

**§ 185-36 Site plan review.**

[Added ATM 5-2-2016 by Art. 16<sup>[11]</sup>]

**A.** **Purposes.** The site plan review process regulates allowed uses set forth in Article III, Use Regulations, which require site plan approval. Site plan review is not a means to prohibit such allowed uses, but rather to regulate them by considering the design aspects of a site as defined in this section. Site plan review is also intended to promote harmony in architectural treatment and avoidance of incongruous or inappropriate character or architectural appearance and arrangement of buildings. Its purpose is to ensure the most advantageous use of all properties within the applicable districts, to promote public safety, to minimize impacts on the surrounding area, and to reasonably protect the legitimate interests of adjoining property owners, the community, and the Town.

**B.** **Applicability.**

**(1)** Site plan review is required for the uses specified in Article III, Use Regulations, requiring site plan approval. It includes any expansion of use, extension of use, change of use, or substantial change, as defined in Subsection C below, in the Business

District, Medical-Professional District, and Manufacturing District. This section

operates in concert with § 185-40 for site plan review in the Official or Open Space District; and with § 185-46 for site plan review of personal wireless communications facilities.

**(2)** In all instances specified in Article III, Use Regulations, requiring site plan approval: no building permit to establish a new building or to alter an existing building shall be issued by the Building Inspector; no expansion, extension, or change of use of an existing building or lot shall be permitted; and no area for parking, loading or vehicular access shall be established, expanded or altered until a site plan has been reviewed and approved or approved with conditions in accordance with the requirements of this section.

**(3)** In cases where a Special Permit is also required for a use requiring site plan approval, site plan review shall be conducted as part of the Special Permit process and any conditions required for site plan approval shall be included in the Special Permit decision. In cases where the special permit granting authority is the Zoning Board of Appeals, the Planning Board shall conduct a site plan review and make a written recommendation regarding approval or approval with conditions to the Zoning Board of Appeals.

**(4)** Where site plan review is a component of the review process for Official or Open Space, the Planning Board shall conduct a site plan review and shall make a written recommendation regarding approval or approval with conditions to the Board of Selectmen.

**(5)** To ensure clarity in interpretation, a property owner or applicant shall confer with the Planning Board prior to instituting any substantial change as defined in Subsection **C(4)** below in order to determine whether a new or modified site plan is required, regardless of whether there is an existing approved site plan for the property.

**C.** Interpretation.

**(1)** "Expansion of use" means an increase in the physical area in which a use takes place resulting in a substantial change, including both interior building space and exterior area.

**(2)** "Extension of use" means a difference in the quality or degree of a use that may have different effects on the neighborhood due to aspects including but not limited to: parking; pedestrian, bicycle, and vehicular traffic; lighting; signage; landscape and screening; noise; surface and subsurface drainage; the location of utilities; and the adequacy and location of methods to handle wastewater and waste removal.

**(3)** "Change of use" means a change to part or all of an existing building or lot from one use category to another, as specified in Article **III**, Use Regulations. However, rearranging uses in a multi-use building shall not be construed as a change of use for site plan review purposes, unless the change results in an extension of use or an increase in the required number of parking or loading spaces as determined by the Building Inspector based on the requirements of § **185-34**, Off-street parking.

**(4)** "Substantial change" means proposed additions of more than 250 square feet or 10% of the existing gross floor area of a building, whichever is less, within a five-year period; additional structures; changes in the layout or location of parking or loading spaces, an increase in pavement area of more than 250 square feet, or any relocation or change in a driveway; or external alterations to an aspect of a site constituting an extension of use.

**(a)** Normal repair and maintenance that does not substantially alter the appearance of a building or lot as seen from a public way does not constitute a substantial change under this section.

**(b)** The Planning Board may treat individual changes that would aggregate into a substantial change as separate changes thereby not triggering site plan review, provided that each such change has no substantial effect on the neighborhood.

**(c)** Resurfacing a pavement area shall not constitute a substantial change unless it involves a change of surface material.

**D.** Application process.

**(1)** Property owners are encouraged to confer with the Planning Board to determine whether or not a proposed change requires any form of site plan review. Anyone seeking review of a site plan shall obtain an application from the Planning Board office and shall file with the Town Clerk a completed application form and all supporting materials required by this section.

**(2)** All applicants for proposed changes requiring site plan review shall submit a preliminary site plan. A preliminary site plan may be sufficient for site plan review of a minor nature.

**(3)** Preliminary site plan review. Before filing a formal site plan review application:

**(a)** An applicant shall submit drawings accurately depicting existing structures and any proposed additions, additional structures, or external alterations to an aspect of the site as defined in Subsection **C(2)** above.

**(b)** An applicant shall also submit a narrative statement describing:

**[1]** The nature of the proposed change and the reasons for the change, including any expansion, extension, or change of use; and

**[2]** A description of any approvals required from, or communication with, other Town boards or departments.

**(c)** The Planning Board shall review a preliminary site plan application and supporting materials to determine whether the application is complete and shall review the substance of an application at its first scheduled meeting after notifying an applicant in writing that the application is deemed complete.

**(d)** The Planning Board may then:

**[1]** Approve the preliminary site plan as submitted or approve it with conditions, in which case the preliminary site plan shall constitute the final, approved site plan of record;

**[2]** Request additional information to better illustrate the nature of the proposed change in order to qualify for approval with or without conditions; or

**[3]** Determine that the proposed change requires a full site plan application.

**(e)** The Planning Board shall act on a preliminary site plan application within 60 days following the meeting at which the application is deemed complete. Failure of the Planning Board to act on a preliminary plan within 60 days shall be considered unconditional approval.

**(4)** Full site plan review.

**(a)** Applications the Planning Board has determined require full site plan review shall include:

**[1]** A site plan prepared by a registered architect, professional engineer, or registered landscape architect. The plan shall be prepared at a scale of one inch equals 20 feet (or other such scale as may be approved by the Planning Board) and shall clearly and adequately present the boundaries of the subject parcel; existing and proposed aspects of the site as defined in Subsection **C(2)** above; and the potential impacts on the natural landscape and abutting properties;

**[2]** Plans prepared by a registered architect showing the elevation of all buildings and one or more perspective colored renderings indicating the materials and colors to be used and the relationship of proposed buildings with adjacent buildings, and/or a model of the same;

**[3]** A narrative statement including but not limited to: the purpose of the proposed change; the expected volume of pedestrian, bicycle, or vehicular traffic; the relationship to existing buildings, historic and architectural heritage and other community assets in the area, and the natural landscape; the impact on natural resources, including groundwater and open space; and the impact on Town resources, including protective agencies, streets, and public spaces; and

**(b)** The Planning Board also may require studies of traffic, drainage, lighting or other impacts prepared by an appropriately licensed or otherwise qualified professional.

**(c)** The Planning Board shall review a full site plan application and supporting materials to determine whether the application is complete, shall notify the applicant in writing that the application is deemed complete, and shall then review the substance of the application in accordance with the notification requirements and time limits specified for a Special Permit application in MGL Chapter 40A, Section 9.

**E.** Review criteria.

**(1)** In evaluating a site plan application, the Planning Board shall consider criteria including but not limited to:

**(a)** Compliance with the requirements for lot size, frontage, lot coverage of buildings, height, parking and loading spaces, yards, and all other provisions of this chapter;

**(b)** The location of driveway openings in relation to street traffic, and the convenience and safety of pedestrian, bicycle, and vehicular traffic to, from, and on the site;

- (c)** The adequacy of arrangement and number of parking and loading spaces in relation to the proposed use of the premises;
  - (d)** The arrangement and appearance of proposed new buildings, structures, colors and materials, or changes to the aspects of a site as defined in Subsection **C(2)** above;
  - (e)** Provisions to protect surrounding premises against detrimental impacts;
  - (f)** The relationship of structures, design aspects, and open spaces to the natural landscape, existing buildings, historic and architectural heritage, and other community assets;
  - (g)** Potential impacts on natural resources, including groundwater and open space;
  - (h)** Potential impacts on Town resources, including protective agencies, streets, and public spaces;
  - (i)** Harmony in architectural treatment and avoidance of incongruous or inappropriate character or architectural appearance and arrangement of buildings; and
  - (j)** Compliance with all other requirements of this chapter.
- (2)** The Planning Board shall provide the Board of Selectmen, the Superintendent of Streets, and the Building Inspector with copies of all full site plan applications for their review, comment, and recommendation. The Planning Board shall consider any such written comments and recommendations it receives within 60 days of providing an application.
- (3)** If the Planning Board determines that adequate review of a site plan application requires the assistance of an outside consultant(s), the procedures, requirements and financial responsibility in Chapter **248**, Subdivision of Land, Article **VII**, § **248-26**, Review fees, shall apply.

**F.** Site plan compliance.

- (1)** In all circumstances in which site plan review is required by this section, the Building Inspector shall not issue a certificate of occupancy until the Planning Board has certified that an as-built plan submitted by the applicant documents that the site has been developed in compliance with an approved site plan. If completion is delayed by seasonal considerations, the Building Inspector, in consultation with the Planning Board, may issue a temporary occupancy permit and may require sufficient security to ensure full compliance within six months.

**(2)** For the purposes of Subsection **F(1)** above, sufficient security shall be one or more of the following instruments delivered to the Town Treasurer in an amount the Building Inspector determines will cover the cost of all uncompleted work within six months:

- (a)** A properly issued surety company bond or negotiable surety;
- (b)** A passbook account held in the joint names of the applicant and the Town; or
- (c)** A binding agreement between the applicant and a lender providing for the lender's retention of sufficient funds and a schedule of disbursements upon milestones to completion.

[1] *Editor's Note: This article also repealed former § 185-36, Site plan approval in Business District, Medical-Professional District and Manufacturing District, as amended.*