

Zoning Board of Appeals of the Town of Arlington Comprehensive Permit Rules¹

1.00 Purpose

1.01 These rules, enacted pursuant to 760 CMR 56.05(1), list the Zoning Board of Appeals of the Town of Arlington's (ZBA) requirements for review of comprehensive permit applications. These requirements list, supplement or clarify requirements set forth in M.G.L. c.40B §§20-23 (the Act) and the comprehensive permit regulations (760 CMR 56.00) and guidelines. In the event there is a conflict between these rules and the Act, the regulations or the guidelines, the Act, the regulations and the guidelines shall govern.

2.00 Complete Application

2.01 A complete application for a comprehensive permit shall include [see 760 CMR 56.05(2)]:

- A. An application form;
- B. A project eligibility letter from the subsidizing agency;
- C. Preliminary site development plans (for projects with five or more units plans must be stamped by a professional engineer) including location and building footprints, grading and changes in topography, parking, landscaping, dimensions and materials for streets, drives, parking areas, walks and other paved areas, open areas within the site, wetlands, infrastructure and utilities;
- D. An existing conditions plan [buildings, streets (including elevations), open spaces, topography, traffic patterns and character of open areas, if any, in the neighborhood];
- E. Preliminary architectural drawings (scaled) including typical floor plans, elevations and sections, identifying building style and exterior finishes (for projects with five or more units drawings must be signed by a registered architect);
- F. Building tabulations including number and type of buildings, number and size of units, number of bedrooms per building, floor area of units, and ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by open areas;
- G. Preliminary utilities plan (location and types of water, wastewater and stormwater facilities, including hydrants);
- H. Preliminary list of waivers sought by applicant [see 760 CMR 56.05(7)];
- I. Payment of filing fee; and
- J. Additional information that the ZBA determines is necessary to make a sound decision (i.e., reports concerning traffic, water supply, wastewater, stormwater, site or building design).

¹ Adopted by the Zoning Board of Appeals of the Town of Arlington on June 19, 2009

3.00 Review Fees

3.01 The ZBA may employ outside consultants to provide technical assistance such as civil engineering, traffic, environmental resources, design review of buildings and site, and [in accordance with 760 CMR 56.05(6) review of financial statements] to assist with reviewing a comprehensive permit application. Whenever feasible, as determined by the ZBA, the ZBA will work cooperatively with the applicant to identify appropriate consultants. The ZBA may require the applicant to pay the consultants' fees. In the alternative, the ZBA may require the applicant to pay the fees of consultants chosen by the ZBA alone.

3.02 A review fee may be imposed only if:

- A. The work is in connection with the applicant's project
- B. All written results and reports are made part of the ZBA's record
- C. The ZBA has complied with the Office of the Inspector General report entitled "Procuring Outside Consultants With Fees From Applicants" dated July 2008 as this report may be amended from time to time.

3.03 All fees assessed shall be reasonable in light of the:

- A. Complexity of the proposed project
- B. Complexity of the particular issues
- C. Number of dwelling units proposed
- D. Size and character of the site
- E. Projected construction costs
- F. Fees charged by similar consultants for similar work.

3.04 If the ZBA requests the applicant to pay the fees of a particular review consultant, the applicant shall provide the ZBA with the fees prior to the commencement of work by the consultant. In accordance with 760 CMR 56.05(5)(c) if the applicant does not provide the ZBA with the requested fees within 7 days of such request, the ZBA may deny the Comprehensive Permit.

4.00 Procedures and Review Criteria

4.01 The ZBA shall open a public hearing on the comprehensive permit application within 30 days of receipt of a complete application.

4.02 Within 7 days of receipt of a complete application, the ZBA shall notify local boards that the application has been received, which notice shall include the requested waivers.

4.03 The applicant shall demonstrate how the project addresses the standards set forth in Section 11.06(f)(1) through (12) of the Town of Arlington Zoning Bylaw. If there are or may be wetlands on the site the applicant should obtain a Determination of Applicability prior to submitting an application for a comprehensive permit.

4.04 The applicant should meet with the Town Manager, Planning Director and Housing Director prior to submitting an application for a comprehensive permit.

5.00 Amendments to Approved Plans

5.01 If after the issuance of a comprehensive permit an applicant seeks to make changes to an approved project, it shall promptly notify the ZBA in writing, describing such change. Within 20 days of receipt of written notification, the ZBA shall determine and notify the applicant whether it deems the change substantial or insubstantial [760 CMR 56.05(11)(a)].

5.02 If the ZBA determines the change is insubstantial, the comprehensive permit shall be deemed to incorporate the change [760 CMR 56.05(11)(b)].

5.03 If the ZBA determines the change is substantial, it shall hold a public hearing within 30 days of its determination and issue a decision within 40 days of the close of the hearing. [760 CMR 56.05(11)(c)]. Only the changes in the proposal or aspects of the proposal affected thereby shall be at issue in the hearing.