**SECTION 10.0 ADMINISTRATION**

**10.1 ENFORCEMENT.**

10.1.1 General. This Bylaw shall be enforced by the Building Inspector or other duly authorized agent appointed by the Board of Selectmen.

10.1.2 Enforcement Request. If the Building Inspector or other duly appointed agent is requested, in writing, to enforce the provisions of this chapter against a person allegedly in violation of the same and he declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore within fourteen (14) days of receipt of such request.

10.1.3 Notice of Violation. If a violation shall be determined by the Building Inspector or other duly appointed agent by an investigation of the facts and inspection of the premises, a written notice thereof shall be transmitted to the owner or his duly authorized agent. Such notice shall order that any use or condition of the premises contrary to the provisions of this chapter shall cease immediately. A copy of such notice shall also be delivered to the Board of Selectmen by the Building Inspector or agent.

**10.1.4 Penalties.** Any person violating any provision of this Bylaw, upon conviction, shall be

fined $300 for each offense, and each day that such violation continues shall constitute a separate offense.

**10.1.5 Noncriminal Disposition.** In addition to the procedures for enforcement as described in the previous paragraph, the provisions of this Bylaw may be enforced by the Inspector of Buildings by noncriminal complaint pursuant to the provisions of M.G.L. c. 40, s. 21D. The penalty for violation of any provision of this Bylaw shall be $25.00 for the first offense; $50.00 for the second offense; $100.00 for the third offense and $200.00 for the fourth and each subsequent offense.

~~For any person violating any provision of this chapter, any conditions under which a permit is issued or any decision rendered by the Board of Appeals, said person under MGL c. 40, § 21D, may be fined not more than three hundred dollars ($300.) for each offense. Each day that such violation continues shall constitute a separate offense.~~

10.1.6 Zoning Administrator. It is hereby authorized that a Zoning Administrator may be appointed by the Zoning Board of Appeals, subject to confirmation by the Board of Selectmen. Said Zoning Administrator shall serve at the pleasure of the Zoning Board of Appeals for a term of one (1) year and shall perform such duties as delegated by the Zoning Board of Appeals in accordance with MGL c. 40A, § 13.

**10.2 PERMITS.**

10.2.1 Building or use permit. No building shall be constructed or reconstructed and no use of a building or land in connection with building shall be begun or changed without a permit having been issued by the Building Inspector. No permit shall be issued until such construction, alteration or use as proposed complies in all respects with the provisions of this chapter or with a decision rendered by the Board of Appeals. Any application for such a permit shall be accompanied by a plan, accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and structures are to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the plans, and permits shall be kept on file by the Building Inspector. The fee for the issuance of such permits shall be established by the Board of Selectmen.

10.2.2 Occupancy permit. No building erected, altered or in any way changed as to construction or use, under a permit or otherwise, shall be occupied or used without an occupancy permit signed by the Building Inspector, which permit shall not be issued until the building and its uses and the uses incident thereto comply in all respects with this chapter.

10.3 BOARD OF APPEALS.

10.3.1 Establishment. There is hereby established a Board of Appeals of five (5) members and two (2) associate members, to be appointed by the Selectmen, as provided in MGL c. 40A.

10.3.2 Powers. The Board of Appeals shall have and exercise all the powers granted to it by

Chapters 40A, 40B, and 41 of the General Laws and by this By-Law. The Board's

powers are as follows:

 1. To hear and decide applications for special permits, when so designated.

 2. To hear and decide appeals or petitions for variances from the terms of this Bylaw, with respect to particular land or structures, as set forth in G.L. c. 40A, s.10. The Board of Appeals shall not grant use variances.

 3. To hear and decide appeals taken by any person aggrieved by reason of

 his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, ss. 8 and 15.

 4. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, ss. 20-23.

**10.3.3 Regulations.** The Board of Appeals may adopt rules and regulations for the administration of its powers.

**10.3.4**  **Fees.** The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits.

~~(1) Appeals: to hear and decide an appeal by any person aggrieved by reason of his inability to obtain a permit from any administrative official under the provisions of MGL c. 40A or by any officer or board of the town or by any person aggrieved by any order or decision of the Building Inspector or any other administrative official in violation of any provisions of MGL c. 40A or by this chapter.~~

~~(2) Special permits: to hear and decide an application for a special permit for an exception as provided by sections of this chapter. Such permits shall be applicable only to the use of the property for the purpose specified and shall not waive, vary or relax any other provision of the chapter applicable thereto.~~

~~To ensure conformance to these certified plans, construction shall be inspected by the Board's engineer under the direction of the Board, with fees paid by the developer as specified in § 235-35 of said Subdivision Rules and with performance to be guaranteed as specified under § 235-35 through § 235-41 of the Subdivision Rules. Such certification may be a part of an advisory site plan review report required under § 167-28 or be a separate report as appropriate. No petition for a special permit which has been unfavorably acted upon by the Board of Appeals shall be considered on its merits by said Board within two (2) years after the vote of such unfavorable action, except with the unanimous consent of the Planning Board.~~

~~(a) All special permits granted shall be subject to conditions assigned by the Board of Appeals.~~

~~(b) All building designs and site plans submitted to the Building Inspector for a special permit following approval by the special permit granting authority shall be identical to the designs and plans submitted at the time of the special permit plan submission.~~

~~(c) A special permit issued hereunder is only an authorization for a specific use with stated conditions and does not exempt that particular parcel of land from other conformance with the Zoning Chapter or from the Subdivision Regulations of the Town of Halifax.[[1]](#footnote-1)~~

~~(d) If a bond is required as a condition for a special permit and the bond has not been filed with the Town Clerk with a copy to the Zoning Board of Appeals within thirty (30) days of the issuance of a special permit, the special permit shall be null and void.~~

~~(e) Besides any other information requested by the Zoning Board of Appeals as part of the special permit application, any application for a special permit shall include the following information:~~

 ~~[1] The name and address of the legal owner.~~

~~§ 167-21 § 167-21~~

 ~~[2] The name and address of all persons having a fee, equity and/or security interest in such store or theater and, in the event that such a corporation, partnership, trust or other entity is listed, the name and address of every person who has an ownership interest and/or beneficial interest in the entity must be listed in order that the Zoning Board of Appeals will know who are the persons who actually own and control the use and facilities.~~

 ~~[3] The name and address of the manager.~~

 ~~[4] The number of employees or proposed number of employees, as the case may be.~~

 ~~[5] Proposed security precautions.~~

 ~~[6] The physical layout of the premises.~~

~~(3) Variances. The Board of Appeals may authorize, upon appeal or upon petition with respect to a particular parcel of land or to an existing building thereon, a variance from the terms of the chapter as set forth under MGL c. 40A, § 10. Such a variance shall be granted only in cases where, owing to conditions especially affecting such a parcel or such building but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the chapter would involve substantial hardship, financial or otherwise, to the appellant. Further, such variance shall be granted only in cases where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this chapter. The Board of Appeals may impose limitations of both time and use, and a continuation of the permitted use may be conditioned upon compliance with the regulations to be made and amended from time to time. No permit for a variance which has been unfavorably acted upon by the Board of Appeals shall be considered on its merits by said Board within two (2) years after the vote of such unfavorable action, except with the unanimous consent of the Planning Board.~~

~~B. The Board of Appeals shall establish procedures and shall conduct its meetings consistent with the provisions of MGL c. 40A or other provisions of the General Laws and of this chapter.~~

~~C. All applications for appeals, exceptions, special permits or variances to the Board shall be made, in writing, on appropriate forms furnished by the Board. The Board shall, with the advice and assistance of the Building Inspector, maintain and keep up-to-date a map indicating thereon, by appropriate notations, the locations of all actions, whether approved or disapproved. When petitioning for a variance or special permit, the applicant shall file plans for all buildings that are to be built. If the variance or special permit is granted, these plans must be followed unless the Board of Appeals consents to changes in the original plans.~~

~~§ 167-21 § 167-27~~

~~D. A fee shall be paid with the filing of every application or request to the Board of Appeals to pay the cost of notices prescribed by law and expenses incurred by said Board of Appeals wherever the same becomes necessary, said fee to be set by the Board and said fee to be deposited by the Town of Halifax on or before the date of the hearing on said application.~~

**10.4 PLANNING BOARD.**

**10.4.1 Establishment.** The Planning Board shall consist of five (5) elected members.

**10.4.2 Powers.** The Planning Board shall have the following powers:

1. To hear and decide applications for special permits, when designated as the SPGA in this Bylaw.

2. To hear and decide applications for site plan approval pursuant to Sections 10.6 and 10.8.

**10.4.3 Regulations.** The Planning Board may adopt rules and regulations for the administration of its powers.

**10.4.4**  **Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for applications for special permits and site plan review.

**10.5 SPECIAL PERMITS.**

**10.5.1 Special Permit Granting Authority.** When designated by this Bylaw, the Board of Appeals, the Board of Selectmen, and the Planning Board shall act as the Special Permit Granting Authority (SPGA).

**10.5.2 Criteria.** Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;

2. Traffic flow and safety, including parking and loading;

3. Adequacy of utilities and other public services;

4. Neighborhood character and social structures;

5. Impacts on the natural environment; and

6. Potential fiscal impact, including impact on town services, tax base, and employment.

~~Such permit may be ssued when the Board of Appeals has found that the use involved will not be detrimental to the established or future character of the neighborhood or the town and that the internal circulation and utility systems of the proposed use have been certified by the Planning Board to achieve the intent of the Subdivision Rules of the Town of Halifax[[2]](#footnote-2)~~~~as applied by the Planning Board in exercising its jurisdiction over roads and utilities in subdivisions under the Massachusetts Subdivision Control Law (MGL c. 41, §§ 81K through 81GG) and in specially permitted uses under this Zoning Chapter.~~

From 167-21

**10.5.3 Procedures.** An application for a special permit shall be filed in accordance with the rules and regulations of the Special Permit Granting Authority.

**10.5.4 Conditions.** Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this Bylaw. Such conditions may include, but are not limited to the following:

1. Setback requirements greater than the minimum required by this Bylaw;

2. Requirements as to installation of screening, fencing or other means of protecting adjacent property;

3. Modification of the exterior features or appearance of any structure;

4. Limitation as to size, number of occupants, or method and time of operation of any proposed use;

5. Regulation of number, design and location of access drives and other traffic features;

6. Requirement of off-street parking and other special features;

7. Installation of mechanical or other devices to limit noise, light, odor or other objectional aspects of use; and

8. Requirement for surety bonds or other security for the performance of any conditions attached to the special permit.

**10.5.5 Referral.** The Board of Appeals, Board of Selectmen and Planning Board, when serving as the SPGA, shall refer a special permit application to the Board of Health, Conservation Commission, and the Department of Public Works for written comments and recommendations before taking final action on said special permit application. The SPGA may refer a special permit application to any other town agency, board, or department for comments and recommendations if it so desires before taking final action on said special permit application. A public hearing on said referral shall not be required. Any such Board or Agency to which applications are referred for comment shall make its recommendations and send copies thereof to the SPGA and the applicant within thirty-five (35) days of receipt of the referral request by said board or agency or there shall be deemed no opposition or desire to comment. The SPGA shall not act upon said special permit until either comments from referred board or agencies have been received, or said thirty five (35) days have elapsed, whichever is sooner. Applications referred to more than one board or agency may be reviewed jointly by said boards or agencies.

**10.5.6 Plans.** Unless otherwise provided by the rules and regulations of the Special Permit Granting Authority, an applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 10.6, herein. The provisions of this Section shall not apply to applications for special permits pursuant to Section 5.0 to alter a nonconformity. The Zoning Board of Appeals shall establish procedures governing such applications by regulation.

**10.5.7 Regulations.** The Special Permit Granting Authority may adopt rules and regulations for the administration of this section.

**10.5.8 Fees.** The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

**10.5.9 Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

10.6 SITE PLAN REVIEW.

10.6.1 Applicability. No permit shall be granted for any commercial, industrial, business, institutional, apartment, multi-dwelling, municipal or school building or public utility structure, and none of the above classes of structures shall be constructed or externally enlarged, and no such use shall be expanded or established in an existing building or lot not theretofore used for such purposes, except in conformity with a site plan bearing an endorsement of approval by the Planning Board.

10.6.2 Contents. Said site plan shall show the owner of record, location, zone boundary lines, easements or other legal restrictions, exact location of building(s) on the lot with side, front and rear dimensions, lot dimensions, topography, adjacent public ways, location of off-street parking, lighting, utility systems, surface drainage, traffic flow, location and nature of open spaces with specific notations as to landscaping, locus plan and other details deemed necessary by the Planning Board. The Planning Board may waive or substantially reduce the site plan submission requirements for projects having limited or minor impacts consistent with the purposes of this chapter.

Applicants shall submit an original and nine (9) copies of their site plan to the Town Clerk, who shall give the applicant a dated receipt. Within four (4) days, the Town Clerk shall transmit one (1) copy each to the Planning Board, the Board of Health, the Building Inspector, the Highway Surveyor, the Water Commissioners, the Zoning Administrator, the Board of Appeals, the Conservation Commission and the Board of Selectmen and shall transmit written notice of the availability of the plans to the Fire and Police Departments. Within thirty (30) days of filing such application, the review boards and officers shall evaluate the application and the site plan with regard to the conditions and standards set forth in this chapter and related agency regulations and policies and shall submit comments to the Planning Board or take any action thereon.

B. The Planning Board shall not act without considering the reports of the review boards and officers unless thirty (30) days from the date of filing have passed without receipt of such reports.

C. The Planning Board shall note major recommendations of the review boards and officers in its decision and shall explain any major divergence from such recommendations.

If site plan review is to be directly appealable to a Court, there must be a public hearing. Discuss.

D. Failure of the Planning Board to act within forty-five (45) days of the filing of the application shall be deemed approval of the application and site plan.

E. Where a proposed development also falls under subdivision control, the applicant shall include information required for a definitive plan according to the current rules and regulations for the subdivision of land. However, Planning Board endorsement under this chapter shall not constitute approval under the Subdivision Control Law.

F. The board with ultimate jurisdiction in a given case (i.e., the Planning Board or the Zoning Board of Appeals which is the designated special permit granting authority for specific specially permitted uses) shall consider any advisory site plan review report in its decision and shall explain any major divergence from that report's recommendations.

G. Site plan requirements are as follows:

 (1) The plan shall be submitted at the same scale of at least one (1) inch equals twenty (20) feet or, in large plots, one (1) inch equals forty (40) feet.

 (2) There shall be submitted, at the same scale as the site plan, a surveyed plan of existing site features, including the size of the property, the topography at two-foot contour intervals and any bedrock outcroppings; general soil types as indicated on soil maps from the United States Soil Conservation Service; vegetation, including accurate locations of wooded areas and major trees; and any existing roadways, structures or other significant features.

 (3) In order to allow adequate consideration of the surroundings, a plan of adjacent properties shall be presented at a scale of one (1) inch equals one hundred (100) feet or at the same scale as and combined with the site plan or surveyed plan, if practical. This plan will show the general characteristics of all lands within at least three hundred (300) feet of the proposed site, including structures and their uses, parking areas, driveways, pedestrian ways and other significant features, the zoning districts for the area and the location of the property within the town.

(4) Required information; waivers.

(a) The site plan and any other drawings necessary shall precisely indicate the following:

[1] Area of the site, boundary lines, dimensions of the lot(s), plot and lot numbers from assessors' records, zoning districts, the names of the owner(s) of record and of all abutting owners of record and the North point, two (2) perspective renderings and plan(s) of all buildings and structures.

[2] Existing and proposed topography, using two-foot contours, and bedrock outcroppings, if any.

[3] Location of any existing structures, access roads, driveways, driveway openings, parking spaces, hydrants and service and loading areas located on or within one hundred (100) feet of the development site.

[4] Proposed vehicular circulation system, including pavement widths, location and dimensions of driveway entrances and exits, fire lanes, pedestrian ways, bicycle ways and other transportation routes, parking areas and signs.

[5] All proposed structures, including their area, dimensions, exact location, if known, relation to topography and proposed use.

[6] Number and type of dwelling units and unit mix, if known.

[7] Service access and facilities for all structures or uses, including garbage and trash disposal facilities.

[8] Location of water supply and wastewater disposal facilities.

[9] Existing and proposed site drainage, including the general location of any drainage swales, wetlands, streams, ponds, Housing and Urban Development/Federal Emergency Management Agency or other designated floodplain areas, kettleholes, wells and any mapped water supply protection, conservancy or floodplain water supply protection, conservancy or floodplain protection zoning districts within two hundred (200) feet of the site, along with a note summarizing the drainage calculations and explaining any design not providing a zero (0) increase in runoff for a twenty-five-year storm.

[10] The location of all open space, including its intended use, existing trees and other vegetation to be retained, specific new plantings by size and location and the entity intended to own and maintain them.

[11] Final contours and measures and structures to minimize erosion and siltation during construction.

[12] Significant site appurtenances such as walls, light poles showing the direction of outside lighting, recreation areas and any fencing, screening or signs.

[13] All rights-of-way and easements, existing and proposed.

14] Names and stamps of the responsible registered land surveyor, landscape architect or civil engineer.

[15] Indication of the meeting of any specific requirements established in the Zoning Chapter not already provided for.

(b) The Planning Board may waive specific requirements when they are inappropriate to a given proposal.

H. Site plan review. In considering a site plan, the Planning Board shall seek to assure reasonable use of the site according to the following criteria:

(1) Protection of adjoining premises against detrimental uses of the site during and after construction.

(2) The convenience and safety of vehicular and pedestrian traffic movement within the site and movement to and from the site, considering adjacent streets, property and improvements and alternate routes between the site and nearby destinations.

(3) Adequacy of the methods for controlling surface water during and after construction, particularly the potential for minimal or zero (0) increase in storm runoff for storms of up to the twenty-five-year interval.

(4) Provision for the off-street loading and operation of vehicles incidental to the normal operation of the establishment.

(5) Functional and aesthetic compatibility of the development with uses existing or allowed on adjacent properties.

(6) Residential privacy provided by site and unit layout.

(7) Adequacy of the site for any expansion allowed by applicable density standards.

**10.6.10 Lapse.** Site plan approval shall lapse after two years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Board upon the written request of the applicant.

**10.6.11 Regulations.** The Board may adopt reasonable regulations for the administration of site plan review.

**10.6.12 Fee.**  The Board may adopt reasonable administrative fees and technical review fees for site plan review.

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

**10.7 REQUEST FOR REASONABLE ACCOMMODATION.**

**10.7.1 Purpose.** Under the FHA, it is a discriminatory practice to refuse to make "a reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford [a handicapped] person equal opportunity to use and enjoy a dwelling" 42 U.S.C. § 3604(f)(3)(B). The same standard applies under the ADA, which also addresses nonresidential facilities providing services to persons with disabilities. 42 U.S.C. 12112(b)(5).

See also G.L. c. 40A, s. 3. The purpose of this Section is to facilitate housing and/or services for persons with disabilities and to comply fully with the spirit and the letter of the FHA and, where applicable, the ADA.

**10.7.2 Request.** Any person eligible under the FHA or any provider of housing to persons eligible under the FHA, or any person eligible to operate a nonresidential facility providing services to persons eligible under the ADA, may request a Reasonable Accommodation as provided by the Fair Housing Act and/or the ADA. A Request for a Reasonable Accommodation does not affect a person’s or provider’s obligations to act in compliance with other applicable laws and regulations not at issue in the requested accommodation.

**10.7.3 Zoning Board of Appeals.** All requests for Reasonable Accommodation under the FHA and/or the ADA shall be submitted to the Zoning Board of Appeals (ZBA).

**10.7.4 Information.** All requests for Reasonable Accommodation shall be in writing and provide, at a minimum, the following information:

1. Name and address of person(s) or entity requesting accommodation;

2. Name and address of property owner;

3. Name and address of dwelling or facility at which accommodation is requested;

4. Description of the requested accommodation and specific regulation or regulations for which accommodation is sought;

5. Reason that the requested accommodation may be necessary for the person or persons with disabilities to use and enjoy the premises; and

6. If the requested accommodation relates to the number of persons allowed to occupy a dwelling, the anticipated number of residents, including facility staff (if any).

7. If necessary to reach a decision on the request for Reasonable Accommodation, the ZBA may request further information from the applicant consistent with the FHA and/or ADA, specifying in detail the information required.

**10.7.5 ZBA Procedures.** The ZBA shall decide a request for reasonable accommodation by majority vote at an open meeting. The ZBA may hold a public hearing using the procedures, including notice, set forth in M.G.L. c. 40A, §§ 11 and 15. The deadlines imposed in M.G.L. c. 40A, s. 11 or s. 15 may be extended upon the request of the applicant and the approval of the ZBA. The ZBA may seek information from other Town agencies in assessing the impact of the requested accommodation on the rules, policies, and procedures of the Town. Upon written notice to the ZBA, an applicant for a reasonable accommodation may withdraw the request without prejudice. The ZBA shall consider the following criteria when deciding whether a request for accommodation is reasonable:

1. Whether the requested accommodation is reasonable;

2. Whether the requested accommodation would require a fundamental alteration of a legitimate City policy; and

3. Whether the requested accommodation would impose undue financial or administrative burdens on the City government.

**10.7.6 Decision.** After conducting an appropriate inquiry into the request for reasonable accommodation, the ZBA may:

1. Grant the request;

2. Grant the request subject to specified conditions; or

3. Deny the request.

The ZBA shall issue a written final decision on the request in accordance with M.G.L. c. 40A, s. 15. If the ZBA fails to render its decision on a request for reasonable accommodation within the time allotted by M.G.L. c. 40A, s. 15, the request shall be deemed granted. The ZBA’s decision shall be filed with the Town Clerk and sent to the applicant by certified mail.

**10.7.7 Appeal.** The ZBA’s decision pursuant to this Section may be appealed to a court of competent jurisdiction in accordance with M.G.L. c. 40A, s. 17 or otherwise.

**10.7.8 File.** The ZBA shall maintain a file of all requests for reasonable accommodation under the FHA and/or the ADA and a file of all decisions made on such requests. The file(s) may be reviewed in the Office of the ZBA upon request during regular business hours.

**10.7.9 Other Laws.** While a request for a reasonable accommodation is pending, all laws and regulations otherwise applicable to the premises that is the subject of the request shall remain in full force and effect.

**10.8** **SITE PLAN REVIEW FOR DOVER AMENDMENT USES.**

**10.8.1 Purpose.** The purpose of this Section is to provide for site plan review of religious uses, educational uses, and child care centers otherwise “exempt” pursuant to G.L. c. 40A, s. 3. These are items B.1, B.2 and B.3 in the Table of Use and Parking Regulations.

**10.8.2 Site Plan Review Required.** Prior to the issuance of any building permit or certificate of occupancy, the establishment, alteration, change, extension, or reconstruction of uses B.1, B.2, or B.3, as set forth in the Table of Use and Parking Regulations, shall require site plan approval from the Planning Board pursuant to this Section.

**10.8.3 Scope of Site Plan Review.** Under this Section, Site Plan Review shall be limited to two inquiries:

1. Whether the use qualifies for protection under G.L. c. 40A, s. 3; and, if so,

2. What reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements, if any, should be imposed on the use.

**10.8.4 Required Information.** All applications for Site Plan Review shall be in writing and provide, at a minimum, the following information:

1. Name and address of applicant person or entity;

2. Name and address of property owner;

3. Description of the proposed use and any documents necessary to establish threshold compliance with G.L. c. 40A, s. 3;

4. Reason that relief is requested from otherwise applicable zoning requirements;

5. If necessary to reach a decision on the application, the Planning Board may request further information from the applicant consistent with G.L. c. 40A, s. 3, specifying in detail the information required.

**10.8.5 Site Plan; Contents.** In addition, the applicant shall submit a site plan with the following information:

1. Legend depicting all pertinent existing and proposed site features.

2. The date and north arrow shall be shown on the plans.

3. All site plans must be stamped by a Registered Professional Civil Engineer and a Professional Land Surveyor. The land surveyor shall perform an instrument boundary survey and shall certify the accuracy of the locations of the buildings, setbacks, and all other required dimensions to property lines.

4. Zoning Chart depicting "Required" vs. "Provided" for all applicable Zoning Criteria including Lot Size, Frontage, Setbacks, Building Height, Lot Coverage, Parking Spaces, Landscaping Requirements.

5. Locus map, at a scale of 1" = 600' or suitable scale to accurately locate the site in Town, oriented on the plan in the same way as the large-scale plan.

6. The location, width, status (public or private), and name of all streets within 100' of the project.

7. On-site and abutting lot lines. On-site lot lines shall be described by bearings and distance. Abutting lot lines shall be shown in a general way.

8. Zoning District lines, including overlay districts if applicable.

9. The location of existing or proposed building(s) on the lot shall be shown with total square footage and dimensions of all buildings.

10. Any streams, brooks, or wetland resource area boundaries within 100' of the property lines.

11. Information on the location, size and type and number of existing and proposed landscape features.

12. Information on the location, size and capacity of existing and proposed on-site and abutting utilities, (water, sewer, drainage, natural gas, electrical cable, etc.) including utilities in abutting side streets, if applicable.

13. Detailed locations and dimensions of all existing and proposed buildings and uses on site and on abutting properties, including exterior details relating to the building footprint. All existing and proposed setbacks from property lines. Any minimum, or below minimum, setback distances shall be clearly noted as such on the plan.

14. Information and details for all site and directional on-site signage shall be submitted.

15. Elevation and facade treatment plans of all proposed structures. Color renderings are required for new construction.

16. Information on the location, size and type of parking, loading, storage and service areas. A parking calculation schedule noting existing, required and proposed spaces for the entire site shall be provided.

17. Details and specifications (if applicable) for proposed site amenities, including, but not limited to fences, recreation facilities, walls or other barrier materials; and special paving materials.

**10.8.6 Decision.** The Planning Board may approve, approve with conditions, or deny an application for site plan approval. In making its decision, the Board shall be guided exclusively by G.L. c. 40A, s. 3. The Board shall file a written decision with the Town Clerk within 90 days of receipt of the application. Failure to file a decision within ninety (90) days shall constitute approval of the site plan.

**10.8.7 Appeal.** Any appeal of the Planning Board’s decision shall be made pursuant to G.L. c. 40A, s. 17, to a court of competent jurisdiction.

1. **[Editor's Note: See Ch. 235. Subdivision Regulations.]** [↑](#footnote-ref-1)
2. **[Editor's Note: See Ch. 235, Subdivision Regulations.]** [↑](#footnote-ref-2)