

SECTION XII. SITE PLAN REVIEW:

1. Purposes: The purposes of site plan review are to promote and protect public health, safety, and the general and specific character of the town through the establishment of a project review procedure; to provide for individual detailed review of development proposals which have an impact upon the natural and built environments of the town; to regulate rather than prohibit uses through reasonable conditions that may be required by the planning board concerning design and location of buildings, signs, open space, landscaping, parking areas, access and egress, drainage, sewage, water supply and fire safety; and to minimize adverse effects on surrounding areas.
2. Applicability: The following types of activities and uses shall require site plan review by the planning board.
 - (1) Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial, or multi-family structure.
 - (2) Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or multi-family structure or purpose.
 - (3) Grading or clearing more than ten percent (10%) of a lot, except for the following: landscaping on a lot with an existing structure or a proposed single-family or two-family dwelling; clearing necessary for percolation and other site tests, work incidental to agricultural activity, work in conjunction with a approved subdivision or cutting plan, or work pursuant to an earth removal permit.
 - (4) Any use requiring a special permit.
 - (5) Any use identified in the regulations of a zoning district as a use that is subject to site plan review.
3. Relationship to Other Permits and Approvals
 - (A) No building permit shall be issued for any development subject to this section, and no construction or site preparation shall be started, unless a site plan has been approved for it by the planning board, or unless 65 days lapse from the date of the submittal of the site plan without action by the board.
 - (B) No certificate of occupancy or certificate of zoning compliance shall be issued for any building subject to this section unless such building and all its related facilities have been completed according to the approved site plan. No activity subject to site plan review 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 planning board during the site plan review process.
 - (C) Approval of a site plan under this section shall not substitute for the requirement of obtaining a special permit or other permits or approvals required by this zoning bylaw and all applicable state and local regulating authorities.
 - (D) Where site plan review is required because the proposed use requires a special permit from the planning board, the special permit and site plan review applications shall be a combined submission; the public hearing procedures shall be consolidated and conform to the requirements of section VIII(3); and the special permit decision shall incorporate the site plan review decision.
4. Procedures.
 - (A) Prior to the commencement of any activity as set forth in section 2 above, the project proponent shall obtain site plan approval from the planning board. The planning board shall review and may request advice and comments from other town boards, and act upon the site plan, with such conditions as may be deemed appropriate, within sixty-five (65) days of its receipt, except when an extension is mutually agreed upon with the applicant, and notify the applicant of its decision. The decision of the planning board shall be upon a majority of those present and shall be in writing.
 - (B) The applicant may request, and the board may grant by majority vote, an extension of the time limits set forth herein.

(C) No deviation from an approved site plan shall be permitted without written planning board approval.

5. Planning Board Decision

(A) The planning board shall approve a site plan only upon its determination that:

(1) For the type and location of the development and the land use(s) involved, the applicant could not reasonably alter the placement of buildings, the design of building form, access and egress points, drainage, grading, and other elements of the plan to:

- (a) Improve the development's visual compatibility with the surrounding area;
- (b) Reduce the visual impact of parking on views from the road or from surrounding properties;
- (c) Improve the convenience and safety of vehicular and pedestrian movement within the site, considering the location of driveway openings in relation to traffic and/or adjacent streets and the adequacy and arrangement of parking and loading spaces;
- (d) Minimize obstruction of scenic views from publicly accessible locations;
- (e) Minimize glare from headlights and lighting intrusion and light overspill into the night sky;
- (f) Increase the protection of adjoining premises against detrimental uses by provision of stormwater management, sound and light barriers, preservation of light and air, and preservation of views when possible;
- (g) Protect or improve water quality, or improve water conservation;
- (h) Reduce stormwater runoff through best management practices or increase groundwater recharge;
- (i) Reduce the number of removed trees of 6" or more in diameter at breast height (dbh); the length of removed stone walls, the area of wetland vegetation displaced, the removal of indigenous vegetation, the extent of stormwater flow increase from the site, the volume of cut or fill, soil erosion, or threat of air and water pollution; and
- (j) Increase the protection and enhancement of important, existing site features, natural or man-made.

(2) The proposed development:

- (a) Meets all applicable requirements of this Zoning Bylaw and other laws, including parking, loading, sign, and landscaping requirements;
- (b) Provides adequate stormwater management consistent with the functional design standards in the planning board's Subdivision Rules and Regulations;
- (c) Minimizes unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
- (d) Minimizes contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, production or manufacture, storage, handling, or containment of hazardous substances;
- (e) Complies, where applicable, with any Overlay District in this Bylaw.

- (B) Conditions. The planning board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives.
 - (C) Denial. The planning board may deny site plan approval only if the applicant fails to provide sufficient information for the board to make the determinations required under subsection 5(A) above.
6. Performance Guarantee. As a condition of site plan review:
- (A) The planning board may require that a performance bond, secured by deposit of money or negotiable securities in the form selected by the planning board, be posted with the town to guarantee completion of improvements to be made in compliance with the plans submitted and approved hereunder.
 - (B) The planning board may also require that an amount be included for land restoration not having to do with the construction of site improvements. The amount of security shall be determined by an estimate from the applicant's engineer, which may be confirmed or increased by the board.
 - (C) The town may use the secured funds for their stated purpose in the event that the applicant does not complete all site improvements in a manner satisfactory to the planning board within two years from the date of approval, or the final date of the last extension of such approval, if any.
7. As-Built Plan. Upon completion of all work, an as-built plan and a letter of certification shall be submitted to building inspector by a registered professional engineer, registered architect, registered landscape architect or registered land surveyor, as appropriate to the work involved, that all work has been done substantially in compliance with the approved site plan.
8. Lapse. Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the planning board upon the written request of the applicant.
9. Applications. The planning board may adopt reasonable procedures for the administration of site plan review, and impose reasonable administrative fees and technical review fees for site plan review.

(Section XII – Amended February 26, 2008)