

NORWOOD PLANNING BOARD
RULES AND REGULATIONS GOVERNING SITE PLAN REVIEW
(Adopted March 8, 2010)

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1.00 General Provisions

1.01 Authority and Purpose

These Rules and Regulations Governing Site Plan Review by the Planning Board are adopted pursuant to Section 10.5 of the Town of Norwood Zoning Bylaw for the purpose of establishing uniform procedures and standards for the review of site plans submitted to the Planning Board or its designee, as hereinafter provided. Said review is intended to protect the health, safety, convenience and general welfare of the inhabitants of the Town of Norwood by assessing potential impacts on municipal services and utilities, traffic, the environment, aesthetics and the community values in general, and by assuring that the same are adequately addressed. Site plan review is not aimed at the prohibition of permitted uses in a zoning district, but at the reasonable regulation thereof consistent with the public interest.

1.02 Amendment

These Rules may be amended from time to time by a majority vote of the Planning Board at any regularly-scheduled public meeting.

1.03 Conflict

In the event of any inconsistency or conflict between the Rules and the Bylaw, the Bylaw shall control.

1.04 Separability

The invalidity of one (1) or more provisions of these Rules shall not invalidate or impair these Rules as a whole or any other part hereof.

1.05 Effective Date

These Rules, and any subsequent amendment(s) hereto, shall become effective on the date the same are adopted. A copy of these Rules shall be filed in the office of the Town Clerk within seven (7) days of the date of adoption, and made available for inspection by any person or entity upon request.

2.00 Definitions

Except as provided hereinafter, all terms not defined in these Rules shall be given the meanings prescribed by Section 11.0 of the Bylaw.

Applicant means any person or entity submitting an application for site plan review to the Planning Board in accordance with Section 10.5 of the Bylaw. To be eligible to submit an application, as aforesaid, an Applicant must be the record owner of the property in question, a prospective purchaser thereof with a valid option or other equitable interest or a person or entity authorized by said record owner.

Application means all forms, plans, reports, studies or other documentation which together constitute an application for site plan review in accordance with Section 10.5 of the Bylaw.

Board means the Planning Board of the Town of Norwood.

Building Inspector means the Building Inspector for the Town of Norwood.

Bylaw means the Town of Norwood Zoning Bylaw.

Director means the Town's Director of Community Planning and Economic Development

Major Site Plan means an application for site plan review made in accordance with Section 4.0 of these Rules.

Minor Site Plan means an application for site plan review made in accordance with Section 5.0 of these Rules.

Rules mean these Rules and Regulations Governing Site Plan Review by the Planning Board.

Town means the Town of Norwood.

3.00 Site Plan Review, Generally

3.01 Applicability

Pursuant to Section 10.5 of the Bylaw, the following types of activities and uses require site plan review by the Board of its designee:

1. More than 3,000 square feet gross floor area in either a new building or a building addition, if that increases gross floor area on the premises by 10% or more; or

2. Creation of or changes to a parking facility having ten or more parking spaces, if that results in change in the number of parking spaces or in egress locations; or
3. Removal of existing vegetative ground cover from more than 20,000 square feet of site area; or
4. Any sign erected, placed, or improved in the Central Business District.
5. Any structural change or alteration to the exterior or renovation to a storefront facade in the Central Business District.
6. Unusual conditions of water, sewer, drainage, traffic, lighting or other site-specific conditions which are determined by the Building Inspector to make site plan approval appropriate.

3.02 Preapplication Conference

Applicants are urged to confer with the Director regarding the materials necessary for submittal for major or minor site plan approval. In this regard, Applicants are encouraged to submit a preliminary site plan in advance of such conference. Such preliminary site plan shall not constitute a formal Application for site plan review.

Other Department Heads may be asked to participate in the preapplication conference. A list of other Department Heads is attached to these Rules. The Director shall coordinate the participation of other officials as may be appropriate in the preapplication conference.

4.00 Major Site Plan

4.01 Applicability

An Application made pursuant to Section 10.5 of the Bylaw shall be deemed a Major Site Plan when:

1. More than 3,000 square feet gross floor area in either a new building or a building addition, if that increases gross floor area on the premises by 10% or more; or
2. Creation of or changes to a parking facility having ten or more parking spaces, if that results in change in the number of parking spaces or in egress locations; or
3. Removal of existing vegetative ground cover from more than 20,000 square feet of site area; or
4. Unusual conditions of water, sewer, drainage, traffic, lighting or other site-specific conditions which are determined by the Building Inspector to make site plan approval appropriate.

For the purpose of computing the total building gross floor area and/or the number of additional, required parking spaces, all applications made within three (3) previous calendar years shall be considered in the aggregate.

4.02 Application

An Applicant for Major Site Plan Approval shall submit ten (10) copies of the Application form attached hereto, ten (10) copies of the site plan and additional required information set forth below, and the fee as set forth below.

4.03 Waiver

The Board may waive strict compliance with any submittal requirement set forth in Section 4.0 of these Rules. Applicants seeking such waivers shall meet with the Board in the case of a major site plan to obtain such waivers prior to formal submittal of the Application.. See Section 6.06 for waivers of substantive requirements.

4.04 Preparation

Site plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as may be appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1"=40'.

4.05 Contents of Plan

The contents of the site plan shall consist of six (6) separate sheets prepared at a scale of one (1) inch equals twenty (20) feet or such other scale as may be approved by the Board. The sheets are as follows:

1. Locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Board. Applicant shall indicate each zoning district and overlay district involved and use and ownership of adjacent premises.
2. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, existing and proposed structures, drives, parking, fences, walls, walks, outdoor lighting, service areas, loading facilities, areas for snow storage after plowing, and all proposed recreational facilities and open space areas.
3. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling stormwater drainage, and all wetlands including floodplain areas.
4. Utility plan, which shall include all facilities for refuse and sewage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and

adjacent to the site.

5. Architectural plan, which shall include the ground floor plan and architectural elevations of all proposed buildings and a color rendering; signs and exterior lighting with accompanying materials to describe these elements.

6. Landscaping plan, showing the limits of work, existing tree lines, existing trees exceeding 8" trunk diameter 4.5 feet above grade is proposed for removal, all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures.

4.06 Additional Required Information

The Application shall include the following additional reports and documents:

1. A written statement indicating the estimated time required to complete the proposed project and any and all phases thereof.
2. A written summary of the contemplated projects shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this ordinance.
3. Drainage calculations by a registered professional engineer. Stormwater management design must conform to DEP's Stormwater Management Policy or regulations.
4. Certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.
5. Developmental Plan information required by the Building Inspector, attached hereto, if applicable.

4.07 Fee

An Application shall be accompanied by an administrative fee as set forth in the Planning Board's Fee Regulations, to be paid to the Board at the time of submittal of said Application. Failure to pay the administrative fee as required shall be grounds for a determination of incompleteness, as per Section 4.08 of these Rules. The Board may also charge, in appropriate cases, a technical review fee pursuant to G.L. c. 44, s. 53G, which may be used to pay for the services of a consulting attorney, civil engineer, traffic engineer, architect, landscape architect, or other professional.

4.08 Review for Completeness

Upon submittal of an Application to the Board, the application shall be considered conditionally

accepted pending review of its contents. Within three (3) business days of the date of submittal, the Board or its designee shall review the Application for completeness. A complete Application shall include the forms, plans, reports, studies and other documentation required by Section 4.00 of these Rules. An Application without all of the foregoing materials shall be considered incomplete, shall not be considered to have been filed, shall not be accepted for processing, and shall be returned.

If, following a determination of incompleteness, a revised Application is submitted, said Application shall be considered a new application and shall be subject to the same procedures governing the completeness thereof.

4.09 Referral to Other Officials and Agencies

After a determination of completeness, the Board shall refer notice of all applications immediately upon receipt to the Town Manager, Building Inspector, Town Engineer, Department of Public Works, Board of Health, Conservation Commission, Police Department, Fire Department, Municipal Light Department, and to any other involved Town official or agency. A Developmental Review Team (DRT) shall be composed of the Director, Town Engineer, Superintendent of Public Works, Police Chief, Fire Chief, Conservation Commission Agent, Health Director, Superintendent of the Municipal Light Department, and Building Inspector, or their designees. The DRT and any other agency or official shall have thirty-five (35) days from receipt of the application to submit written comments to the Board. Failure to submit comments shall be deemed a lack of opposition to the application.

5.00 Minor Site Plan

5.01 Applicability

The following applications shall be deemed a Minor Site Plan:

1. Any sign erected, placed, or improved in the Central Business District.
2. Any structural change or alteration to the exterior or renovation to a storefront facade in the Central Business District of less than 3,000 square feet.

5.02 Application

An Applicant for Minor Site Plan Approval shall submit ten (10) copies of the Application form attached hereto, ten (10) copies of the information required below, and the fee as set forth below.

5.03 Waiver

The Director may waive strict compliance with any submittal requirement set forth in Section 5.00 of these Rules. Applicants seeking such waivers shall meet with the Director to obtain such waivers prior to formal submittal of the Application. See Section 6.06 for waivers of substantive requirements.

5.04 Preparation

A Minor Site Plan shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as may be appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1"=40'.

5.05 Contents of Plan

1. Locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance as may be approved or required by the Director. Applicant shall indicate each zoning district and overlay district involved and use and ownership of adjacent premises.
2. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, existing and proposed structures, and proposed signage.
3. Architectural plan, which shall include the ground floor plan and architectural elevations of all proposed buildings and a color rendering; exterior lighting with accompanying materials to describe these elements.
4. Proposed structural change or alteration to the exterior or renovation to a storefront facade in the Central Business District.
5. Details of any sign proposed to be erected, placed, or improved in the Central Business District.

5.06 Additional Required Information

The Application shall include the following additional reports and documents:

1. Developmental Plan information required by the Building Inspector, attached hereto, if applicable.

5.07 Fee

An Application shall be accompanied by an administrative fee as set forth in the Planning Board's Fee Regulations, to be paid to the Board at the time of submittal of said Application. Failure to pay the administrative fee as required shall be grounds for a determination of incompleteness, as per Section 5.08 of these Rules.

5.08 Review for Completeness

Upon submittal of an Application to the Board, the application shall be considered conditionally accepted pending review of its contents. Within three (3) business days of the date of submittal, the Director shall review the Application for completeness. A complete Application shall include the forms, plans, reports, studies and other documentation required by Section 5.00 of these

Rules. An Application without all of the foregoing materials shall be considered incomplete, shall not be considered to have been filed, shall not be accepted for processing, and shall be returned.

If, following a determination of incompleteness, a revised Application is submitted, said Application shall be considered a new application and shall be subject to the same procedures governing the completeness thereof.

5.09 Review

A Minor Site Plan shall be reviewed by the Director. The Director shall review a Minor Site Plan within sixty (60) days of receipt of a complete Application, and shall make a recommendation in writing to the Board within sixty (60) days of receipt of the Application.

6.0 Design Standards

6.01 Purpose. The following performance standards have been adopted in order to control the size, scale, and impacts of larger nonresidential and multifamily residential developments.

6.02 Procedures; Rules and Regulations. All applicants for site plan approval shall comply with these Performance Standards.

6.03 Fee. The Planning Board may require the establishment of an escrow account, pursuant to G.L. c. 44, s. 53G, to cover all or part of the cost of the technical review required by the project, including services provided by, but not limited to, attorneys, traffic engineers, landscape architects, civil engineers, fiscal analysts, and other professionals.

6.04 Standards. The following standards shall apply to applications for special permits or for site plan approval for nonresidential and multifamily residential use:

A. Lighting. The proposed development shall not produce lighting so as to unreasonably interfere with the use and enjoyment of property within the Town. Lighting practices and systems shall (I) reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of the Town; (ii) conserve energy and decrease lighting cost without decreasing night time safety, security, and productivity, and (iii) preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the Town.

B. Noise. The proposed development shall not unreasonably interfere with the reasonable use and enjoyment of property within the Town as a result of the generation of noise. Practices and systems shall (I) reduce noise pollution in order to preserve and enhance the natural and aesthetic qualities of the Town; (ii) preserve property values; and (iii) preserve neighborhood character.

C. Landscaping and Screening. The proposed development shall maximize and retain open space, and shall be integrated into the natural landscape, shall minimize adverse environmental impacts to such features as wetlands, floodplains, and water resource protection recharge areas and shall minimize tree, vegetation, and soil removal, and grade change. Proposed landscaping shall require native and drought-tolerant species and prohibit invasive or nonnative plants.

D. Stormwater Management. The proposed development shall include adequate provisions or measures to prevent pollution of surface or groundwater, minimize erosion and sedimentation, prevent changes in groundwater levels, increased run-off, and potential for flooding, and minimize adverse impacts to neighboring properties by flooding from excessive run-off.

E. Site Development Standards. To the extent practicable, the proposed development shall be located to preserve and enhance the natural features of the site, to avoid disturbances of environmentally sensitive areas, to minimize adverse impacts of development on adjoining properties, to minimize the alteration of the natural features of the site and to preserve and enhance scenic points, historic buildings and places and similar community assets which add value and attractiveness to the subdivision and the Town.

F. Pedestrian and Vehicular Access; Traffic Management. The proposed development and/or redevelopment shall be designed with a forecast for the next five years from the time of application to (i) minimize hazards to public health and safety as a result of traffic; (ii) provide safe access and circulation on the site for expected vehicles, pedestrians, and emergency vehicles; (iii) provide off-site traffic mitigation, where required, to offset the impact of the development; (iv) reduce the traffic impacts of the proposed development on the area and the Town by incorporating traffic management devices; and (v) minimize the impact on scenic roads, historic districts, natural resources, and community character. The Development shall not degrade safety for pedestrians, bicyclists, motor vehicle occupants, or property.

1. Access. To the extent feasible, access to nonresidential uses and structures shall be provided via one of the following (i) Access via a common driveway serving adjacent lots or premises; (ii) Access via an existing side street; (iii) Access via a cul-de-sac or loop road shared by adjacent lots or premises.

A. Access via roadways abutting residential districts shall be avoided where possible.

B. Access and egress to a development with frontage on more than one street shall be in a manner that causes the least impact to the surrounding neighborhoods as determined by the Planning Board.

2. Driveways. Each development shall be served by an adequate driveway.

A. The Planning Board may, in certain circumstances, allow additional driveways as a condition of approval where the access is shared or the project has frontage on two separate streets.

B. All driveways shall be designed to afford adequate sight distance to pedestrians, bicyclists, and motorists exiting to public ways. Improvements may be required on the public way for vehicular turning movements in or out of the site and safe pedestrian access to adjoining sidewalks, paths, walking trails or bikeways.

3. Curb Cuts. Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 24 feet in width unless waived by the Planning Board

for industrial truck traffic. The location of driveway openings in relation to traffic and to adjacent streets shall provide for the convenience and safety of vehicular and pedestrian movement within the site. The number of curb cuts on state and local roads shall be minimized.

4. Interior Circulation. The proposed development shall assure safe interior circulation within its site by separating pedestrian, bike ways, and vehicular traffic.

5. Transportation Plan Approval. The proposed development shall be subject to Transportation Plan approval by the Planning Board. The Transportation Plan shall consist of the following information:

- A. A plan showing the proposed parking, loading, and traffic circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.
- B. A traffic study, prepared by a qualified traffic engineer, detailing the expected traffic impacts. For proposed development in excess of 25,000 gross square feet, the required traffic study shall substantially conform to the most recent edition of the Institute of Transportation Engineers' "Transportation Impact Analyses for Site Development: An ITE Proposed Recommended Practice". The Board shall approve the geographic scope and content of the study. In addition, the applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.
- C. Proposed mitigation measures, if any, such as left-turn lanes, roadway widening, signage, signalization of intersections.
- D. For proposed development in excess of 25,000 gross square feet, the applicant shall submit a Traffic Management Component (TMC) as part of the Transportation Plan. The TMC shall provide information on the number of expected person trips to and from the site, broken down by various travel modes (e.g., single occupancy vehicle, carpool, walk, bicycle, commuter rail, shuttle bus, etc.). The TMC shall also incorporate one or more of the following techniques to reduce the number of single occupancy vehicle trips by employees coming to and departing from the proposed use:
 1. Establishment of or contribution to a Traffic Management Association (TMA) within the region, which shall provide shuffle services for employees and other services as may be appropriate;
 2. Employee carpools or vanpools sponsored by the employer or the TMA;
 3. Subsidized commuter rail passes, provided by the employer, and sold on the site or offered through payroll deduction;
 4. Monetary incentives to employees who do not use a parking space;

5. On-site shower facilities and/or bicycle racks for employees who do not drive to work;
6. Other techniques as may be deemed appropriate by the Planning Board or its traffic consultant.

6. Reduction in Parking. In consideration of the applicant providing one or more of the above measures to reduce vehicular traffic to and from the site, the Planning Board may reduce the number of required parking spaces below what would ordinarily be required by Section 6.1.3 of this bylaw. To be considered for such a reduction, the applicant's traffic engineer shall determine and justify the parking demand for the project, as well as reduction in needed parking spaces attributable to each traffic management measure.

7. Level of Service Maintenance or Improvement.

- A. If the proposed project will result in an intersection level of service below a rating of LOS D, or result in a roadway volume to capacity rating greater than 1.0, the applicant may be required to provide detailed plans (including reconstruction concepts), that when implemented would result in an intersection level of service rating of D or better.
- B. If the proposed project will result in a reduction in level-of-service of one letter grade or an increase of 10 seconds of delay to a signalized or unsignalized intersection, the applicant may be required to provide detailed plans that when implemented would result in a return to existing conditions.

8. Dangerous Intersections. The Board may require mitigation for any net increase in traffic volumes of 10% or more at an intersection that has an accident history of more than 5 accidents in the last three years for which data is available.

9. Sight Distance. Acceptable sight distance shall be provided and maintained at all access locations, egress locations, and all intersections affected by the Development. At a minimum, these site distances shall meet the stricter of the Massachusetts Highway Department and American Association of State Highway Transportation Officials standards for safe-stopping sight distances.

10. Mitigation. The Planning Board may require as a condition of approval off-site improvements to mitigate the impact of the proposed development. Such improvements include intersection widening and traffic signals or the components of the TMC. All road and intersection improvements proposed as part of development and redevelopment shall be consistent with local plans.

11. Pedestrian and Bicycle Safety. Pedestrian and bicycle circulation, and the amenities required thereof, on and off site, shall be in accordance with the following requirements:

- A. All development and redevelopment shall provide for pedestrian and bicyclist connections on the property, and allow for possible future connections with

adjoining properties, where deemed appropriate by the Planning Board.

- B. Pedestrian access shall connect to all building entrances with further connections to local pedestrian arteries.
- C. All road and intersection widening and new traffic signals or modification of existing traffic signals required as part of a Development or Redevelopment shall include appropriate bicycle and pedestrian accommodation.
- D. The Planning Board may require proposed development and redevelopment to provide sufficient rights-of-way on their properties to accommodate expected needs for bicycle and pedestrian use.
- E. Sidewalks, crosswalks, walkways, bikeracks or other pedestrian access shall be provided to allow access to adjacent properties and between individual businesses within a development.
- F. If the property abuts a public bikeway/ right-of-way, a paved access route to the bikeway may be required.

12. Location of Parking Areas. Where feasible, the Planning Board may require parking areas to be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood and allow parking areas to be shared with adjacent businesses. The Planning Board may require alternative studies of parking lot layouts. Except where physical constraints, site configuration, or safety considerations preclude strict compliance, all parking must be accessible by driveways to the parking lots of adjacent nonresidential uses and land zoned for nonresidential uses

13. Parking in Required Front Setback. The Planning Board may prohibit parking within the required front setback.

14. Traffic Calming Features. Traffic calming measures such as crosswalks, bike lanes, rumble strips and landscaped islands may be required.

G. Aesthetics. The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with and will not adversely affect the livability or appropriate development of abutting properties, with natural and built environment in the area and the surrounding neighborhood.

H. Utilities; Security; Emergency Systems. The proposed development shall be adequately served by public or private utilities, security systems, and emergency systems.

1. Water. There shall be sufficient water capacity to meet the flow demands of the proposed use without causing municipal water flow characteristics off-site to fall below the standards adopted by the Town.

2. Underground. When feasible, all electrical, cable and telecommunications services

shall be installed underground.

3. Fire Alarm System. There shall be sufficient municipal fire alarm system capacity to meet the operating requirements of the proposed site development and use under applicable codes, regulations, and statutes enforce by the Fire Chief.

I. Fiscal Impact. The proposed Development shall maintain a positive net fiscal position for the long term, giving consideration to revenue estimates and actual growth in municipal service costs induced by the proposed Development.

6.05 Exemptions. The following are exempt from these special permit standards:

A. Emergency Response. Emergency responses performed by a private entity or a public agency and fire or burglar alarms.

B. Municipal Uses and Structures. All municipal uses and structures, including schools;

C. Events. Parades, fairs or outdoor entertainment between the hours of 7:00 am. and 11:00 p.m. only provided that a permit for such activity has been granted by the Board of Selectmen and that said permit is for not more than ten (10) days.

D. Religious Structures and Services. Religious services conducted by an organization which qualifies under the laws of the commonwealth as a tax-exempt religious group.

6.06 Waiver of Standards. The Planning Board may, in the course of granting a special permit or site plan approval for nonresidential development, waive any of these performance standards where such waiver is not inconsistent with public health and safety, and where such waiver does not derogate from the purposes of this section because the proposed development will adequately serve the goals and objectives set forth in Section 1, hereof.

6.07 Enforcement. The Planning Board may ensure compliance with these performance standards at the application stage by requiring evidence of probable compliance, whether by example of similar facilities or by engineering analysis, verified by technical peer review. In addition, the Planning Board may require a monitoring program post- permit issuance for compliance purposes for a time period as may be specified in the special permit or site plan approval.

7.00 Downtown Design Guidelines

7.01 Applicability. All applications for site plan approval in the Central Business (CB) District shall adhere to the guidelines set forth in the document entitled, "Downtown Norwood Design Guidelines ("Design Guidelines")," Norwood, Massachusetts, dated October 1998, prepared by Pierce Lamb Architects for the Planning Board.

7.02 Intent. The Design Guidelines shall be construed as guidelines rather than standards. The Planning Board shall encourage applicants to follow the letter and the spirit of the Design Guidelines. However, where strict compliance is not possible, departures from the Design Guidelines are permissible, without the need for a waiver.

8.00 Decision

These procedural requirements apply to both Major and Minor Site Plans.

8.01 Public Meeting

The Application shall be reviewed at a public meeting of the Board. The Board may request the appearance at said meeting of other agencies or officials as may be necessary or helpful in the review of the Application.

8.02 Time of Decision

The Board shall render a written decision, by majority vote, within sixty (60) days of receipt of an Application, unless such time period is extended by mutual, written agreement of the Applicant and the Board. The decision of the Board shall be upon a majority of the Board as constituted and shall be in writing.

8.03 Extension of Time

The required time limits for the filing of such decision may be extended by written agreement of the Applicant and the Board, and a copy of such agreement shall be filed in the office of the Town Clerk.

8.04 Constructive Approval

Failure by the Board to act within such sixty day period shall be deemed to be approval of the Major Site Plan. The Applicant who seeks such approval by reason of the failure of the Board to act within the time prescribed shall notify the Town Clerk, in writing, within fourteen days from the expiration of said sixty days or extended time, if applicable, of such approval and that notice has been sent by the Applicant to parties in interest as defined in G.L. c. 40A, s. 11. The Applicant shall send such notice to parties in interest, by mail and each notice shall specify that appeals, if any, shall be made pursuant to G.L. c. 40A, s. 17 and shall be filed within twenty days after the date the Town Clerk received such written notice from the Applicant that the Board failed to act within the time prescribed.

8.05 Approval

Site plan approval shall be granted upon determination by the Board that the plan:

1. Meets the Design Standards set forth in Section 6.00;
2. Meets, if applicable, the Downtown Design Guidelines set forth in Section 7.00.
3. Satisfies all other applicable requirements of the Bylaw;

8.06 Disapproval

Site plan approval shall be denied upon determination by the Board that the plan:

1. Is incomplete in that the Applicant has failed to submit the forms, plans, reports, studies, fees, and other documentation required by these Rules; or
2. The imposition of reasonable conditions will not ensure the project's compliance with the substantive requirements of these Rules; or
3. The imposition of reasonable conditions will not adequately protect the health, safety, convenience and general welfare of the inhabitants of the Town; or
4. The project, as proposed, does not comply with the Bylaw.

8.07 Conditions.

The Board may impose reasonable conditions at the expense of the Applicant to implement its Decision, including, but not limited to:

1. The imposition of setback or yard requirements or height restrictions stricter than those otherwise set forth in Section 4.0 of the Bylaw.
2. The provision of adequate security by the Applicant, in such form and amount as may be determined by the Board or its agents, to ensure the satisfactory completion of all improvements required by its site plan approval, exclusive of those being made to privately-owned structures.

8.07 Lapse

Site plan approval shall lapse if construction or use is not commenced within twenty-four months from the date of approval. A new submittal shall be required in accordance with these Rules. Such approval may, for good cause, be extended in writing by the Board upon the written request of the applicant.

9.00 Administration

9.01 Effect on Other Permits

Where a proposed use, structure, or other alteration requires site plan approval, the following procedures shall apply:

1. *As of Right Uses.* No building permit or certificate of occupancy shall be issued by the Building Inspector unless the application includes the decision of the Board approving the required site plan, or unless 60 days lapse from the date of the submittal of the site plan without action by the Board.
2. *Use Requiring Special Permit or Variance.* In the event that the use, structure, or

other alteration requires a special permit or variance, any grant thereof shall include the following condition:

“The proposed use or development authorized herein requires the approval of a site plan by the Board pursuant to Section 10.5 of the Zoning By-law.”

3. *Consolidation.* Where the Planning Board also serves as the Special Permit Granting Authority for proposed use or development, the Board shall consolidate its site plan review and special permit procedures.

9.02 Appeal

Any decision of the Board pursuant to Section 10.5 shall be appealed in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

10.00 Amendment to Approved Plan

10.01 Procedures

No deviation from an approved site plan shall be permitted without modification thereof by the Board. If an Applicant desires to modify the details of an approved site plan, it shall promptly notify the Director of the specifics of said amendment(s), in writing. Within three (3) business days, the Director shall determine whether the amendment(s) are insubstantial or substantial, and notify the Applicant of the same.

10.02 Insubstantial Amendments

When the amendments proposed by the Applicant are insubstantial, the approved site plan shall be deemed modified to incorporate the proposed modifications.

10.03 Substantial Amendments

When the amendment(s) proposed by the Applicant are substantial, said amendment(s) shall constitute a new Application subject to the procedural and substantive requirements of these Rules.