

## MEMORANDUM

To: Hamilton Select Board

From: Marnie Crouch, Chair, Hamilton Planning Board

Re: Proposed Amendment to Section 10.6 and Section 11.0 of the Hamilton Zoning Bylaw

Date: January 30, 2025

Pursuant to G.L. ch. 40A, §5, the Planning Board is hereby initiating the following amendments to Section 10.6, Site Plan Review, and Section 11.0, Definitions, of the Hamilton Zoning Bylaw and requests that the Select Board include the proposed amendments on the Warrant for the 2025 Annual Town Meeting. The amendment to Section 10.6 entails deleting the existing Section and replacing it with a revised Section 10.6. The amendment to Section 11.0 involves correcting a scrivener's error. In accordance with G. L. ch. 40 A, §5, the Planning Board requests that the Select Board refer the proposed amendments to Section 10.6 and Section 11.0 back to the Planning Board for a public hearing and a report and recommendation to Town Meeting. Below is a summary of the proposed amendments. The text of the existing Zoning Bylaw Section 10.6 is deleted in its entirety and the proposed change follows the summary, as well as an amended definition.

### I. BACKGROUND

The Planning Board initiated a review of Section 10.6 of the Zoning Bylaw when it determined that its language did not contain appropriate references to the Hamilton Zoning Bylaw appearing on the Town's webpage. While the error ultimately was determined to be the result of a corrupted version of the Zoning Bylaw that was uploaded to the Town's webpage, the Planning Board determined that a streamlined and reorganized Section 10.6 was warranted. Accordingly, with the assistance of the Planning Director, the Planning Board added the requirement of a Pre-Application Conference and will be proposing Regulations to delineate the contents and procedures governing Site Plan Review applications.

The following is a summary of the contents of the revised bylaw.

- **Pre-Application Conference:** The revised bylaw introduces the requirement and specifies minimum application materials and timelines, while noting that discussions are non-binding on the Applicant and the Board and that the Pre-Application conference is a separate process from Site Plan Review and, therefore, not part of the "time clock" for Board action.
- **Application Materials:** The revised bylaw shifts the required Application Materials to Site Plan Review Regulations. Previous content of Section 10.6 will be shifted to the Site Plan Regulations together with language empowering the Planning Board to adopt and enforce Site Plan Regulations. Information that will be included in the Regulations will govern, for example, the number of copies of applications/plans required.
- **Procedures:** Site Plan and Abbreviated Site Plan Procedures are merged into a single section because the content is similar. The previous subsections were dated as they

designated the Town Clerk as responsible for disseminating the application information, although in practice, the Planning Department has been performing this task. The Regulations will formalize the process. A complete submittal of the application materials would be submitted to the Town Clerk, however, for record-keeping.

- Design Review: A subsection has been added giving the Planning Board the discretion to request the Select Board to set up a Design Review Committee and associated Guidelines.

## **II. PROPOSED WARRANT ARTICLE WITH BYLAW AMENDMENTS**

To see if the Town will amend the Town of Hamilton Zoning Bylaw by making the changes to Section 10.6, Site Plan Review, and Section 11.0, Definitions, as set forth below with language to be deleted in strikethrough and language to be added in bold and underlined, or take any action relative thereto.

### **I. SITE PLAN REVIEW**

#### **10.6 SITE PLAN REVIEW.**

~~10.6.1 Purpose. Site Plan Review is intended to allow the Town to review 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. 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. These purposes are to be served 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 whatever terms and conditions, if any, are necessary to achieve the purposes of Site Plan Review, consistent with Town Bylaws and Regulations. Provision is made to exempt small modifications and improvements from portions of this Section, and to coordinate Site Plan Review with other required review of Special Permits and alteration of nonconforming uses and structures.~~

~~10.6.2 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 or conditionally 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 alteration or expansion of, or conversion to a business, office, industrial, institutional, or multi-family residence building or structure in any district;~~
- ~~2. Any alteration or extension of a noneonforming commercial, industrial, or institutional structure in a Residential Zone;~~

3. ~~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;~~
4. ~~Industrial and scientific research use under Section 3.2;~~
5. ~~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;~~
6. ~~Greenhouses for commercial production of plants or produce;~~
7. ~~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~~
8. ~~Wind Energy Facilities in the Commercial Overlay District.~~

~~10.6.3 Projects Requiring 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 shall require only Abbreviated Site Plan Review as provided below. For purposes of applying this guideline, when ground floor area includes attached residential floor area or attached commercial greenhouses, the area of the residential and/or greenhouse portions shall be deducted before applying the ten (10) percent threshold factors.~~

~~10.6.4 Exemptions 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 10.6.2 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;
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 Uses shall require Site Plan Review under Section 10.7.

~~10.6.5 Site Plan Review; Procedures.~~ The applicant shall file twenty four (24) copies of all Site Plan Review materials as specified below, accompanied by a fee and the documentation required by the Planning Board Instruction Sheet. The application shall be submitted to the Town Clerk. The application will not be considered legally submitted, for purposes of starting the review “clock”, until it is complete and all copies are submitted.

1. The Town Clerk shall thereafter forward ten (10) copies to the Planning Board and one (1) copy each to the Building Commissioner, Department of Public Works, Board of Selectmen, Board of Health, Conservation Commission, Police Department, Fire Department, and Office on Disability for their comments, retaining one copy for the Town Clerk file.
2. An electronic copy of the application, including plans and drawings, shall also be submitted at the time of application, unless waived by the Planning Board.
3. The applicant is encouraged to meet informally with any of the above listed boards, officials, or departments for their recommendation.
4. The above listed boards, officials, or departments shall transmit their comments in writing to the Planning Board within thirty five (35) days from the date of application. Failure to submit comments shall be deemed a lack of opposition to the project.

~~10.6.6 Site Plan Review; Hearing and Decision.~~ 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, s. 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 granted an extension of the review period.

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

~~10.6.7 Abbreviated Site Plan Review; Procedures.~~ If the proposed construction and/or change of use are eligible for Abbreviated Site Plan Review under Section 10.6.3, the applicant shall file eight (8) 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 five (5) copies to the Planning Board, and one (1) copy to the Building Commissioner, retaining one copy for the Town Clerk file.
2. The above-listed boards or officials 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.

~~10.6.8 Abbreviated Site Plan Review; Hearing and Decision.~~ The procedures set forth in Section 10.6.3 shall apply.

~~10.6.9 Site Plan Review; Contents.~~ Unless waived by the Planning Board, all 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:

1. Location and boundaries of existing (and proposed) lot, adjacent streets or ways, including rights of way and easements, and the location and owner names of all adjacent properties;
2. Size of the lot, lot frontage and yards;
3. All existing and proposed buildings and structures, including dimensions;
4. Elevation drawings (architectural appearance) of the building or building with addition, from each side. For additions/alterations, show only the affected sides;
5. Location and dimensions of all parking and loading areas, driveways, walkways, access and egress points, specifically as they relate to Street traffic; number of parking spaces, with note comparing total to the requirements of Section 6.1; and indication of facilities for handicapped access per the requirements of the Architectural Access Board;
6. If the project includes any grading and site work, topography of the site at two (2) foot intervals based on USGS data, showing both existing and proposed contours;
7. Location and description of all existing and proposed sewerage disposal and treatment systems, and underground storage tanks, water supply, storm drainage systems, utilities, and refuse disposal dumpsters;
8. Location, height, and type of all external lighting;
9. Location, height, dimensions and appearance of signs;
10. Proposed landscaping including the location and description of existing large trees;
11. Proposed screening, buffers, fencing, plantings, open spaces and recreation areas; and

~~12. Statement of any other local and/or state permits required for the project.~~

~~10.6.10 Site Plan Review; Other Materials. In addition to the site plan, the applicant shall submit the following materials:~~

- ~~1. Completed Site Plan Application form available in Town Clerk's office.~~
- ~~2. Unless waived, all of the information required to demonstrate compliance with the performance standards set forth in Section 6.4.~~
- ~~3. When the Planning Board deems it necessary, it may require the applicant to provide at his 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 his 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.~~

~~10.6.11 Abbreviated Site Plan Review; Plans and Submission Contents. For projects qualifying for Abbreviated Site Plan Review under Section 10.6.3, the basic plan standards shall apply, and the plan shall show items 1, 2, 3, 5, and 7 of the plan requirements of Section 10.6.9 and only those elements of the remaining items that will be changed by the proposed construction or alteration. Along with the abbreviated site plan, the applicant shall submit a completed Site Plan Application Form available from the Town Clerk's office.~~

~~10.6.12 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 compatible with existing natural features of the site and compatible in architecture and scale with the surrounding area;~~
- ~~3. The plan shall provide landscaping and open spaces that enhance the proposed development from within and without, which provide screening and buffers as necessary and which maximize amenity 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. The 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.

10.6.13 Final Action. With regard 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.

10.6.14 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.

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

## **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. A Pre-Application Conference shall be required prior to the submission of Site Plan Review application for the following types of applications:**

**1. Expansion projects of non-residential or multi-family buildings which increase the gross building floor area by 1,000 square feet or more;**

**2. All new non-residential or multi-family structures larger than 350 square feet in size;**

**3. Exterior site improvements on non-residential or multi-family properties exceeding 2,000 square feet in area; or**

**4. Communication towers and telecommunication antenna facilities or small wireless facilities.**

**A Pre-Application Conference shall not be required for any other applications which otherwise qualify for Site Plan Review. Additionally, applications eligible for Abbreviated Site Plan Review shall not be required to participate in a Pre-Application Conference. Prior to formal submittal of a Site Plan Review application, an applicant for a project**



**which meets any of the above criteria above shall request and attend a mandatory Pre-Application Conference at a regular business meeting of the Planning Board.**

**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 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 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; and**

**c. A site plan, which may be conceptual, that is sufficiently clear to illustrate the nature of the proposed improvements and the general existing conditions of the site, including the bounds of the property, topography, and existing structures. The Applicant, where applicable, also must identify, delineate and address through project design the protection of areas for conservation, including regulated areas such as wetlands, riverfront areas, and floodplains, and unprotected areas and features such steep slopes, mature woodlands, farmland, meadows, wildlife habitats/ corridors, and existing historic, cultural, or recreation resources. The Planning Board may suggest methods for resolving potential challenges in the design and layout of the proposed development and identify the site's important natural, historic, and recreational features and connections as well as areas the Town would prefer to see preserved as open space. Applicants are encouraged to schedule a Pre-Application Conference before expending significant sums on site engineering and application preparation.**

**3. Limits of the Review: Neither the applicant nor the Planning Board shall be bound by the discussions at 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, and 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 resident(s) 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.

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;**
- 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 Review 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 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.**

**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 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, request the Select Board to form a Design Review Committee and adopt Design Review Guidelines to assist the Planning Board in reviewing larger scale Site Plan Review applications. The Design Review Guidelines, 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;**

**2. The proposed project should be guided by and integrated into existing natural features of the site and should be 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, 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 Plan Review and Abbreviated Site Plan Review, 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.**

## **II. SECTION 11.0 DEFINITIONS**

**Site Plan Review: Following satisfactory compliance with all applicable Regulations and procedures, rreview by the Planning Board to approve or approve with conditions those land use activities set forth in Section 8.26 **10.6.****