

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Article XVII Site Plan Review

[Added 10-17-1991 ATM by Art. 21, approved 2-4-1992]

§ 200-94 **Purpose; legislative authority; applicability.**

[Amended 10-8-1998 ATM by Art. 19, approved 1-27-1999; 10-4-2010 OTM by Art. 17, approved 2-7-2011]

- A. The purpose of this section is to protect the health, safety, morals, convenience, aesthetics and general welfare of the inhabitants of the Town by establishing standards of performance and design and providing for a review of plans for uses and structures for future retail, service, commercial, wholesale, transportation and industrial development which may have significant impacts, both within the site and in relation to adjacent properties and streets; on pedestrian and vehicular traffic. This review considers the impact on public services and infrastructure; environmental, unique and historic resources; abutting properties; and community character and ambiance.
- B. This section of the Zoning Bylaw is adopted pursuant to Chapter 40A, Section 9. All site plan review applications submitted under the provisions of this section shall be reviewed by the Community Planning Commission using special permit procedures as set forth herein. Allowed uses are as stated in the Zoning Bylaw and are not discretionary in Site Plan Review.
- C. Sites and developments to which this section applies shall comply with the regulations of this section as well as those of other applicable Town bylaws, or the requirements of the Commonwealth of Massachusetts, prior to any construction being undertaken in the Town of North Reading.

Deleted: the some procedures as required by a

Deleted: the

§ 200-95 **Developments which require site plan review; exemptions; waivers.**

[Amended 10-4-2010 OTM by Art. 17, approved 2-7-2011]

- A. Site plan review is required for:
 - (1) Any new building(s) or construction which contains more than two thousand (2,000) square feet of gross floor area which is undertaken on land within the Town of North Reading or results in the requirement of five (5) or more new or additional parking spaces;
 - (2) Any construction which results in the addition of more than two thousand (2,000) square feet of gross floor area to an existing structure; or results in the requirement of five (5) or more new or additional parking spaces;
 - (3) Any construction, site modifications, new uses in existing structures or developments which contain new processes not normally associated with the existing use or which result in changes in the potential nuisance to adjacent property; traffic circulation; stormwater drainage onto or off of the site; and/or the application of the parking standards of Article XIII indicate the need for five (5) or more new or additional parking spaces.
 - (4) The construction of any new wireless service facility on a previously permitted facility as set forth in § 200-46, personal wireless service facilities regulations.
- B. The following development(s) are exempt from site plan review:
 - (1) Single family dwelling(s) and two family dwelling(s);

- (2) Small structures or additions which do not exceed two thousand (2,000) square feet of gross floor area and do not require five (5) or more parking spaces.
- (3) Maintenance and in-kind repairs of existing buildings.
- (4) Interior work affecting less than 2,000 gross square feet.
- (5) Work involving internal electrical, plumbing or mechanical systems.
- C. Waiver of site plan review.
 - (1) When in the opinion of the Community Planning Commission, the alteration or reconstruction of an existing structure or new use or change in use will not have a significant impact both within the site and in relation to adjacent properties and streets; on pedestrian and vehicular traffic; public services and infrastructure; environmental, unique and historic resources; abutting properties; and community needs, the Community Planning Commission may determine, without a public hearing, that submission of a site plan review application is not required.
 - (2) The applicant must request a waiver from site plan review in writing and may be required to submit supporting documentation that site plan review is not required. The waiver request will be discussed at a regular session of the Community Planning Commission.

§ 200-96 Standards.

- A. Site plans reviewed under this article shall conform to the purposes, standards and requirements specified herein and to the site plan review regulations adopted by the Community Planning Commission pursuant to § **200-97** of this article.
- B. Site plans submitted for review under this article shall, at a minimum:
 - (1) Provide for the safe and attractive development or change or expansion of development of the site and guard against such conditions as would involve danger or injury to public health, safety or welfare;
 - (2) Provide adequate drainage to prevent flooding of the site or of property of another;
 - (3) Provide protection for the quality of groundwater;
 - (4) Minimize elements of pollution, such as noise, smoke, soot, particulates or any other discharge into the environment which might prove harmful and/or detrimental to persons, structures or adjacent properties;
 - (5) Provide adequate provision for fire safety, prevention and control;
 - (6) Provide for the harmonious and aesthetically pleasing development of the Town and its environs; and
 - (7) Provide for open spaces and green spaces of adequate proportions.
 - (8) Provide for adequate traffic control.
- C. With the concurring vote of four members, the Community Planning Commission shall either A) approve, B) approve with conditions, or C) deny a site plan submitted for review. **[Amended 10-4-2010 OTM by Art. 17, approved 2-7-2011]**
 - (1) The Community Planning Commission shall approve a site plan when the following conditions are met:
 - (a) The site plan complies with all current bylaw requirements of the Town, and;

- (b) The site plan has been submitted in accordance with the regulations and procedures as outlined in this section and § **200-28E**.
- (2) The Community Planning Commission shall conditionally approve a site plan when the following conditions are met:
 - (a) The application needs to go to any Town board/department or commission for approvals, or requires approvals by any state, and/or federal agency and;
 - (b) The site plan generally complies with Town bylaw requirements, but requires minor changes in order to be completely in compliance with the Town bylaw regulations.
- (3) The Community Planning Commission may deny approval of a site plan for the following reasons:
 - (a) The plan does not include all the materials or information required in this section, or has failed to adhere to the procedures for site plan review as outlined in this section, and § **200-28D** or;
 - (b) The plan as presented is not in compliance with Town bylaws, or;
 - (c) The plan has been drawn incorrectly or in such form that the Planning Board is unable to determine what information is being presented for review, or;
 - (d) The applicants have failed to incorporate and adhere to any condition(s) for approval granted by any Town board, department or commission, or requirements called for by any state or federal agency, which has proper authority upon which to place conditions on a matter before the Community Planning Commission.
- (4) The Community Planning Commission shall render a decision within ninety (90) days of the public hearing and shall file its written decision with the Town Clerk's office and other appropriate parties in accordance with the provisions of MGL Ch. 40A.
- (5) The applicant shall be responsible for filing a copy of the decision at the Registry of Deeds. Prior to the issuance of a building permit, the applicant shall present evidence of such recording to the Community Planning Administrator and Building Inspector.
- D. Revisions to approved site plan. **[Added 10-4-2010 OTM by Art. 17, approved 2-7-2011]**
 - (1) Any revisions to a development that has secured site plan approval shall be submitted to the Community Planning Administrator for review. No revisions shall be approved until the Community Planning Administrator receives three (3) copies of the revised plan and the revisions placed on the plan fall into the following categories:
 - (a) A change of location and layout of any parking area(s), signs, storage or accessory buildings, provided that no Town bylaws are violated by the change;
 - (b) The change in the proposed landscaping plan which does not violate any Town bylaw;
 - (c) A change of egress and ingress provided the same is in compliance with Town bylaws and the requirements of the Commonwealth.
 - (2) The revisions cited above may be completed without further review by Planning Board, upon approval by the Community Planning Administrator. The Community Planning Administrator may determine that the revisions as shown do not fall into the categories outlined in this subsection, and that the proposed revisions are in fact substantial and call for materially different site plan than approved by the Community Planning Commission in that changes are called for in the type, location and manner of the

facilities and site improvements to be constructed and shown in the approved site plan.

- (3) If the revisions are determined to be substantial and materially different by the Community Planning Administrator, the Community Planning Administrator shall direct the applicant to resubmit the site plan to the Community Planning Commission in accordance with the provisions of this section.

§ 200-97 **Adoption of regulations.**

A. The Community Planning Commission shall adopt site plan review regulations pursuant to this article which shall:

- (1) Provide procedures which the North Reading Community Planning Commission shall follow in reviewing site plans;
- (2) Further define the purposes of site plan review;
- (3) Specify the general standards and requirements with which the proposed development shall comply, including appropriate reference to accepted codes and standards for construction;
- (4) Include provisions for guarantees of performance, including bonds or other security;
- (5) Include provisions for waivers of any portion of the regulations in such cases where, in the opinion of the North Reading Community Planning Commission, strict conformity would pose an unnecessary hardship to the applicant and provided such waiver would not be contrary to the spirit and intent of the regulations.
- (6) Include such provisions as will tend to create conditions favorable for health, safety, convenience and property.
- (7) Provide for involvement and participation in transportation management organizations.
- (8) Provide for incorporation of the goals and objectives set forth by regional and state planning agencies.
- (9) Provide that, in lieu of the completion of street work and utility installations prior to the final approval of a plan, the North Reading Community Planning Commission shall accept a performance security as shall be specified in the site plan review regulations. The North Reading Community Planning Commission shall have the discretion to prescribe the type and amount of the bond or other security, and specify a period for completion of the improvements and utilities to be expressed in the bond or other security, in order to secure for the Town the actual construction and installation of such on or off site improvements and utilities. The Town shall have the power to enforce such bonds or other securities by all appropriate legal and equitable remedies.
- (10) Require an applicant to pay all costs for notification of abutters.
- (11) Provide for submission requirements, procedures and decision standards that apply to Site Plan Review for uses in a Priority Development Site designated by Town Meeting pursuant to M.G.L. c. 43D.
[Added 4-7-2008 ATM by Art. 23, approved 6-27-2008]

B. In addition, said site plan Review regulations may:

- (1) Provide for the assessment of reasonable fees to cover the Commission's administrative expenses, the costs of special investigative or other consulting services, and the review of documents and other materials which may be required due to the nature of a particular site plan.
- (2) Stipulate, as a condition precedent to the approval of the plan, the extent to which and the manner in which streets within the development, or immediately adjacent thereto, shall be graded and improved

and in which water, sewer, and other utility mains, piping, connections or other facilities shall be installed.

- (3) Provide for the conditional approval of the plan before said improvements and installations have commenced.

§ 200-98 Administration.

When exercising its powers of site plan review under this article, the North Reading Community Planning Commission shall hold a public hearing on any complete site plan review application within thirty (30) days of its submission. Public notice of said hearing shall be given in accordance with the requirements of Massachusetts General Laws Chapter 40A, Section 11. The North Reading Community Planning Commission shall make a final decision regarding a site plan within ninety (90) days after the date of its public hearing closing. The required time limits for public hearing and North Reading Community Planning Commission action may be extended by written agreement between the applicant and the North Reading Community Planning Commission. Failure of the North Reading Community Planning Commission to act within said ninety (90) days or extended time, if applicable, shall be deemed an approval of the site plan.

§ 200-99 Appeals.

An appeal may be taken to the Zoning Board of Appeals, pursuant to General Law Chapter 40A, Section 8 and Article XV and § **200-26** of this Zoning Bylaw, by any person aggrieved by a decision of the Community Planning Commission to approve, conditionally approve, or deny a site plan submitted under this article. Said appeal shall be taken within thirty (30) days of the decision being appealed.