area, boundaries, angles, dimensions of the site, areas of existing plant materials and trees over 8" diameter, ledge, soil conditions and percolation test data, north arrow, major topographical and landscape features, vicinity and locus maps;

3. **Appropriately scaled and dated site plan(s),** no larger than 30" by 42", certified and stamped by a registered land surveyor, architect, landscape architect or engineer showing:

   present and proposed use of the land and existing buildings, if any;

   dimensions and locations of existing and proposed building(s) or other structures including height, setback(s) from property lines and total square footage of all floors; if applicable, type of building,

   locations and dimensions of any easements and public or private way, other burdens, Covenants, existing or proposed; and adjacent roadways; benchmarks and monuments; zone lines;

at grade parking and loading areas showing number, location and dimensions of parking and loading spaces, driveways, access and sidewalks;

space for revision dates, Quincy case number, PGA signatures;

names and addresses of all property owners within three hundred (300) feet of the site boundaries; and

final plans as DWG files in AutoCad 2004 or earlier and wet stamped and signed hard copies;

4. A brief written description of the proposed project in sufficient detail to describe the character and scope of the proposal completely, proposed construction or demolition, all uses, who the project is intended to serve, expected number of employees, methods and hours of operation, if applicable; general description of neighborhood; Impact of development on neighborhood; nearby public facilities;

5. Elevations and sections indicating the height and layout relationships with proposed and adjacent buildings, total floor area and ground coverage of each proposed structure; descriptions of setbacks, measures to prohibit unauthorized access;

6. Color, materials and exterior features of proposed structures; renderings or perspective drawings as required, show visualizations, show how audible privacy is achieved;

7. Indicate use of the latest **"green building" techniques**, methods and materials in the overall design per Mass State regulations; provide wind and shadow studies; shadow/flicker study as per 17.06.7.14.3;

8. Existing and proposed contour elevations as per 17.06.7.3.2(b);

9. Provisions for vehicular and pedestrian circulation to adjoining property and neighborhood in general; roadway layout including but not limited to pavement and widths, curb lines, right-of-way lines, cross-sections, alignments, sidelines, centerlines, points of tangency, lengths, bearings, radii and grades of roads, intersections within 100' of property lines;

10. Context, including a rendered site plan showing the project in context with its abutters footprints (with property lines) and adjacent streets; the plan shall include an illustrative drawing of the general area of the project for several surrounding blocks, a discussion of the impact on the neighborhood, the relationship of the project to its surroundings and the fit/scale of the project relative to its neighborhood. Abutter's information can be found on the City Assessor's plans.

11. Site landscaping and screening plan including sizes of trees and other plantings, use of indigenous materials, where appropriate, stone walls, fences and other features to be retained and/or removed, buffer zones; saved and retained or reused materials, trees and plants. Any project with 10 or more parking spaces must include a landscape plan stamped by a registered Landscape Architect.

12. Measures taken to **preserve and protect natural resources** and open space, location, description, % of land not dedicated to parking, roads or lots, % unbuildable areas in open space, access to residents of Quincy, if any, where appropriate;

13. Lighting, including location and intensity of lighting facilities; evidence of required lighting for Wind Facilities and compliance with 17.06.7.9.1;

14. Dimensions and locations of signs, proposed and existing;

15. Location and significance of **historic structures**; impact on nearby historic structures

16. Method for handling solid waste disposal, and for screening of disposal facilities;

17. Description and location of all proposed **mechanical and electrical system components,** transformers and satellite dishes; exposed mechanical equipment and vents should be indicated;

18. Locations of and adequacy of existing and proposed on-site public utilities, facilities and conditions (water, sewage and drainage), showing size and direction of flows;

19. Engineering plans and profiles, including streets, sidewalks, drains, sewers, water mains and public utility extensions, and connections with existing or proposed rights of ways and/or easements such as gas, electric, telephone, fire alarm, E.M.H., transformers, pads, cable and fiberoptics;

20. Engineering feasibility studies of anticipated problems i.e. noise, blasting, etc., if deemed necessary by the Board; evidence of compliance with MA DEP's Division of Air Quality Noise Regulations (310 CMR 7.10);

21. Demolition and construction procedures including impact mitigation measures, and an estimate of the time period required for completion of the development; construction cost estimates: site preparation, unit costs, service and ancillary functions;

22. A traffic study including estimated volumes generated by the proposed use in relation to the existing volumes and projected future conditions, or a traffic impact analysis which is prepared by a professional traffic engineer;

23. General summary of proposed easements or other burdens now existing or to be placed on the property; evidence of agreements for access roads;

24. Recreation and Common Areas such as, but not limited to, existing on site or nearby community center, tennis court, swimming pool, paths—(hiking, bicycle, etc.) community garden, other common areas;

25. Wetlands, ponds, Rivers Act regulated areas and surface water bodies, as defined under the Wetlands Protection Act, M.G.L. Chapter 31, Section 40, and rules promulgated thereunder, 310 C.M.R. 10.00; or any other conditions that may trigger a N.O.I.; floodplain;

26. Photographs of at least eight (8) by ten (10) inches, showing the development site and the surrounding parcels;

27. Document/show compliance with additional related zoning sections, but not limited to: 17.07.1 Affordable Housing Ordinance, 17.5.4.2 Fencing and Screening-Industrial and Business Districts; 17.6.3.1 Traffic Visibility Across Corners; 17.5.1 Parking Facilities Regulations; 17.5.1.11 Parking Spaces Minimum Dimensions; 17.5.2.1 Table of Loading Area Requirements; 18.20 Tree Protection;

28. Such other information as will aid the PGA in judging the application and in determining special conditions and safeguards, and as the PGA should deem necessary, in its determination of completeness of said application; abandonment and decommissioning plans; plan for surety; evidence of liability insurance; proof of site control as per 17.06.7.7 and ground clearance and setbacks as per 17.06.7.8;

29. Miscellaneous information such as, proposed financial plan; available grant programs that may benefit the project; Terms of Homeowners or Condominium Association agreement, where applicable, long term maintenance of facility and roads, drainage & retention basins, common areas, utilities, snow removal and trash.

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ARTICLE 3:

Special Permit and/or Site Plan Review – Wind Facilities Application

DATE: _____

1. **Name of Legal Owner of the Land:** _____

   Address: _____

   Home Phone: (____) _____ Business Phone: (____) _____

   Cell Phone: (____) _____ FAX: (____) _____

2. **If this Application is by Other than the Legal Owner of the Land,**

   the Applicant is: _____

   Address: _____

   Home Phone: (____) _____ Business Phone: (____) _____

   Cell Phone: (____) _____ FAX: (____) _____

3. **Location & Description of Property:** _____

   Street Address: _____

   Assessors' Plan No., Lot / Plot _____

   Deed of Property Recorded in: _____ Registry,

   Certificate No._____, in Book _____, Page _____

4. **Name of Engineer:** _____

   Business Phone: (____) _____ FAX: (____) _____

5. **Name of Applicant's Attorney:** _____

   Business Phone: (____) _____ FAX: (____) _____

6. **Zoning Classification:** _____

7. **Proposed Use & Size of Structure(s)** _____

_____

_____

8. **Attach documentation as per 17.06.7.7 Site Control.**

   Please pay with two separate checks, each made payable to City of Quincy.

   a. Administration Fee $_____ ☐ Paid Date_____
   b. Project Review Fee $_____ ☐ Paid Date_____

   Signature of Landowner: _____ **Date** _____

   Signature of Applicant: _____ **Date** _____

   Signature of Attorney: _____ **Date** _____

Notes: 1. The applicant is required to pay for the legal advertisement in the local newspaper
2. The application must be accompanied by two copies of a certified abutters list and two sets of matching mailing labels (obtain from Assessor's Office).
3. A copy of this application must be filed with the City Clerk's Office.
4. A submission shall be deemed incomplete until all required administrative and project review fees have been received.

Quincy Planning Board

ARTICLE 4:
Regulations Governing Zoning Permit Fees and Fee Schedules

Amended through September 16, 2008
Amended through January 14, 2009
Amended through August 11, 2010
Amended through November 16, 2011

SECTION 1. INTRODUCTION

1.1 Procedural History. On May 9, 2007 the Planning Board held a public hearing, pursuant to GL c. 40A, s. 9 to consider proposed regulations governing fees. At the close of the public hearing, the Planning Board voted to adopt regulations governing fees and a new schedule of fees for review conducted by the Planning Board and its consultants on the Zoning Permit applications which come before it. This document, subject to revision from time to time in a manner spelled out herein, constitutes the Planning Board's rules governing the imposition of fees and its current fee schedules.

1.2 Purpose. These regulations and fee schedules have been adopted to produce a more equitable schedule of fees which more accurately reflects the costs of technical and legal review of applications to the Planning Board; to take advantage of the procedures offered by GL c. 44, s. 53G; to establish a review procedure in the selection of consultants; and to promote more informed decision making by the Planning Board.

SECTION 2. FEE STRUCTURES AND REGULATIONS

2.1 General. The Planning Board shall impose reasonable fees for the review of applications, which come before it. The Planning Board may impose Administrative Fees and Project Review Fees as may be applicable to the types of applications set forth below.

SECTION 3. ADMINISTRATIVE FEES

3.1 Applicability. An Administrative Fee shall be assessed to offset the expense of review by the Planning Board and its office with regard to all applications set forth in Section 3.3 below.

3.2 Submittal. Administrative Fees shall be submitted at the time of the submittal of the application. Any application filed without fees shall be deemed incomplete and no review work shall commence until the fee has been paid in full.

3.3 Schedule of Administrative Fees. The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supercedes all previous schedules as these may have appeared in the Zoning Ordinance, Zoning Permit Regulations and any listings that may have been compiled from time to time for the benefit of applicants.

Special Permit -- Site Plan Review (includes Quincy Center Districts)
0 – 15,000 square feet gross floor area - $2,000
15,001 – 50,000 square feet gross floor area - $3,000
$1,000 add for each additional 50,000 square feet or part thereof

Special Permit and/or Site Plan Review: Wind Facilities
First Unit - $2,000
Additional units - $2,000 each

3.4 Fee Waivers. The Planning Director may waive or reduce any Administrative Fee, if, in the opinion of the Planning Director, unusual circumstances exist regarding the subject property or the applicant.
3.5 Refund. Once the review process has been commenced, the Planning Board shall not refund Administrative Fees, including in the case of withdrawal of the application by the applicant.

SECTION 4. PROJECT REVIEW FEES.
4.1 Applicability. In addition to an Administrative Fee, the Planning Board or Planning Director shall impose a Project Review Fee on those applications which require, in the judgment of the Planning Board or Planning Director, review by outside consultants due to the size, scale or complexity of a proposed project, the projects potential impacts or because the City lacks the necessary expertise to perform the review work related to the permit or approval. In hiring outside consultants, the Board may engage engineers, planners, lawyers, designers or other appropriate professionals able to assist the Board and to ensure compliance with all relevant laws, ordinances and regulations. Such assistance may include but is not limited to analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decisions or regulations, or inspecting a project during construction or implementation.
4.2 Submittal. Project Review Fees shall be submitted at the time of the submittal of the application for deposit in an account established pursuant to GL s. 44, ch.53G (53G Account). Any application filed without this fee shall be deemed to be incomplete and no review work shall commence until the fee has been paid in full.
4.3 Schedule of Project Review Fees. The following schedule applies to the types of applications to the Planning Board set forth below. This schedule supercedes all previous schedules as these may have appeared in the Zoning Ordinance, Zoning Permit Regulations and any listings that may have been compiled from time to time for the benefit of applicants. If and when the Board or Planning Director establishes that the initial Project Review Fee is inadequate based on, but not limited to, the size or complexity of the project, the Board or Planning Director may require a higher initial Project Review Fee deposit.

Special Permit – Site Plan Review (includes Quincy Center Districts)

Mixed Use/Commercial Project Review Fees

0-10,000 SF	$5,000.00
10,000-30,000 SF	$10,000.00
30,000 and up SF	$15,000.00

Residential Project Review Fees:

Minimum Fee	$5,000.00
Plus for each unit over 20 units	$250.00

Wind Facilities' – Project Review Fees:

Minimum Fee per turbine	$5,000.00

4.4 Fee Waivers. The Planning Director may waive or reduce any Project Review Fee, if in the opinion of the Planning Director, unusual circumstances exist regarding the subject property or the applicant. (Applicant for a Wind Facility project may not be required to pay more than 50% of project review expense.)

4.5 Replenishment. When the balance in an applicant's 53G account falls below half the initial amount, the account shall be brought up to the initial amount.

4.6 Handling of Project Review Fees. The Project Review Fee is to be deposited into a special account as set forth in GL C. 44, S 53G.

A. Outside consultants retained by the Planning Board to assist in to the review of an application shall be paid from this account.
B. An accounting of an applicant's funds held in a 53G account may be requested by the applicant at any time. The Planning Board shall respond to the request in a timely fashion. This accounting shall include the following information: A statement of principal and interest, prepared by the Planning Board office, based on the latest statement from the banking institution; and, a report of all checks authorized for issuance since that last banking statement.
C. An applicant may request an estimate of bills pending from consultants for work completed, or in progress, but not yet invoiced.
D. Any remaining balance of deposits will be returned to the applicant upon presentation to the Planning Director of a signed occupancy permit for the entire project or disapproval of a Zoning Permit Plan.

4.7 Appeal. The Choice of a consultant selected by the Planning Board or Planning Director for the review of an application may be appealed in writing to the City Council by the applicant, provided the appeal is initiated within two weeks of the initial selection as per the appeal process pursuant to GL c.44, s. 53G.

SECTION 5. SELECTION OF CONSULTANTS

5.1 Pre-Qualification. The Planning Board shall keep and annually update a list of pre-qualified consultants. The Board shall issue a Request for Qualifications for a range of technical review services. Consultants will be asked to meet minimum criteria that includes but is not limited to: evidence of at least three or more years practice in the field at issue or an educational degree in or related to the field at issue and such other qualifications and criteria as the Board may establish.

SECTION 6. PUBLICATION FEE

6.1 General. The applicant is required to pay for the legal advertisement in the local newspaper.

SECTION 7. REVISION OF FEE SCHEDULES AND REGULATIONS GOVERNING FEES

7.1 Amendment. The Planning Board may review and revise its regulations and fee schedules from time to time as it sees fit.

A. Amendments shall be preceded by a public hearing
B. Any new regulations or alterations to the fee schedule shall take effect upon filing a new copy of the amendments with the City Clerk
C. The Planning Board will review its regulations and fee schedule on an annual basis. The Board may waive this provision in any year with a motion carried by a majority of the Board members.