

SECTION 13.0 SITE PLAN REVIEW

13.1 Purposes

The primary purposes of Site Plan Review are to ensure that site development complies with the use and development regulations set forth in this By-law, to protect adjoining premises against seriously detrimental effects caused by site development, and to promote safe and environmentally sound site design.

13.2 Applicability

In all instances where the Table of Principal Use Regulations specifies that Site Plan Review is required, no building permit may be issued for construction of a new building or for a substantial alteration of a building, no change in use may be made of an existing building or lot, and no parking, loading, or vehicular access may be established or substantially altered, unless a site plan has been approved in accordance with the requirements set forth below.

13.3 Definitions

The following definitions will apply to this Section 13:

- 13.3.1 Substantial alteration of a building means an alteration of a single building or a group of two or more buildings, located on the same lot or contiguous lots under the same ownership that results in an increase of either 500 square feet or 10 % of the existing gross floor area, whichever is less. Calculation of the increase in gross floor area will be based upon the aggregate of all increases in gross floor area made within the preceding five-year period.
- 13.3.2 Change of use means a change in the use of all or part of a building or lot from one principal use category to another principal use category, or from an accessory use to a principal use, where the change in use results in an increase of required parking and/or loading spaces pursuant to the Section 7 Parking and Loading Requirements.
- 13.3.3 Substantial alteration of parking, loading or vehicular access means a change in the layout or location of parking or loading spaces and/or access driveways, or an increase of 500 square feet or more in the area of the lot devoted to

parking, loading and/or vehicular circulation. Resurfacing is not a substantial alteration.

13.4. Administration

13.4.1 The Planning Board shall administer Site Plan Review under this Section.

13.4.2 The Planning Board shall adopt, and from time to time amend, regulations governing the form and contents of applications for Site Plan Review, review and application fees, and the submission process.

13.5. Site Plan Review Procedure

13.5.1 Anyone seeking Site Plan Review under this Section may obtain a Site Plan Application form and Site Plan Checklist from the office of the Town Clerk. The completed Application form, together with the proposed Site Plan and all supplementary documentation, shall be submitted to the Planning Board in accordance with the Planning Board's Site Plan Review regulations.

13.5.2 Copies of the Site Plan Review Application shall be circulated to the Town Planner, the Building Commissioner, the Conservation Commission, the Board of Health, and the Fire, Police, Sewer, Water, and Highway Departments, with a request for submission of written comments within 14 days.

13.5.3 The Planning Board shall consider the Site Plan Review Application at a meeting held no less than twenty-one (21) days, and no more than thirty (30) days, after receipt of the Application. The Planning Board may continue such meeting, as it deems necessary to ensure an adequate review, but in no event shall the Planning Board continue the Site Plan Review meeting for more than sixty (60) days unless requested to do so, in writing, by the Applicant.

13.5.4 No more than seventy-five (75) days after receipt of a Site Plan Review Application, the Planning Board shall issue its written decision to the Applicant, approving or disapproving the Site Plan. The Planning Board shall transmit a copy of its Site Plan Review Decision to the Building Commissioner. Failure to issue a written decision within the 75-day period, or such longer time as may be agreed upon with the Applicant, will be deemed an approval of the Site Plan as submitted.

13.6. Planning Board Action

13.6.1 In reviewing a site plan under this Section, the Planning Board shall consider the following factors for consistency with the purposes of this Section:

- (a) Adequacy of provisions for surface water drainage, sanitary waste disposal, sound and sight buffers, and protection of natural resources;
- (b) Convenience and safety of vehicular and pedestrian movement within the site including, but not limited to, compliance with handicapped access regulations, and the safety of driveway openings in relation to existing traffic conditions on the adjacent street(s);
- (c) Adequacy of provisions for storage and disposal of refuse and snow;
- (d) Convenience of parking and loading areas in relation to the contemplated use(s) of the site;
- (e) Adequacy of screening of objectionable features such as dumpsters, loading or storage areas, or large blank walls, from adjacent properties and streets.
- (f) Compliance with all other requirements of this By-law.

13.6.2 In approving a site plan under this Section, the Planning Board may impose reasonable conditions to ensure compliance with the applicable requirements of the By-law, to protect adjacent properties and the neighborhood from significantly detrimental impacts of the proposed site development, and to ensure the public health, safety and welfare.

13.6.3 The Planning Board may disapprove a site plan only if the Planning Board finds that:

- (a) The Site Plan Review Application is not complete in accordance with the Site Plan Review regulations; or
- (b) The proposed use and development of the site does not comply with the applicable use and development requirements of the By-law; or
- (c) No reasonable conditions can be devised to ensure the public health, safety and welfare by eliminating or reducing significant detrimental impacts that would result from development of the site as proposed.

13.7 Expiration.

A site plan approval issued under this Section shall expire if construction has not commenced within two (2) years from the date of approval. The Planning Board may grant an extension of time for up to six (6) months, provided a written request for the extension is submitted to the Planning Board before the initial two-year period has expired.

13.8 Modifications.

Following approval of a site plan under this Section, the Planning Board may allow minor modifications of the site plan design or construction details that do not alter the intent or conditions of the approval. Otherwise, a new Site Plan Review Application will be required for the modified site plan. The Planning Board has the sole discretion to determine whether a proposed modification of an approved site plan is minor.

13.9 Site Plan Compliance.

The Building Commissioner may not issue any certificate of occupancy for any use subject to Site Plan Review until the site has been developed in compliance with the approved site plan, unless completion is delayed by seasonal considerations. In such an instance, the Building Commissioner may issue a temporary occupancy permit provided the Applicant posts sufficient monetary security to insure full compliance within six (6) months.