

## **Chapter 302**

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[HISTORY: Adopted by the Planning Board of the Town of Wayland 1-24-1995. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Zoning — See Ch. 198.

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**ARTICLE I**  
**General Provisions**

**§ 302-1. Authority; title.**

- A. These regulations are adopted by the Planning Board of the Town of Wayland as authorized by MGL c. 40A and by the Zoning Bylaws of the Town of Wayland (Zoning Bylaws), Article 6, Site Plan Approval, both as amended.
- B. These regulations shall be known as and may be cited as the "Site Plan Review and Approval Regulations of the Planning Board of the Town of Wayland" or as the "Site Plan Review and Approval Regulations" or simply as "these regulations."
- C. All citations in these regulations, whether direct or indirect, shall be to the most recent editions or versions of the reference, unless specified otherwise.

**§ 302-2. Purpose.**

The purpose of these regulations, as set forth in the Zoning Bylaws, Article 6, is to establish uniform standards and procedures for the review and approval of site plan applications, whether the Planning Board administers site plan review and approval or reviews site plan approvals that are administered by the Zoning Board of Appeals. (Section 302-6 of these regulations specifies when each Board administers site plan review and approval.)

**§ 302-3. Word usage and definitions.**

- A. Unless expressly stated otherwise, in construing these regulations the words used in these regulations shall have the definitions listed in the most recent editions of:
  - (1) First, MGL c. 40A;
  - (2) Second, these regulations;
  - (3) Third, the Zoning Bylaws;
  - (4) Fourth, Article 2 of 780 Code of Massachusetts Regulations, the Massachusetts State Building Code; and
  - (5) Fifth, Webster's Unabridged Dictionary.
- B. Technical terms or words or phrases and such others as may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.
- C. All references to the town, to officials, boards, commissions, committees, departments, etc., refer to Wayland unless otherwise specified.
- D. Words in these definitions, and in these regulations, are assumed to apply in both the singular and plural and in both the feminine and masculine, unless the context clearly indicates otherwise or unless specified otherwise.
- E. As used in these regulations, the following terms shall have the meanings indicated:

**AGENT** — The department head or other staff engaged by a board, commission or other Town of Wayland body or any other person designated in writing by said body to act legally in its stead.

**APPLICANT** — The person who files either a complete Applicant's Determination that Site Plan Review and Approval Are/Are Not Applicable or a complete Application for Site Plan Review and Approval. The applicant must be the owner of all land included in the plan. A representative (including lessee) or assigns may act for an owner, provided that written evidence of such fact is submitted. When an owner and/or his representative is other than an individual, evidence in the form of a certified list of the officers and authority designated to sign legal documents shall be required.

**APPLICATION or REQUEST** — All plans, data, narrative and other material required by these regulations or the Zoning Bylaws as part of a submittal to the Planning Board.

**ARCHITECT** — A person registered and/or legally permitted to practice as a professional architect in the Commonwealth of Massachusetts.

**BOARD** — The Planning Board of the Town of Wayland.

**CALCULATION OF GROSS FLOOR AREA** — A figure determined by the Planning Board for a change of use based on the aggregate of all such changes authorized since the original site plan approval or, if there is no site plan approval, since construction of the original structure.

**CERTIFIED or ENDORSED** — As applied to a plan or other instrument required or authorized by the Zoning Bylaws or these regulations to be recorded, bears a certification or endorsement by the appropriate majority of the acting board or by its chairman or clerk or any other person authorized by it to certify or endorse its approval or other action and named in a written statement to the Register of Deeds and Recorder of the Land Court, which statement must be signed by the appropriate majority of said board.

**DAY** — A calendar day unless specified otherwise.

**DEVELOPMENT PLAN or PLAN** — All drawings or sketches required by these regulations or the Zoning Bylaws as part of a submittal.

**DRAIN** — A channel or pipe that carries drainage water.

**DRAINAGE** — The control of surface and subsurface water.

**EASEMENT** — A right acquired by a public authority or other person for use or control of property for utility or any other designated purpose.

**ENGINEER** — A person registered and/or legally permitted to practice professional engineering in the Commonwealth of Massachusetts.

**FINAL ACTION** — The filing of the Planning Board's or the Zoning Board of Appeals' site plan decision at the Town Clerk's office.

**HORIZONTAL CURVE** — The portion of the right-of-way line along which a change in alignment occurs in the horizontal plane.

**IMPROVEMENT** — Any man-made immovable item, facility or service, together with its associated site or right-of-way, that becomes part of, placed upon or affixed to real estate or the land.

**MAJOR REVISIONS OR AMENDMENTS** — Changes proposed to approved site plans that are not minor revisions, as defined herein.

**MASSACHUSETTS GENERAL LAWS ANNOTATED or MGL** — The General Laws of the Commonwealth of Massachusetts, Ter. Ed., with all additions and amendments thereto. In the case of a rearrangement of the General Laws, any citation of particular chapters/sections herein set forth shall be applicable to the corresponding chapters/sections in the new codification.

**MINOR REVISIONS OR AMENDMENTS** — Changes that are internal to existing structures (see the Zoning Bylaws, § 198-608.2).

**PERMANENT BENCHMARK** — A permanent reference point with the elevation accurately established by stone or concrete bounds and referenced to the United States Coast and Geodetic Survey (USCGS) datum.

**PLAN** — See “development plan.”

**RECORD, RECORDED or RECORDING** — Record, recorded or recording in the Registry of Deeds of the county or district in which the land in question is situated, except that instruments for registered land refer to those filed with the Recorder of the Land Court.

**REGISTERED MAIL** — Registered or certified mail. Return receipt mail is referred to specifically as such.

**REGISTER OR REGISTRY OF DEEDS** — The Register or Registry of Deeds of the county or district in which the land in question, or the town in question, is situated and, when appropriate, shall include the Land Court or Recorder thereof, namely, in the Town of Wayland, Middlesex County.

**REGULATIONS** — Site Plan Review and Approval Regulations of the Planning Board of the Town of Wayland as adopted and amended from time to time by the Planning Board pursuant to the Zoning Bylaws.

**RIGHT-OF-WAY** — The full strip of land designated for vehicular and sometimes pedestrian traffic, consisting of the pavement or traveled way and any planting strips and sidewalks. A right-of-way so designated shall be available only for such uses as are customary for rights-of-way in the Town of Wayland and shall not be available for any private construction, such as buildings, fuel tanks, septic systems, fences, walls or paved parking areas.

**RIGHT-OF-WAY ALIGNMENT:**

- (1) The ground plan of the right-of-way.
- (2) The sequence of straight lines and curves that define the location of the right-of-way.

**SIDEWALK or WALK** — A way designed primarily for pedestrian use.

**SIGHT DISTANCE** — The length of road, roadway or street visible to the driver of an automobile.

**SPRA** — Site plan review and approval.

**STORM DRAIN or STORM SEWER** — A drain system that carries stormwater, surface water and the discharge from subsurface drains but does not carry wastewater.

**STORMWATER** — Precipitation that flows over or under the surface of the ground; "runoff" is that portion of precipitation that flows over the surface of the ground.

**SUBDIVISION REGULATIONS** — The Subdivision Regulations adopted by the Wayland Planning Board, as revised.<sup>1</sup>

**SURFACE WATER** — Stormwater runoff and all other water on the surface of the land, whether temporary or permanent.

**SURVEYOR** — A person registered or legally permitted to practice land surveying in the Commonwealth of Massachusetts.

**TOWN** — The Town of Wayland.

**TRIBUTARY AREA** — The area from which stormwater runoff contributes to the flow at a particular location.

**UTILITIES** — Sewers, water drains and other private or public utilities, including but not limited to water pipes, gas pipes, electric lines, telephone lines, fire alarm lines, cable television lines and their appurtenances.

**VERTICAL CURVE** — The portion of the right-of-way line along which change in alignment occurs in the vertical plane.

#### **§ 302-4. Applicability.**

- A. No person shall undertake any improvement or alteration, and no building permits shall be issued therefor, until site plan review and approval as described herein has been issued, unless the proposed activity is exempt from site plan review and approval as described in these regulations, § 302-5, or until the completed Planning Board Confirmation that Site Plan Review and Approval Are Not Applicable, endorsed by the Planning Board, has been received by the Building Commissioner.
- B. Any applicant applying for site plan review and approval under the Zoning Bylaws shall comply with these regulations. Site plan review and approval shall apply to any improvement, alteration or change of use to, on or with respect to:
  - (1) Any vacant lot, or vacant contiguous lots under the same ownership, where such improvement, alteration or change of use requires or results in the erection or placement of any structure or parking area on said lot or lots.

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<sup>1</sup> Editor's Note: See Ch. 303, Subdivision of Land.

- (2) Any existing structure or group of structures under the same ownership on the same or contiguous lots where such improvement, alteration or change of use requires or results in a substantial alteration to any area of parking, loading or vehicular access as set forth in the Zoning Bylaws, § 198-601.2.4, that is, any proposal where:

- (a) All or part of such existing or proposed areas is located off the site of the primary use or structure;
- (b) Any resurfacing of such areas results in any change in the design of the septic or drainage systems on or for the site;
- (c) Any curb cut is relocated, added or otherwise changed;
- (d) The Zoning Bylaws require more parking than was required for the previous use; or
- (e) An increase in the area of such parking areas is required as follows:

**If the total square footage currently required for such areas is:**

**Then "substantial alteration" shall mean any increase greater than:**

Less than 15,000 square feet

33.3% of such areas or 1,499 square feet, whichever is smaller

15,000 square feet to less than 30,000 square feet

10% of such area

30,000 square feet or more

3,000 square feet

- (3) Any existing structure or group of structures under the same ownership on the same or contiguous lots where such improvement, alteration or change of use requires or results in an increase of the gross floor area as set forth in the Zoning Bylaws, § 198-601.2.3, repeated herein as follows:

**If the gross floor area of original structure or SPRA-authorized structure is: (square feet)**

**Then SPRA shall be required for any increase greater than:**

Less than 3,333

30% of existing gross floor area

3,333 to less than 5,000

1,000 square feet

5,000 to less than 7,500

20% of existing gross floor area

7,500 to less than 15,000

1,500 square feet

15,000 to less than 25,000

10% of existing gross floor area

25,000 to less than 50,000

2,500 square feet

50,000 to less than 80,000

5% of existing gross floor area

80,000 to less than 100,000

4,000 square feet

100,000 to less than 125,000

4% of existing gross floor area

125,000 or more

5,000 square feet

- C. Site plan review and approval shall be a prerequisite to the issuance of any special permit, permit and/or variance required by the Zoning Bylaws unless exempted from site plan review and approval by these regulations, § 302-5.

**§ 302-5. Exemptions.**

Site plan review and approval shall not apply to the construction, reconstruction, alteration, enlargement or use of the following:

- A. Single- or two-family residential structures or owner-occupied multifamily structures or structures or uses accessory thereto; or
- B. Any proposal subject to Article 18 (Conservation Cluster Development) or Article 19 (Planned Development District) or Article 20 (Southeast Wayland-Cochituate Planning District) of the Zoning Bylaws.

**§ 302-6. Administration.**

- A. The Planning Board shall administer site plan review and approval:
  - (1) When the Zoning Bylaws do not also require a special permit, permit and/or variance from the Zoning Board of Appeals; or
  - (2) When the Zoning Bylaws also require a special permit from the Planning Board.
- B. The Zoning Board of Appeals shall administer site plan approval when the Zoning Bylaws also require a special permit, permit and/or variance from the Zoning Board of Appeals. In all such cases the applicant shall submit the complete application or request as required herein, and the Planning Board shall review and submit a written advisory report with recommendations thereon to the Zoning Board of Appeals as required herein.

**§ 302-7. Waivers.**

- A. The Planning Board may waive strict compliance with the provisions of these regulations, including the holding of a public hearing, when, in the written judgment of the Planning Board, the waiver is in the public interest or if the information required by these regulations is irrelevant to the project and the result of said waiver granted is consistent with the intent and purpose of the Zoning Bylaws and these regulations.
- B. Any request for a waiver from these regulations shall be submitted, in writing, to the Planning Board. Said requests shall include a statement that clearly identifies the provision or provisions of these regulations from which relief is sought and a statement setting forth the reason or reasons why, in the applicant's opinion, the granting of such waiver would be in the public interest or why the required information is irrelevant to the project and why a waiver would be consistent with the intent and purpose of the Zoning Bylaws and these regulations.
- C. The Planning Board shall vote on any request for a waiver within 21 days of the date of submittal of the complete application or request. If no vote is taken within said 21 days, said waiver request shall be deemed to be approved.
- D. In waiving strict compliance with these regulations, the Planning Board may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived. All granted waivers shall be written as part of the special permit.

**§ 302-8. Security.**

The Planning Board may require the provision of reasonable security to the town, or it may recommend such security to the Zoning Board of Appeals, in such form and in such amount as may be determined by the Planning Board or its agent to ensure the satisfactory completion of all improvements required by site plan approval, exclusive of improvements made and related exclusively to structures and parking areas.

**§ 302-9. Fees.**

The Planning Board shall, without the need for a public hearing, establish and may periodically amend a schedule of fees for applications or requests made under these regulations. No such application or request shall be considered complete unless accompanied by the required fees.

**§ 302-10. Amendments; when effective; filing.**

- A. These regulations may be amended by a majority vote of the Planning Board at any regularly scheduled meeting thereof after a public hearing has been held, the advertisement for which shall appear in a newspaper of general local circulation in two different weeks, the first advertisement to appear no less than seven days prior to the date of said hearing.
- B. These regulations and amendments thereto shall become effective on the date such regulations are adopted and filed at the Town Clerk's office.
- C. These regulations and any amendments thereto shall be filed at the Town Clerk's office within seven days of adoption.
- D. Copies of these regulations and any amendments thereto shall be made available at the Planning Board office and at the Building Commissioner's office to all persons upon request at a reasonable cost to be established by the Board.

**§ 302-11. Communication with town personnel.**

- A. To ensure interoffice communication and uniformity of advice on all submittals, the applicant is advised to inform the Planning Board or its agent, in advance, of all appointments made with other town personnel and to copy the Planning Board or its agent in on all correspondence and communication with town personnel.
- B. Any advice, opinion or information given to the applicant by a board member or by any agency, official, employee or personnel of the town shall be considered advisory only and not binding.

**§ 302-12. Additional information.**

The Planning Board may from time to time require additional information that it believes is necessary for evaluation of the development or plan or in connection with construction of said development. Notification of any such requirement shall be in writing. If the need for such information is not evident prior to the public hearing and/or the information cannot be



furnished prior to said hearing, the Planning Board may continue said hearing until such information is provided and reviewed.

**§ 302-13. Severability.**

If any section, paragraph, sentence, clause or provision of these regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged, and the remainder of these regulations shall be deemed valid and effective.

**§ 302-14. Notice of violation.**

Written notice of any violation of the Zoning Bylaws, Article 6, or these regulations or of any site plan approval issued thereunder shall be provided by the Building Commissioner to the owner of the premises, specifying the nature of each violation and a reasonable schedule of compliance. In no event shall more than 30 days be allowed for either compliance or completion of a plan for longer-term compliance.

ARTICLE II

**Filing Applications and Requests**

**§ 302-15. Application forms.**

Applicants shall submit the appropriate form, either an Applicant's Determination that Site Plan Review and Approval Are/Are Not Applicable, together with a Planning Board Confirmation that Site Plan Review and Approval Are Not Applicable, or an Application for Site Plan Review and Approval. Information, forms and guidance can be obtained at either the Planning Board office or the Building Commissioner's office. The appropriate form shall be submitted, as follows:

- A. An Applicant's Determination that Site Plan Review and Approval Are/Are Not Applicable shall be submitted with required documentation for any development that will require or result in any improvement, alteration or change of use to, on or with respect to:
  - (1) Any vacant lot or vacant contiguous lots under the same ownership;
  - (2) Any existing structure or group of structures under the same ownership on the same or contiguous lots where such improvement, alteration or change of use requires or results in any alteration to areas of parking, loading or vehicular access; or
  - (3) Any existing structure or group of structures under the same ownership on the same or contiguous lots where such improvement, alteration or change of use requires or results in any increase in gross floor area.
- B. In the alternative, an applicant may acknowledge that the proposed development necessitates site plan review and approval, in which case the applicant shall directly submit an Application for Site Plan Review and Approval with required documentation.

**§ 302-16. Submittal requirements.**

Applicants shall obtain the required forms and related materials at the Planning Board office or at the Building Commissioner's office. In order to be deemed complete, forms, related materials and fees shall be submitted as follows:

- A. One copy of the Applicant's Determination that Site Plan Review and Approval Are/Are Not Applicable shall be filed at the Town Clerk's office, and a receipt therefor shall be issued by said office for submittal as part of the request. Additionally, one original and three copies of the Applicant's Determination that Site Plan Review and Approval Are/Are Not Applicable, plus one original of the Planning Board Confirmation that Site Plan Review and Approval Are Not Applicable, shall be submitted at the Planning Board office, along with a copy of the receipt obtained from the Town Clerk's office certifying that the Applicant's Determination that Site Plan Review and Approval Are/Are Not Applicable was filed at the Town Clerk's office. Simultaneously, one additional copy of the Applicant's Determination that Site Plan Review and Approval Are/Are Not Applicable shall also be submitted at the Building Commissioner's office.
- B. One copy of the Application for Site Plan Review and Approval shall be filed at the Town Clerk's office, and a receipt therefor shall be issued by said office for submittal as part of the application. Additionally, one original and 10 copies of the Application for Site Plan Review and Approval shall be submitted at the Planning Board office, along with a copy of the receipt obtained from the Town Clerk's office certifying that said form was filed at the Town Clerk's office. Simultaneously, one original and five copies of plans and other materials, as set forth in these regulations, § 302-22, shall also be submitted at the Planning Board office.

**§ 302-17. Place of filing and submittal.**

Completed application or request forms shall be filed at the locations specified in § 302-16 above during hours in which said offices are open (check with said offices to verify hours during which they will be open).

**§ 302-18. Status of application or request.**

Within three work days of the submittal date of the application or request, or within three work days of any subsequent submittal date in response to a determination that any such submittal was incomplete, the Planning Board or its agent shall review said submittal and inform the applicant and the Town Clerk, in writing, as to whether said submittal is deemed complete. If said submittal is determined to be incomplete, the applicant shall receive written notice from the Planning Board or its agent listing the items or information needed to complete said submittal. When the submittal is deemed complete by the Planning Board, it shall notify the Town Clerk, in writing, of the final submittal date. The final submittal date shall be the date that the Planning Board office receives the completed submittal. For submittals that have been deemed incomplete, the applicant must agree, in writing, to any new submittal or filing date in order for any additional information or material to be considered part of the original submittal.

**§ 302-19. Responsibility for information and materials.**

By submitting an application or request under these regulations, the applicant assumes responsibility for the accuracy and representations made or implied for all of the information and materials that constitute said application or request.

ARTICLE III  
**Information Required**

**§ 302-20. Supplemental site plan.**

- A. Applicant's Determination that Site Plan Review and Approval Are/Are Not Applicable. In addition to the submittal of the Applicant's Determination that Site Plan Review and Approval Are/Are Not Applicable, as set forth in these regulations, § 302-15, the applicant may provide for the site an optional plan with the information listed in Subsection B below (see "supplemental site plan").
- B. Optional supplemental site plan. In order to facilitate Planning Board determination that the requirements for site plan review and approval do not apply to the proposed development, applicants may provide an optional supplemental site plan. Any development plan should be presented at a suitable scale, clearly and legibly drawn, so as to fully depict and detail the intentions of the applicant. Plan sheets should not be larger than 24 by 36 inches. Plans should show the following for the site, as appropriate (all lines, boundaries, setbacks, etc., must be labeled and must show approximate dimensions and directions and all lots, districts, structure footprints, etc., must show approximate areas, in acres and in square feet):
  - (1) Zoning districts (including the Floodplain, Aquifer Protection and Watershed Protection Districts).
  - (2) Wetlands and wetland buffers, as defined in MGL c. 131, § 40.
  - (3) Watercourses and water bodies, including ponds, streams, brooks and ditches.
  - (4) The outline or footprint of existing structures, including the gross floor areas thereof.
  - (5) Setbacks for existing structures and existing and proposed parking and loading facilities.
  - (6) Existing and proposed sidewalks, walkways, driveways and accesses to the site.
  - (7) Existing and proposed parking and loading facilities, including proposed landscaped areas within the perimeter of parking facilities. Parking spaces must be identified as either standard size, compact size or handicap and shown on the plan. The plan must show at least one parking space of each type provided. All areas proposed for reserve parking shall be identified.
- C. Other information. Applicants are invited to submit more information where such information aids in the proper evaluation of the request. Additional information, including the development plans described in Subsection B above, may be required by the Planning Board if such information is necessary to properly act upon the request.

- D. Verification of Planning Board confirmation that site plan review and approval are not required. When a Planning Board Confirmation that Site Plan Review and Approval Are Not Applicable is issued by the Planning Board, the Building Commissioner shall verify that the plans submitted with relevant applications, and the plans approved as part of approved permits, do not propose any activity that is subject to site plan review and approval.

**§ 302-21. Optional preliminary site plan review.**

- A. General. Applicants are encouraged, but not required, to submit review copies of preliminary site plans (not including the Application for Site Plan Review and Approval form) to the Planning Board. Preliminary review of said site plans is recommended and can help expedite the processing of the final application. Substantially the same plans required for the Application for Site Plan Review and Approval in these regulations, § 302-22, shall be submitted for the optional preliminary site plan review. Preliminary site plans shall not constitute a formal application for site plan review and approval and need not be stamped or certified by professionals.
- B. Review of preliminary site plan. Town personnel may review preliminary site plan submittals in an attempt to promote greater efficiency in the ensuing formal review process. Said personnel will limit their review of preapplication submittals to technical issues within their expertise and may offer preliminary opinions as to whether waiver requests are feasible. However, all comments offered during this preapplication review are nonbinding and shall not be construed to constitute instructions or directives of a binding nature. Town personnel will not be responsible for assuring the thoroughness, completeness or correctness of any final application. It is the responsibility of the applicant to ensure that any application to the Board is complete and accurate.

**§ 302-22. Application and plan contents.**

- A. Application for site plan review and approval.
- (1) As part of the submittal of the Application for Site Plan Review and Approval, as set forth in these regulations, § 302-15, the applicant shall provide the information listed in this section.
  - (2) The Planning Board may waive any information requirements it finds unnecessary for the review of a particular application.
- B. List of requested waivers. Any request for a waiver from these regulations shall be submitted as part of the application. Said requests shall include a statement that clearly identifies the provision or provisions of these regulations from which relief is sought and a statement setting forth the reason or reasons why, in the applicant's opinion, the granting of each such waiver would be in the public interest and not inconsistent with the intent and purpose of the Zoning Bylaws and these regulations.
- C. Site plan.

- (1) Any site plan for which an applicant seeks approval shall be presented at a suitable scale, which shall be shown on each sheet of said plan. Said plan shall be clearly and legibly drawn, so as to fully depict and detail the intentions of the applicant. The site plan shall be suitable for recording.
- (2) For complex projects, the use of multiple sheets in preparation of the site plan is encouraged. The major headings of this section may serve to distinguish these multiple sheets; however, applicants should present the information in the most effective manner. Where multiple plan sheets are used, an index and numbering system shall be provided for convenience. Plan sheets shall not be larger than 24 by 36 inches.
- (3) The cover sheet shall include an appropriate title block and North arrow. Space shall be provided for endorsement, including the date, with the caption "Date Site Plan Endorsed: \_\_\_\_\_."
- (4) Plans shall be stamped and certified by an appropriate registered professional, such as an architect, landscape architect, land surveyor and/or engineer. A checklist of all of the items listed in this section, Subsections A through E, shall be included with the application, with each item marked either "Applicable, see site plan, sheet(s) No. \_\_\_\_" or "Not applicable, request for waiver submitted." The site plan shall provide the following information, as applicable (all lines, boundaries, setbacks, etc., must be labeled and must show precise dimensions and directions and all lots, districts, footprints, etc., must show precise areas, in acres and in square feet):
  - (a) The plan shall show all of the following general site characteristics on or related to the site:
    - [1] The locus at a scale of one inch equals 1,000 feet for a minimum radius of 1/2 mile centered on the site.
    - [2] On each plan sheet, a legend identifying any representative symbols used on said plan sheet.
    - [3] Lot lines and boundaries of the site, with permanent bounds, and abutters with their property lines indicated.
    - [4] Existing and proposed easements.
    - [5] Existing and proposed internal and adjacent private and public rights-of-way, edges of pavement and other surface and subsurface features within said rights-of-way.
    - [6] Zoning districts (including the Floodplain, Aquifer Protection and Watershed Protection Districts).
    - [7] Existing and proposed topography at two-foot intervals, referenced to the National Geodetic Vertical Datum, with the location and elevation of the permanent benchmark, plus at least two additional permanent benchmarks on the site.
    - [8] Areas intended for use as open space.

- [9] Wetlands and wetland buffers, as defined in MGL c. 131, § 40.
  - [10] Watercourses and water bodies, including ponds, streams, brooks and ditches.
  - [11] Special site features, including stone walls, fences, historic structures, ledge outcroppings, large trees, etc.
- (b) The plan shall show all of the following site improvements on or related to the site:
- [1] The outline or footprint of existing and proposed structures.
  - [2] Elevations of the front, sides and rear of existing and proposed structures, with maximum heights indicated.
  - [3] Floor plans of existing and proposed structures, with an indication of the use or uses intended for each floor in question and an indication of the net floor area for each use.
  - [4] Setbacks for existing and proposed structures and parking and loading facilities.
  - [5] Existing and proposed signs.
  - [6] Areas intended for outdoor storage, indicating whether fenced or enclosed.
  - [7] Underground storage containers for fuel or other chemical storage, including type and capacity of each container.
  - [8] Existing and proposed sidewalks, walkways, driveways and accesses to the site.
  - [9] Existing and proposed parking and loading facilities, including any proposed landscaped areas within the perimeter of a parking facility. Parking spaces must be identified as either standard size, compact size or handicap and shown on the plan. The plan must show at least one parking space of each type provided. Areas proposed for reserve parking shall be identified.
  - [10] Materials to be used in the construction of impermeable surfaces shall be noted on the plan, with specifications for construction consistent with those set forth in the Subdivision Regulations of the Planning Board.
- (c) The plan shall show all of the following site utilities on or related to the site:
- [1] Stormwater drainage facilities by type, including construction materials of pipes, culverts, catch basins and other system components. Sufficient information relating to the placement of drainage system components (rim and invert elevations, pipe slopes and amount of cover) shall be provided to evaluate the system. Any proposed drainage ponds shall be depicted.
  - [2] Devices to control erosion and sedimentation during and after construction.

- [3] Water service facilities by type. If on-site wells are to be used, their proposed location and distance from structures and sewage disposal systems must be shown. If public water is to be used, the water main serving the site must be identified, sized and its location shown.
- [4] Fire hydrants on the site or off the site but within 500 feet of the principal structure on the site. If there is no hydrant within 500 feet of the principal structure on the site, the applicant shall indicate how fire protection is to be provided for the site. The location of proposed fire alarm boxes or other warning system and fire lanes shall be provided.
- [5] Underground utilities.
- [6] Solid waste disposal facilities by type.
- [7] Proposed and existing on-site sewage disposal systems, including required reserve areas, and the locations of water mains with respect to said systems. If a sewage treatment plant is proposed, its location and those of water mains must be shown.
- (d) The plan shall show typical details, profiles and/or cross sections, with slopes, dimensions, curves, etc., as applicable, of all of the following construction features on or related to the site:
  - [1] Rights-of-way, catch basins, manholes, headwalls, sidewalks, walkways, driveways, parking and loading areas, subdrains, waterways, leaching basins, drainage ponds, etc.
  - [2] Tree wells, tree plantings and specialty planting areas.
  - [3] Each type of parking space.
  - [4] Outdoor structures, including lighting fixtures, signs, etc.
  - [5] Erosion, sedimentation and other construction and pollution control devices.
- (e) The plan shall show all of the following landscaping details on or related to the site:
  - [1] Buffer areas, with plantings detailed by common name of species, height (at planting), spread (at maturity) and quantity to be planted.
  - [2] The perimeter of existing wooded areas, with those wooded areas to be preserved indicated.
  - [3] Tabulations of building coverages, open spaces, wooded areas, etc.

D. Written submittals.

- (1) Drainage calculations used to support the design of the stormwater drainage system depicted on the site plan shall be submitted.
- (2) A description and analysis of the measures proposed to prevent pollution of ground- and surface water, erosion of soil, excessive runoff of precipitation, excessive raising or lowering of the water table and flooding of other properties shall be submitted.

- (3) A description and analysis of design features intended to integrate the proposed new and altered buildings, structures, signs and plantings into the existing landscape to preserve and enhance aesthetic assets of the site and to screen objectionable features from adjacent properties shall be submitted.
  - (4) Traffic study.
    - (a) A traffic study shall be submitted, which shall include but not be limited to:
      - [1] Existing and projected number of motor vehicle trips to enter or depart the site for an average day and peak hours.
      - [2] Existing and projected traffic flow patterns for both vehicular and pedestrian traffic, including vehicular movements and sight distances at existing and proposed intersections and those likely to be affected by the proposed development.
    - (b) The impact of this traffic on existing streets shall be evaluated in relation to road capacities.
  - (5) A description and analysis of proposed waste disposal practices and their impacts and a description and analysis of past waste disposal practices and their impacts, insofar as said practices and impacts can be determined from reasonably available historic sources, shall be submitted.
- E. Other information. Applicants are invited to submit more information where such information aids in the proper evaluation of the application. Additional information may be required by the Planning Board if such information is necessary to properly act upon the application.

#### ARTICLE IV

##### Procedures; Decisions; Amendments

#### § 302-23. Planning Board procedures.

- A. Applicant's Determination that Site Plan Review and Approval Are/Are Not Applicable.
- (1) Within 10 days of the submittal of a complete Applicant's Determination that Site Plan Review and Approval Are/Are Not Applicable and a complete Planning Board Confirmation that Site Plan Review and Approval Are Not Applicable, the Planning Board or its agent shall notify the applicant, the Zoning Board of Appeals, the Building Commissioner, the Board of Health and the Conservation Commission, in writing, whether the requirements of site plan review and approval are applicable.
  - (2) When it is determined that the requirements for site plan review and approval do not apply to the proposed development, the Planning Board shall execute a confirmation to that effect (Planning Board Confirmation that Site Plan Review and Approval Are Not Applicable) at its next regularly scheduled meeting. Such confirmation shall be made by majority vote of the Planning Board.



- (3) When the Planning Board or its agent determines that the requirements for site plan review and approval do apply, the notice of said determination shall include the reasons why site plan review and approval do apply.

B. Application for site plan review and approval.

- (1) Within three work days of the submittal of a complete Application for Site Plan Review and Approval, the Planning Board or its agent shall transmit one copy of said complete form to the Planning Board consultant, Zoning Board of Appeals, Board of Health, Conservation Commission, Highway Department, Fire Department, Police Department, Water Department and Town Surveyor. A file copy of the plans and other required submittals shall remain in the office of the Planning Board to serve as a common review copy. The Planning Board may distribute other copies of plans and related materials as necessary.
- (2) Each board or department receiving an Application for Site Plan Review and Approval may, within 30 days of the date of the submittal of the complete application, submit to the Planning Board or its agent a written advisory report recommending approval, approval with modifications or conditions or disapproval, stating its reasons therefor. Failure to respond within 30 days shall be deemed a lack of opposition to the application.
- (3) When the Planning Board approves site plans (see these regulations, § 302-6), it shall take final action on an Application for Site Plan Review and Approval in the following manner:
  - (a) For site plan applications or for applications for revisions or amendments to approved site plans determined to be major, within 60 days from the date of submittal of the complete application.
  - (b) For applications for revisions or amendments to approved site plans determined to be minor, within 45 days from the date of submittal of the complete application.
- (4) The Planning Board shall not hold its public hearing on any application until 30 days from the date of the submittal of the completed application.
- (5) When the Zoning Board of Appeals approves site plans (see these regulations, § 302-6), the Planning Board shall not hold a public hearing regarding the application. Instead, the Planning Board shall review the application and related materials and submit to the Zoning Board of Appeals, within 30 days of the date of the submittal of the complete application, a written advisory report recommending approval, approval with modifications or conditions or disapproval, stating its reasons therefor. Failure to respond within 30 days shall be deemed a lack of opposition to the application. The Planning Board shall include in said submittal copies of advisory reports received from other boards or officials. Said submittal shall be submitted prior to the public hearing held by the Zoning Board of Appeals. The Zoning Board of Appeals shall notify the Planning Board of the date of said hearing as soon as said date is set.
- (6) When the Zoning Board of Appeals approves site plans (see these regulations, § 302-6), it shall give due consideration in its decision to the findings and

recommendations of the Planning Board advisory report. The decision of the Zoning Board of Appeals may deviate from said report, but the Zoning Board of Appeals, prior to its decision deadline, shall submit to the Planning Board written justification for each such deviation.

- (7) When the Zoning Board of Appeals approves site plans, it shall take final action on said approval in accordance with the requirements governing special permits, permits and/or variances.
- C. Extension of deadlines. The applicant may agree, in writing, to extend any of the deadlines set forth in these regulations (see Site Plan Review and Approval Agreement for Extension of Time). Said agreement shall forthwith be filed at the Town Clerk's office.
- D. Constructive approval. When the Planning Board approves site plans (see these regulations, § 302-6), failure by said Board to take final action within the specified time shall be deemed approval of the site plan application, but only in accordance with MGL c. 40A, § 9.

**§ 302-24. Decisions; appeals.**

- A. Standards and criteria. The Planning Board shall review the complete application and determine whether said submittal is consistent with the standards and criteria of the Zoning Bylaws, § 198-606.2.1 through 606.2.10, repeated herein as follows:
  - (1) The proposal shall be integrated into the existing terrain and surrounding landscape. Proposals shall, to the extent feasible:
    - (a) Minimize the use of wetlands, steep slopes, floodplains and hilltops.
    - (b) Preserve natural or historic features.
    - (c) Maximize retention of open space.
    - (d) Preserve scenic views from publicly accessible locations.
    - (e) Minimize tree, vegetation and soil removal, blasting and grade changes.
    - (f) Screen objectionable features from adjacent properties and roadways.
  - (2) The proposal shall include an adequate water supply system and adequate sewage and other waste disposal systems. Where sewage disposal systems are required, the applicant shall submit information thereon as required by the Board of Health.
  - (3) The proposal shall incorporate measures adequate to prevent pollution of surface water or groundwater, to minimize erosion and sedimentation and to prevent changes in groundwater levels and increased rates of runoff and to minimize potential for flooding. Drainage shall be designed to maximize groundwater recharge and to prevent any increase in the rate and volume of runoff at the site's perimeter.
  - (4) To the extent feasible, the proposal shall minimize demands placed on town services and infrastructure.

- (5) The proposal shall provide safe vehicular and pedestrian movement within the site and to adjacent ways, including sidewalks, crosswalks and the like.
- (6) Design of buildings, structures and landscaping shall be in harmony with the prevailing character and scale of the buildings, structures and landscaping of the zoning district of the site and of adjacent properties. Such design shall include the use of appropriate building materials, screening and similar architectural techniques.
- (7) To the extent practicable, electric, telephone, cable television and other utilities on the site shall be placed underground.
- (8) Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and similar unsightly buildings, structures, uses and activities shall be set back and/or screened to the extent feasible to protect adjacent properties from objectionable features.
- (9) To the extent feasible, proposals shall be designed to minimize shadows cast on adjacent properties in residential zoning districts.
- (10) There shall be no unreasonable glare from lighting, whether direct or reflected, onto roads and other ways, to the night sky or onto adjacent properties in residential zoning districts.

B. Form of decision.

- (1) When the Planning Board approves site plans (see these regulations, § 302-6), it shall approve, approve with modifications or conditions or disapprove the Application for Site Plan Review and Approval, stating its reasons therefor in writing.
- (2) The Planning Board may disapprove said application where:
  - (a) The submittal is incomplete;
  - (b) The imposition of reasonable conditions likely would not ensure that the proposal would conform to the standards and criteria of the Zoning Bylaws, Article 6, or
  - (c) The proposal does not comply with the Zoning Bylaws. However, the Planning Board may waive this requirement where such noncompliance is permitted by the Zoning Board of Appeals pursuant to MGL c. 40A and the Zoning Bylaws.
- (3) When the Zoning Board of Appeals approves site plans (see these regulations, § 302-6), the Planning Board shall review the Application for Site Plan Review and Approval and, prior to the public hearing to be held by the Zoning Board of Appeals, submit said review in the form of a written advisory report with recommendations to the Zoning Board of Appeals.

C. Lapse of decision.

- (1) Site plan review and approval shall lapse if building permits for development of the proposal, where required, have not been issued within two years from the date that the site plan review and approval decision is filed at the Town Clerk's office or if the development has otherwise not substantially commenced within the same period.

Alternatively, site plan review and approval shall lapse if development has not been completed within five years from said date.

- (2) Where certificates of occupancy or use are required for the development, the failure to obtain said certificates shall be conclusive evidence that the development is incomplete.
  - (3) Written extensions for the time to commence development may be granted by the Planning Board, but the total of said extensions shall not exceed two years, and extensions shall be granted only for good cause and upon written request. Written extensions for the time to complete development may be granted without limitation, but each such extension shall be for a period of time specified by the Planning Board and only upon written request.
  - (4) The time periods within this Subsection C shall not include any time required to pursue or await the determination of any appeals made pursuant to these regulations.
- D. Appeal of decision. Upon denial or issuance of any required building permits, any person aggrieved by a decision of the Building Commissioner may appeal the site plan review and approval decision of the Planning Board to the Zoning Board of Appeals pursuant to MGL c. 40A, §§ 8 and 15. Site plan review and approval decisions issued by the Zoning Board of Appeals may be appealed to the Superior Court pursuant to MGL c. 40A, § 17.

**§ 302-25. Revisions and amendments to approved site plans.**

- A. Further approval required for revisions or amendments. No revision or amendment to any approved site plan shall be made or implemented until application for such has been submitted to and reviewed and approved by the Planning Board or Zoning Board of Appeals, as required and specified herein.
- B. Determination of minor/major status of revisions or amendments.
- (1) When the Planning Board initially or previously approved any site plan, any revisions or amendments to said site plan shall be proposed in writing to the Planning Board, which shall determine within 10 days of receipt of said proposal whether such revisions or amendments are minor. In order to facilitate review, the applicant shall depict the proposed changes to the internal space of the existing structure in a suitable form.
  - (2) After determining that said revisions or amendments are minor and that the proposed changes are consistent with the purposes of the Zoning Bylaws, the Planning Board shall, within 45 days from the complete submittal date, take final action on said application. The Planning Board need not hold a public hearing for revisions or amendments deemed to be minor.
  - (3) When the Planning Board determines that said revisions or amendments to approved site plans are major and that the proposed changes are consistent with the purposes of the Zoning Bylaws, the Planning Board shall proceed in accordance with the requirements of the Zoning Bylaws, Article 6, and these regulations.
- C. Revisions or amendments when the Zoning Board of Appeals approves site plans.

- (1) When the Zoning Board of Appeals initially or previously approved any site plan, no revision or amendment to said site plan shall be made or implemented until the Planning Board has submitted a written advisory report with recommendations thereon to the Zoning Board of Appeals and until application for such has been submitted to and approved by the Zoning Board of Appeals.
- (2) When the Zoning Board of Appeals initially or previously approved any site plan, any revisions or amendments to said site plan shall be administered by said Board in accordance with the requirements governing special permits, permits and/or variances.