

MEMORANDUM

To: Hamilton Planning Board members
From: Mark Connors, Planning Director
Re: Proposed amendments to Section 10.6 Site Plan Review
Date: January 21, 2025

Proposed modifications to Section 10.6 *Site Plan Review* of the Zoning Bylaw are attached for review. Please note that the amendments are included below first with all proposed amendments incorporated in standard text. Immediately following are the amendments shown in track changes, so every amendment is clearly delineated. The amendments incorporate discussion points and suggestions from the January 7, 2025 Planning Board meeting and some other modifications. Significant changes include the following:

- A more detailed description and process for Pre-Applications Conferences which would become a mandatory step preceding the submission of a Site Plan Review application.
- A delegation to the Planning Board to draft Site Plan Regulations (see Section 10.6.7) concerning the minimum exhibits that must be included in a Site Plan Application and shown on a site plan. This would allow the Planning Board to adopt and enforce Site Plan Regulations which would be independent of the Zoning Bylaw but still binding on applicants. The Regulations would also provide a more formalized process for the Planning Board to waive exhibit if good cause is demonstrated for the waiver and granting it is in the public interest.
- Provides for the Planning Board to adopt, at its discretion, a process for Design Review of Site Plans (Section 10.6.9). This section would allow the Planning Board to adopt Design Review Regulations and form a Design Review Committee if the Planning Board so chose. This is an optional provision, however it seemed appropriate to provide the Planning Board this discretion if it chose to exercise it and felt it would be helpful to the efficient and comprehensive review of Site Plans.
- This draft merges the Procedures for Site Plan Reviews and Abbreviated Site Plan Reviews and consolidates the content in this section.

DRAFT 1-15-2025

10.6 SITE PLAN REVIEW

10.6.1 Purpose. Site Plan Review is intended to allow the Town to review an application by a property owner, or the legal representative of the property owner, and impose reasonable conditions on development, allowed as of right or by Special Permit, which by its nature or location has the potential for significant impacts on traffic circulation, public safety, public utilities, the environment, and neighborhood character and appearance.

1. Pursuant to Section 10.4 of the Zoning Bylaw, the Planning Board shall hear and decide applications of Site Plan Approval and effectuate the purposes of this bylaw by providing for consistent submissions of thorough data for each proposal for Town review; and for consideration by Town boards as specified below, in terms of specific criteria; and for issuance of a Site Plan Decision setting forth terms and conditions, if any, that are necessary to achieve the purpose of Site Plan Review, consistent with Town Bylaws and Regulations.

2. The purpose is to provide a mechanism and a process for fitting the proposed development to neighborhood character, scale, and infrastructure, and to reasonably protect the Town and abutting property owners from potential negative impacts.

3. The purpose is served by establishing an exemption for small modifications and improvements from some of the requirements of this Section, and to coordinate Site Plan Review with other required review of Special Permits.

10.6.2 Site Restrictions. A Site Plan Review application shall not be considered unless the applicant demonstrates compliance with the following bylaws and regulations, if applicable:

1. Article XVII of the General Bylaw, General Wetlands Protection/Conservation Bylaw, and associated regulations

2. Article XXIX of the General Bylaw, Stormwater Management, and associated regulations;

3. The Groundwater Overlay Protection District;

4. The Flood Plain Overlay District; and

5. Board of Health approval for the use of an on-site sewage disposal system.

10.6.3 Pre-Application Conference. Prior to formal submittal of a Site Plan Review application, the applicant shall request and attend a mandatory Pre-Application Conference at a regular business meeting of the Planning Board. Applications eligible for Abbreviated Site Plan Review shall not be required to participate in a Pre-Application Conference.

1. Purpose of the Pre-Application Conference: The purpose of this conference is to familiarize the Planning Board with the basic concept of the proposed plan and to provide a venue for both the Applicant and the Planning Board to discuss the project in advance of a formal Site Plan application. The Planning Board may make suggest methods for resolving potential challenges in the design and layout of the proposed development, identify the site's important natural, historic, and recreational features and connections and areas the Town would prefer to see preserved as open space. The Pre-Application Conference is further designed to acquaint the applicant with the Site Plan Application process and any particular information the Board may request to aid the Board in its review of the application.

2. Minimum Pre-Application Conference Materials: The Applicant shall provide the following minimum materials to the Planning Board a minimum of 21 days in advance of the Pre-Application Conference:

- a. A Pre-Application Conference application form
- b. A filing fee of \$75.00 in the form of a check to the Town of Hamilton
- c. A site plan, which may be conceptual in nature but sufficiently clear to illustrate the nature of the proposed improvements, depicting the general existing conditions of the site, including the bounds of the property, topography, wetlands, existing structures and associated features and proposed improvements to the property.

3. Limits of the Review: Neither the applicant nor the Planning Board shall be bound by the discussions of the Pre-Application Conference. However, the Planning Board shall be entitled to make recommendations with respect to the materials presented to assist the applicant in preparing a formal application that will meet the development standards of the Town of Hamilton as expressed in the Zoning Bylaw and the Site Plan Regulations.

4. Participation of other Boards or Departments: The Planning Board may, at its discretion, invite other boards, commissions, or officials to participate in the Pre-Application Conference. Such bodies or officials may include, but shall not be limited to, the Board of Health, Building Commissioner, Conservation Commission, Select Board, Town Manager, Department of Public Works Director, Fire Chief, Police Chief, Historic District Commission, Environmental Impact Committee.

5. Separation from Site Plan Review Application Process: The Planning Board shall schedule the Pre-Application Conference within 21 days of application submission. The Pre-Application Conference is a separate process from Site Plan Review and shall not be counted toward the review time 'clock' as stipulated under Section 10.6.11.

10.6.4. Projects Requiring Approval. No Building Permit shall be applied for or issued for any construction or alteration subject to this Section, as specified below, until a site plan has been approved by the Planning Board as set forth herein. Except as exempted in the Bylaw, Site Plan Review shall be required for the following construction, alterations, and uses:

1. Any new construction or changes to an existing structure for the purpose of altering, expanding, or converting to either a business, office, industrial, or a multi-family residential type occupancy, in any district;
2. Parking lots over five (5) spaces serving any of the above-listed types of buildings, schools, hospitals, nursing homes, long term care facility, life care facilities, children's camps, campgrounds, churches, multi-family structures for more than two (2) families, government buildings and structures, farm stands, and buildings in commercial, and/or office use;
3. Any industrial and scientific research use under Section 3.2 of the Zoning Bylaw;

4. Stables providing boarding and/or services for more than six (6) horses other than those owned by the residents of the Lot on which the stable is located;
5. Greenhouses for commercial production of plants or produce;
6. Interior alterations which increase the commercial, industrial, institutional, or multi-family floor area within an existing building, and/or which change the number of separately leasable or saleable spaces within an existing building; and
7. Wind Energy Facilities in the Commercial Overlay District.¹

10.6.5 Projects Eligible for Abbreviated Site Plan Review. Proposed additions or alterations to existing buildings subject to Site Plan Review which would either add new floor area totaling less than ten (10) percent of the current ground floor area of the existing building, or which are estimated to cost less than ten (10) percent of the current one hundred (100) percent assessed valuation of the building are eligible for Abbreviated Site Plan Review. Applicants should consult with the Planning Director to confirm that an application is eligible for Abbreviated Site Plan Review prior to application submittal.

10.6.6. Projects Exempt from Site Plan Review. The following activities shall not require Site Plan Review or Abbreviated Site Plan Review:

1. Interior alterations unless the alterations increase the floor area within the building devoted to any of the uses listed in Section 10.6.4 and/or change the number of separately leasable or saleable spaces within the Building. Examples of exempt interior alterations are: paneling, shelving, partitions other than those creating new commercial units, counters, flooring, and general interior decoration;
2. Repairs, repainting, residing, reroofing and window replacement unless the activity also increases floor area;
3. Replacement of parts of a partially damaged building that would normally require Site Plan Review with generally identical portions. Total replacement of such a destroyed building shall require Site Plan Review;
4. Demolition of a building or structure;
5. Change of tenant of commercial building unless there is also new construction triggering Site Plan Review;
6. Customary home occupations;

¹ Existing item 2 in the list of projects requiring approval in Section 10.6, namely “Any alteration or extension of a nonconforming commercial, industrial or institutional structure in a residential district”, has been deleted because the ZBA under Section 5.0 and Section 10.3.3.2 is charged with hearing and deciding application to alter a nonconforming use or structure.

7. Townhouse or Multifamily housing developed under Sections 8.1 (OSFPD) or 8.2 (Senior Housing);

8. Uses permitted by Special Permit within the Commercial Overlay District; and

9. Entries B.1, B.3, and B.7 in the Table of Use Regulations shall require Site Plan Review under Section 10.7.

10.6.7. Site Plan Review Application Contents. The Planning Board shall be empowered to adopt and enforce Site Plan Regulations documenting the minimum application submission contents required for Site Plan Review and Abbreviated Site Plan Review processes. These regulations shall be binding upon applicants unless waived by the Planning Board.

10.6.8. Site Plan Review and Abbreviated Site Plan Review Procedures. At the time of submission, the applicant shall file all required application materials with the Hamilton Planning Department and one copy of all application materials shall also be filed with the Hamilton Town Clerk. The application will not be considered legally submitted, for purposes of starting the review “clock,” as stipulated under Section 10.6.11, until it is complete, and all copies are submitted.

1. The Planning Department shall thereafter transmit the electronic application materials to the Building Commissioner, Department of Public Works, Town Manager, Select Board Chair, Board of Health, Conservation Commission, Police Department, Fire Department, and Environmental Impact Committee for their comments. Additional physical copies of the application materials shall be retained by the Planning Department for review if requested by a board, commission, or official.

3. The above-listed boards, officials, and departments shall transmit their comments in writing to the Planning Board within thirty (30) days from the date of application. Failure to submit comments shall be deemed determinative that the affected party does not have comments to share on the application.

10.6.9. Design Review. The Planning Board may, at its discretion, form a Design Review Committee and adopt Design Review Regulations to assist the Planning Board in reviewing larger scale Site Plan Review applications. The Design Regulations, if adopted by the Planning Department, shall identify the scale of projects which require Design Review. The Design Review Committee, if formed, shall be empowered to provide recommendations to the Planning Board concerning the site design and architecture of the proposed development, however its recommendations shall be non-binding on the actions of the Planning Board.

10.6.10. Site Plan Standards. The following standards shall be considered in the review and evaluation of a site plan or abbreviated site plan:

1. The plan shall show compliance with Zoning Bylaw requirements for parking, signage, loading, landscaping, performance standards, dimensional requirements, and all other applicable requirements of this Bylaw;

Commented [MC1]: Previous Section 10.6.11, concerning procedures for Abbreviated Site Plan Review applications, was simply merged with this Section as the

Commented [MC2]: This seemed like an appropriate option to provide the Planning Board particularly in light of the MBTA Zoning requirements. This is purely optional but it does leave the door open.

2. The proposed project should be guided by and integrated into existing natural features of the site and complementary with the architecture in scale and detail in the surrounding area;

3. The plan shall provide landscaping and open spaces that are integrated with the proposed development from within and without, which provide screening and buffers as necessary and which maximize amenity, enjoyment and safety for customers, neighbors, and the general public;

4. The proposed project shall provide for safe and convenient vehicular and pedestrian movement within the site in relation to adjacent ways, and provide for compliance with handicapped access requirements, and provide for access and egress by emergency vehicles;

5. The proposed project shall provide for location and screening of exposed storage areas, machinery, service areas, dumpsters, utility buildings and structures and other unsightly uses to maximize amenity for neighborhood. The Planning Board may require landscaping and/or fencing to provide needed buffers;

6. The proposed plan shall be consistent with the capacity of local infrastructure, such as water supply, utilities, drainage, and Streets, or shall provide for such improvements as necessary; and

7. Consistent with Section 10.6.2, the proposed plan shall provide for compliance with Board of Health, Conservation Commission, and other Town and State Regulations. Where applicable, the approval may be made conditional upon Board of Health, Conservation Commission, State Department of Public Works or other approvals, which shall be specifically referenced in the decision.

10.6.11. Site Plan Review and Abbreviated Hearings and Decisions. The Planning Board shall open a Public Hearing within sixty-five (65) days of the date of an application. The Planning Board shall provide notice as set forth in G.L. c. 40A, §. 11. The Planning Board shall make its determination within sixty-five (65) days of the closing of the Public Hearing, unless the applicant specifically grants an extension of the review period in writing. Failure to decide within sixty-five (65) days of the closing of the Public Hearing shall constitute approval of the site plan by the Planning Board unless the applicant has granted an extension of the review period.

1. When proposed new construction or alteration is subject to both Site Plan Review and a Special Permit, the Planning Board shall conduct both processes simultaneously, using the time limits of the Special Permit process to cover both reviews.

10.6.12 Final Action. With respect to both site plans and abbreviated site plans, the Planning Board conducting the Site Plan Review shall take one (1) of the following final actions:

1. A written approval of the plan, with a determination that the proposal meets the criteria set forth in this Bylaw; or

2. A written denial of the application stating the reasons for such denial; or
3. A written approval subject to any conditions, modifications, and restrictions as the Planning Board may deem necessary, including phasing of construction and a performance guarantee for any public improvements.
4. The decision shall be filed with the Town Clerk.

10.6.13 Implementation of Site Plans. Construction under an approved site plan or abbreviated site plan shall begin within one (1) year and be completed within two (2) years of the date of the filing of the decision with the Town Clerk, unless extension is granted by the Planning Board. Otherwise, approval shall lapse.

10.6.14 Appeal. The decision of the Planning Board may be appealed to a court of competent jurisdiction as set forth in G.L. c. 40A, §. 17.

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1. Pursuant to Section 10.4 of the Zoning Bylaw, the Planning Board shall hear and decide applications of Site Plan Approval and effectuate the purposes of this by-law by providing for consistent submissions of thorough data for each proposal for Town review; and for consideration by Town boards as specified below, in terms of specific criteria; and for issuance of a Site Plan Decision setting forth terms and conditions, if any, that are necessary to achieve the purpose of Site Plan Review, consistent with Town Bylaws and Regulations.
2. The purpose is to provide a mechanism and a process for fitting the proposed development to neighborhood character, scale, and infrastructure, and to reasonably protect the Town and abutting property owners from potential negative impacts.
3. The purpose is served by establishing an exemption for small modifications and improvements from some of the requirements of this Section, and to coordinate Site Plan Review with other required review of Special Permits.

10.6.2 Site Restrictions. A Site Plan Review application shall not be considered unless the applicant demonstrates compliance with the following bylaws and regulations, if applicable:

1. Article XVII of the General Bylaw, General Wetlands Protection/Conservation Bylaw, and associated regulations
2. Article XXIX of the General Bylaw, Stormwater Management, and associated regulations;
3. The Groundwater Overlay Protection District;
4. The Flood Plain Overlay District; and
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10.6.3 Pre-Application Conference. Prior to formal submittal of a Site Plan Review application, the applicant shall request and attend a mandatory Pre-Application Conference at a regular business meeting of the Planning Board. Applications eligible for Abbreviated Site Plan Review shall not be required to participate in a Pre-Application Conference.

1. Purpose of the Pre-Application Conference: The purpose of this conference is to familiarize the Planning Board with the basic concept of the proposed plan and to provide a venue for both the Applicant and the Planning Board to discuss the project in advance

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of a formal Site Plan application. The Planning Board may make suggest methods for resolving potential challenges in the design and layout of the proposed development, identify the site’s important natural, historic, and recreational features and connections and areas the Town would prefer to see preserved as open space. The Pre-Application Conference is further designed to acquaint the applicant with the Site Plan Application process and any particular information the Board may request to aid the Board in its review of the application.

2. Minimum Pre-Application Conference Materials: The Applicant shall provide the following minimum materials to the Planning Board a minimum of 21 days in advance of the Pre-Application Conference:

- a. A Pre-Application Conference application form
- b. A filing fee of \$75.00 in the form of a check to the Town of Hamilton
- c. A site plan, which may be conceptual in nature but sufficiently clear to illustrate the nature of the proposed improvements, depicting the general existing conditions of the site, including the bounds of the property, topography, wetlands, existing structures and associated features and proposed improvements to the property.

3. Limits of the Review: Neither the applicant nor the Planning Board shall be bound by the discussions of the Pre-Application Conference. However, the Planning Board shall be entitled to make recommendations with respect to the materials presented to assist the applicant in preparing a formal application that will meet the development standards of the Town of Hamilton as expressed in the Zoning Bylaw and the Site Plan Regulations.

4. Participation of other Boards or Departments. ~~If warranted,~~ the Planning Board may, at its discretion, invite other boards, commissions, or officials to participate in the Pre-Application Conference. ~~Such bodies or officials may include, but shall not be limited to, invite the the~~ Board of Health, Building Commissioner, Conservation Commission, ~~Select Board, Town Manager, and Open Space Committee,~~ Department of Public Works ~~Director,~~ Fire Chief, Police Chief, Historic District Commission, Environmental Impact Committee, and Zoning Board of Appeals ~~to attend.~~

5. Separation from Site Plan Review Application Process: The Planning Board shall schedule the Pre-Application Conference within 21 days of application submission. The Pre-Application Conference is a separate process from Site Plan Review and shall not be counted toward the review time ‘clock’ as stipulated under Section 10.6.11.

2. The primary purpose of the pre-application conference is to identify the site’s natural or historically important features, riding or walking trails on the site and abutting parcels, public safety, traffic or infrastructure issues, and areas the Town prefers to see preserved as open space or for agricultural or equestrian uses. The secondary purpose of a pre-application review is to minimize the applicant’s cost of engineering and other technical experts, and to commence discussions with the Planning Board at the earliest possible

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~~stage of development to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the requirements and procedures for processing the Site Plan Review application.~~

~~3. Meetings may be held by mutual agreement of the Planning Board and the applicant. At the pre-application review, the applicant may outline the proposed project, seek preliminary feedback from the Planning Board, and set a timetable for submittal of a formal application. A timetable for project review may also be discussed.~~

10.6.4. Projects Requiring Approval. No Building Permit shall be applied for or issued for any construction or alteration subject to this Section, as specified below, until a site plan has been approved by the Planning Board as set forth herein. Except as exempted in the Bylaw, Site Plan Review shall be required for the following construction, alterations, and uses:

1. Any new construction or changes to an existing structure for the purpose of altering, expanding, or converting to either a business, office, industrial, or a multi-family residential type occupancy, in any district;
2. Parking lots over five (5) spaces serving any of the above-listed types of buildings, schools, hospitals, nursing homes, long term care facility, life care facilities, children's camps, campgrounds, churches, multi-family structures for more than two (2) families, government buildings and structures, farm stands, and buildings in commercial, and/or office use;
3. Any industrial and scientific research use under Section 3.2 of the Zoning Bylaw;
4. Stables providing boarding and/or services for more than six (6) horses other than those owned by the residents of the Lot on which the stable is located;
5. Greenhouses for commercial production of plants or produce;
6. Interior alterations which increase the commercial, industrial, institutional, or multi-family floor area within an existing building, and/or which change the number of separately leasable or saleable spaces within an existing building; and
7. Wind Energy Facilities in the Commercial Overlay District.¹

10.6.5 Projects Eligible for Abbreviated Site Plan Review. Proposed additions or alterations to existing buildings subject to Site Plan Review which would either add new floor area totaling less than ten (10) percent of the current ground floor area of the existing building, or which are estimated to cost less than ten (10) percent of the current one hundred (100) percent assessed valuation of the building are eligible for Abbreviated Site Plan Review. Applicants should

¹ Existing item 2 in the list of projects requiring approval in Section 10.6, namely "Any alteration or extension of a nonconforming commercial, industrial or institutional structure in a residential district", has been deleted because the ZBA under Section 5.0 and Section 10.3.3.2 is charged with hearing and deciding application to alter a nonconforming use or structure.

consult with the Planning Director to confirm that an application is eligible for Abbreviated Site Plan Review prior to application submittal.

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2. Repairs, repainting, residing, reroofing and window replacement unless the activity also increases floor area;
3. Replacement of parts of a partially damaged building that would normally require Site Plan Review with generally identical portions. Total replacement of such a destroyed building shall require Site Plan Review;
4. Demolition of a building or structure;
5. Change of tenant of commercial building unless there is also new construction triggering Site Plan Review;
6. Customary home occupations;
7. Townhouse or Multifamily housing developed under Sections 8.1 (OSFPD) or 8.2 (Senior Housing);
8. Uses permitted by Special Permit within the Commercial Overlay District; and
9. Entries B.1, B.3, and B.7 in the Table of Use Regulations shall require Site Plan Review under Section 10.7.

10.6.7. Site Plan Review Application Contents. The Planning Board shall be empowered to adopt and enforce Site Plan Regulations concerning the minimum application submission contents required for Site Plan Review and Abbreviated Site Plan Review processes. These regulations shall be binding upon applicants unless waived by the Planning Board.

~~Unless waived by the Planning Board, all site plans shall be prepared to scale and be of professional quality. The application shall be prepared, sealed, and signed by a Registered Architect or Professional Engineer for any proposal that requires such certification under the State Building Code. All site plans shall be standard seventeen (17) inch by twenty four (24) inch or twenty four (24) inches by thirty six (36) inch sheets and shall be prepared at a sufficient scale to show the following required items:~~

~~A site plan application may be considered complete if it contains all the requirements of subsections (a) through (h), below, unless specific application requirements are waived in writing by the Planning Board.~~

1. Written description of the intended project and its purpose, describing in reasonable detail the following:

- a. Name and complete contact information for the applicant, landowner, developer, and project engineer or planner.
- b. Development title with drawing date and reference number.
- c. Legal description and tax parcel identification number of the subject property.
- d. Existing zoning district(s) and proposed zoning district(s), if different.
- e. Existing and proposed land uses.
- f. Projected number of residents, employees, and/or daily customers.
- g. Proposed number of dwelling units and density.
- h. Statement of any local and/or state permits required for the project.

2. A location map to scale showing the subject property and illustrating its relationship to the nearest street intersection and containing the following information:

- a. If certification is required under the state Building Code, the signature of the surveyor, engineer, or architect responsible for site plan preparation along with revision dates.
- b. Location of all existing structures within fifty (50) feet of the property boundaries on abutting lots.
- c. Existing property lines and setback lines.
- d. Existing structures and paved areas.
- e. Existing and proposed streets or rights-of-way lines with bearings and dimensions clearly labeled, including names of adjacent or surrounding streets.
- f. Existing easements and utilities.
- g. Existing and proposed topography with a maximum contour interval of two (2) feet, except where existing ground is on a slope of less than two (2) percent where one (1) foot contours shall be shown.
- h. Existing on-site soil classification.
- i. The outer edges of all natural resource areas (i.e. floodplains, shorelands, wetlands, wetland buffers, environmental corridors, drainageways, woodlands, steep slopes).
- j. Location of all proposed structures and use areas, including but not limited to paved areas, building entrances, walks, drives, decks, patios, fences, utility poles, and drainage facilities.

k. Proposed access points onto public streets and access drives on the subject property, including driveway widths with flares on driveway aprons to public streets.

l. Location of any existing and proposed sidewalks with grade elevations.

m. Location and dimensions of all on-site parking (and off-site provisions if they are to be employed), including a summary of the number of parking stalls provided, and loading areas.

n. Location of all proposed parking and traffic circulation areas, including any proposed or existing stop signs in private driveways.

o. Location and configuration of all visibility triangles proposed on the subject property.

p. If applicable, location and dimension of all loading and service areas on the subject property.

q. If applicable, location of all outdoor storage areas and the design of all screening devices.

r. If applicable, location of all rooftop, wall-mounted, and ground-mounted building services equipment, and the design of all screening devices.

s. If applicable, location of stormwater management system that complies with Hamilton General Bylaw XXIX.

t. Location of snow storage areas, except for single-family and two-family residential.

u. Proposed easement lines and dimensions with a key provided and explained as to ownership and purpose. Easement documents governing public access or cross access should be provided for review.

v. All free-standing and wall-mounted lighting showing location, type, height, size, luminaire source with cutoff angle and all signage lighting on the subject property.

w. Location and description of proposed sewage disposal and treatments systems, and underground storage tanks, water supply, storm drainage systems.

x. If warranted following the pre-application conference, an acoustical study demonstrating compliance with applicable State and federal noise regulations.

y. In the legend, include the following data for the subject property: lot area, flood area, impervious surface area, impervious surface ratio, and building footprints and heights.

3. A detailed Landscaping Plan depicting existing trees larger than 9" caliper, and the location, type, and size at time of planting and maturity of all proposed landscaping features.

4. Elevation Drawings to scale that include the following information:

a. Elevations of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment and all rooftop, wall mounted, and ground-mounted mechanical and electrical equipment.

b. Depiction of exterior materials, texture, color, and overall appearance.

5. Perspective renderings of the proposed project and/or photos of similar structures may also be submitted, but not in lieu of accurate scale drawings showing the actual intended appearance of the building(s).

6. Photometric Plan to scale that includes the following information:

a. Location, type, height, design, color source, illumination power, and orientation of all exterior lighting on the subject property.

b. Impact of lighting across the entire property to the property lines rounding to the nearest 0.10 foot candles at regular intervals consistent with the drawing scale.

7. If applicable an Operational Plan that includes the following information:

a. A description of the proposed hours of operation and traffic generation.

b. Procedures for snow removal or storage, except for single and two family residential.

10.6.8 Abbreviated Site Plan Contents. Unless waived by the Planning Board, all abbreviated site plans shall be prepared to scale and be of professional quality. The application shall be prepared by a Registered Architect or Professional Engineer for any proposal that requires such certification under the State Building Code. All site plans shall be standard seventeen (17) inch by twenty-four (24) inch or twenty-four (24) inches by thirty-six (36) inch sheets and shall be prepared at a sufficient scale to show the following required items:

An abbreviated site plan application may be considered complete if it contains all the requirements below, unless specific application requirements are waived in writing by the Planning Board.

1. Written description of the intended project and its purpose describing in reasonable detail the following:

a. Name and complete contact information for the applicant, landowner, developer, and project engineer or planner.

b. Development title with drawing date and reference number.

e. Legal description and tax parcel identification number of the subject property.

d. Existing zoning district(s) and proposed zoning district(s), if different.

e. Existing and proposed land uses.

f. Projected number of residents, employees, and/or daily customers.

g. Statement of any local and/or state permits required for the project.

2. A location map to scale showing the subject property and illustrating its relationship to the nearest street intersection and containing the following information:

a. If certification is required under the state Building Code, the signature of the surveyor, engineer, or architect responsible for site plan preparation along with revision dates.

b. Location of all existing structures within fifty (50) feet of the property boundaries on abutting lots.

e. Existing property lines and setback lines.

d. Existing structures and paved areas.

e. Existing and proposed right of way lines with bearings and dimensions clearly labeled, including names of adjacent or surrounding streets.

f. Existing easements and utilities.

g. The outer edges of all natural resource areas (i.e. floodplains, shorelands, wetlands, wetland buffers, environmental corridors, drainageways, woodlands, steep slopes).

h. If applicable, location of all proposed structures and use areas, including but not limited to paved areas, building entrances, walks, drives, decks, patios, fences, utility poles, and drainage facilities.

i. If applicable, changed access points onto public streets and access drives on the subject property, including driveway widths with flares on driveway aprons to public streets.

j. If applicable, location of any existing and proposed sidewalks with grade elevations.

k. Location and dimension of all on-site parking (and off-site provisions if they are to be employed), including a summary of the number of parking spaces provided.

l. If applicable, location and dimension of all loading and service areas on the subject property.

m. If applicable, location of all outdoor storage areas and the design of all screening devices.

n. Any change to the location, type, height, size, and lighting of all signage on the subject property.

o. If warranted following the pre-application conference, an acoustical study demonstrating compliance with applicable State and federal noise regulations.

p. In the legend, include the following data for the subject property: lot area, flood area, impervious surface area, impervious surface ratio, and building heights.

3. If applicable an Operational Plan that includes the following information:

a. A description of the proposed hours of operation and traffic generation.

b. Procedures for snow removal or storage, except for single and two family residential.

10.6.9. Site Plan Review and Abbreviated Site Plan Review – Other Materials. For both site plans and abbreviated site plans, the applicant shall submit the following materials:

1. Completed Site Plan Application form² available in the Town Clerk's office.

2. Unless waived, all the information required to demonstrate compliance with the performance standards set forth in Section 6.4.

3. When deemed necessary by the Planning Board, the applicant shall provide at the applicant's expense supplemental data on traffic impact, including estimated daily and peak hour vehicle trips to be generated by the site, estimated number of employees and truck delivery schedule and hours of business.

4. When deemed necessary by the Planning Board, the applicant shall provide at the applicant's expense supplemental data and analysis on potential environmental impacts of the proposed project on air quality, surface and groundwater quality, site, and neighborhood drainage conditions. The Planning Board may require that such studies be prepared by registered engineers or other appropriately qualified individuals.

5. When deemed necessary by the Planning Board, the applicant shall pay a review fee to cover the reasonable costs of consultants engaged by said Board to assist in review of the proposed site plan, as authorized and limited by G.L. c. 44, §s. 53G and the Rules and Regulations of the Planning Board.

10.6.840. Site Plan Review and Abbreviated Site Plan Review Procedures. At the time of submission, the applicant shall file _____ copies of all Site Plan Review materials as specified

² The Request for Findings of Fact and the Checklist will need to be updated to reflect amendments to Section 10.6.

~~below, accompanied by a fee and the documentation required by the Planning Board Instruction Sheet~~ all required application materials with the Hamilton Planning Department and ~~one copy of~~ all application materials shall also be filed with the Hamilton Town Clerk. ~~The application shall be submitted to the Town Clerk.~~ The application will not be considered legally submitted, for purposes of starting the review “clock,” as stipulated under Section 10.6.11, until it is complete, and all copies are submitted.

1. The ~~Town Clerk~~ Planning Department shall thereafter ~~forward seven (7) copies to the Planning Board and one (1) copy each to the Building Commissioner,~~ transmit the electronic application materials to the Building Commissioner, Department of Public Works, ~~Board of Selectmen~~ Town Manager, Select Board Chair, Board of Health, Conservation Commission, Police Department, Fire Department, and Environmental Impact Committee for their comments, ~~retaining one copy for the Town Clerk file.~~³ Additional physical copies of the application materials shall be retained by the Planning Department for review if requested by the affected party.

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~~2. An electronic copy of the application, including plans and drawings, shall also be submitted at the time of application.~~

Commented [MC1]: Addressed in the Site Plan Regulations

3. The above-listed boards, officials, and departments shall transmit their comments in writing to the Planning Board within thirty ~~five (305)~~ days from the date of application. Failure to submit comments shall be ~~deemed determinative that the affected party does not have comments to share on the application,~~ deemed a lack of opposition to the project.

~~10.6.11. Abbreviated Site Plan Review Procedures. If the proposed construction and/or change of use are eligible for Abbreviated Site Plan Review under Section 10.6.5, the applicant shall file _____ copies of the materials required below with the Town Clerk, along with the fee and accompanying documents as required by the Planning Board Instruction Sheet. The application will not be considered legally submitted until it is complete.~~

~~1. The Town Clerk shall forward seven (7) copies to the Planning Board, and one (1) copy to the boards and commissions listed in Section 10.6.10.1, retaining one copy for the Town Clerk file.~~

~~2. The above listed boards, officials and departments shall transmit their comments in writing to the Planning Board within thirty (30) days from the date of application. Failure to submit comments shall be deemed a lack of opposition to the project.~~

Commented [MC2]: Consolidated to Section 10.6.10

~~10.6.9. Design Review. The Planning Board may, at its discretion, form a Design Review Committee and adopt Design Review Regulations to assist the Planning Board in reviewing larger scale Site Plan Review applications. The Design Regulations, if adopted by the Planning Department, shall identify the scale of projects which require Design Review. The Design Review Committee, if formed, shall be empowered to provide recommendations to the Planning~~

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³~~The reference to Office of Disability has been removed as no such office exists and the Environmental Impact Committee has been added.~~

Board concerning the site design and architecture of the proposed development, however its recommendations shall be non-binding on the actions of the Planning Board.

10.6.10~~4~~². Site Plan Standards. The following standards shall be considered in the review and evaluation of a site plan or abbreviated site plan:

1. The plan shall show compliance with Zoning Bylaw requirements for parking, signage, loading, landscaping, performance standards, dimensional requirements, and all other applicable requirements of this Bylaw;
2. The proposed project should be guided by and integrated into existing natural features of the site and complementary with the architecture in scale and detail in the surrounding area;
3. The plan shall provide landscaping and open spaces that are integrated with the proposed development from within and without, which provide screening and buffers as necessary and which maximize amenity, enjoyment and safety for customers, neighbors, and the general public;
4. The proposed project shall provide for safe and convenient vehicular and pedestrian movement within the site in relation to adjacent ways, and provide for compliance with handicapped access requirements, and provide for access and egress by emergency vehicles;
5. The proposed project shall provide for location and screening of exposed storage areas, machinery, service areas, dumpsters, utility buildings and structures and other unsightly uses to maximize amenity for neighborhood. The Planning Board may require landscaping and/or fencing to provide needed buffers;
6. The proposed plan shall be consistent with the capacity of local infrastructure, such as water supply, utilities, drainage, and Streets, or shall provide for such improvements as necessary; and
7. Consistent with Section 10.6.2, the proposed plan shall provide for compliance with Board of Health, Conservation Commission, and other Town and State Regulations. Where applicable, the approval may be made conditional upon Board of Health, Conservation Commission, State Department of Public Works or other approvals, which shall be specifically referenced in the decision.

10.6.11~~3~~³. Site Plan Review and Abbreviated Hearings and Decisions. The Planning Board shall open a Public Hearing within sixty-five (65) days of the date of an application. The Planning Board shall provide notice as set forth in G.L. c. 40A, §. 11. The Planning Board shall make its determination within sixty-five (65) days of the closing of the Public Hearing, unless the applicant specifically grants an extension of the review period in writing. Failure to decide within sixty-five (65) days of the closing of the Public Hearing shall constitute approval of the site plan by the Planning Board unless the applicant has granted an extension of the review period.

Commented [MC3]: This seemed like an appropriate option to provide the Planning Board particularly in light of the MBTA Zoning requirements. This is purely optional but it does leave the door open.

1. When proposed new construction or alteration is subject to both Site Plan Review and a Special Permit, the Planning Board shall conduct both processes simultaneously, using the time limits of the Special Permit process to cover both reviews.

10.6.124 Final Action. With respect to both site plans and abbreviated site plans, the Planning Board conducting the Site Plan Review shall take one (1) of the following final actions:

1. A written approval of the plan, with a determination that the proposal meets the criteria set forth in this Bylaw; or
2. A written denial of the application stating the reasons for such denial; or
3. A written approval subject to any conditions, modifications, and restrictions as the Planning Board may deem necessary, including phasing of construction and a performance guarantee for any public improvements.
4. The decision shall be filed with the Town Clerk.

10.6.135 Implementation of Site Plans. Construction under an approved site plan or abbreviated site plan shall begin within one (1) year and be completed within two (2) years of the date of the filing of the decision with the Town Clerk, unless extension is granted by the Planning Board. Otherwise, approval shall lapse.

109.6.146 Appeal. The decision of the Planning Board may be appealed to a court of competent jurisdiction as set forth in G.L. c. 40A, §. 17.