

## ARTICLE IX

### **SITE PLAN REVIEW**

#### 9.01 Purpose.

This section is enacted to protect the health, safety, convenience and general welfare of the inhabitants of the Town and is intended to regulate the development of structures and sites in a manner which considers the following concerns and, where necessary requires modification of development proposals to eliminate or minimize potential problems and nuisances. The principal areas of concern are:

- a) The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g. noise, smoke, fumes, dust, odor, glare, stormwater runoff, etc.);
- b) The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
- c) The adequacy of waste disposal methods and protection from pollution of surface and groundwater; and
- d) The protection of historic and natural environmental features on the site under review, and in adjacent areas.

#### 9.02 Granting Authority.

As used herein "Granting Authority" shall mean the Permit Granting Authority if the underlying use requires from the Granting Authority a Special Permit, a finding pursuant to Article III, 3.05 of these regulations, a variance, or any other relief required to be granted by the permit granting authority and in all other instances shall mean the Special Permit Granting Authority.

#### 9.03 Projects Requiring Site Plan Review.

No permit for the construction, exterior alteration, relocation, occupancy, or change in use of any building shall be given and no existing use shall be established or expanded in floor area except in conformity with a site plan approved by the Granting Authority. Site Plan Review shall also be required for the resumption of any use discontinued or not used for more than two (2) years, or for the expansion of any existing use. "Expansion" shall include a floor space increase of twenty-five (25) percent or more within any ten (10) year period, or the introduction of new materials or processes not previously associated with the existing use. Required approval includes proposals for commercial, industrial, office, multiple-dwelling residential developments, municipal, institutional, utility, fraternal or recreational purposes.

#### 9.04 Exemptions from Site Plan Review.

Site Plan Review shall not be required for:

- a) The construction or enlargement of any single family or two family dwelling, or building accessory to such use;
- b) The construction or alteration of any building used exclusively for agriculture, horticulture, or floriculture;

- c) Construction or alteration providing for not more than five hundred (500) square feet total floor area after construction.
- d) Customary home occupations as defined in the Zoning By-Law.

9.05 Procedure.

a. An Applicant for Site Plan Review under this section shall file with the Town Clerk copies of the site plan documents in accordance with Section 4.11 Submittal Distribution Requirements and Formats for a Definitive Plan in the Rules and Regulations Governing the Subdivisions of Land in the Town of Topsfield. The Clerk's copy of the site plan application shall be kept on file by the Town Clerk.

b. The Granting Authority is authorized to retain a registered professional surveyor, engineer, architect, landscape architect, or other professional consultant such as an attorney to advise the Granting Authority on any or all aspects of the site plan. The cost of this advice shall be borne by the Applicant. The Applicant shall furnish a deposit to the Granting Authority, within ten days after the execution of an outside consultant agreement in accordance with M.G.L. Chapter 41, Section 53G, sufficient to cover all of the Granting Authority's anticipated expenses connected with the public hearing and review of the plans.

c. The Boards shall have up to thirty (30) days to submit recommendations in writing to the Granting Authority concerning:

- i) The adequacy of the data and procedures used by the applicant to determine the impacts of the proposed development;
- ii) The effects of the projected impacts of the proposed development; and
- iii) The recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development.

Failure of an agency to report within the allotted time shall be interpreted as non-opposition to the submitted site plan.

d. The Granting Authority shall hold a public hearing and shall take final action within the appropriate time periods as provided in Massachusetts General Laws, Chapter 40A, Sections 9 and 11. The Granting Authority's final action, rendered in writing shall consist of either:

- i) Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this By-Law;
- ii) Disapproval of the site plan based upon a determination that the proposed project does not meet the standards for review set forth in this By-Law; or
- iii) Approval of the site plan subject to any conditions, modifications and restrictions as required by the Granting Authority which will ensure that the project meets the Standards for Review.

9.06 Submission Requirements.

The site plan shall include the following data, details, and supporting plans. The number of pages submitted will depend on the proposal's size and complexity. All of the requirements must be met in each plan, with notations explaining the reasons for any omissions.

Site plans shall be prepared by a registered professional surveyor, engineer, architect, or landscape architect at a scale of one (1) inch equals twenty (20) feet, on standard 24" x 36" sheet, with continuation on 8 1/2" x 11" sheets as necessary for written information.

Items required for submission include:

1. Name of the project, boundaries, and locus maps showing site's location in Town, date, north arrow and scale of the plan.
2. Name and address of the owner of record, developer, and seal of the surveyor, engineer, architect or landscape architect.
3. Names and addresses of all owners of record of abutting parcels and those within three hundred (300) feet of the property line.
4. All existing lot lines, easements, and rights of way. Include area in acres of square feet, abutting land uses, and the location and use of structures within three hundred (300) feet of the site.
5. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.
6. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
7. The location, height, intensity, and bulb type (e.g. fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
8. The location, height, size, materials, and design of all proposed signage.
9. The location of all present and proposed utility systems including:
  - sewage or septic system;
  - water supply system;
  - telephone, cable, and electrical systems; and
  - storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swales.

The Planning Board may also request soil logs, percolation test and storm runoff calculations for large or environmentally-sensitive developments.

10. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
11. Existing and proposed topography at a two (2) foot contour interval. All elevations shall refer to the nearest United States Coastal and Geodetic Bench Mark. If any portion of the parcel is within the one hundred (100) year flood plain, the area will be shown, and the base flood elevations given. Indicate areas within the proposed site and within fifty

(50) feet of the proposed site, where ground removal or filing is required and give its approximate volume in cubic yards.

12. A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains, and drainage retention areas.

13. Zoning district boundaries within three hundred (300) feet of the site's perimeter shall be drawn and identified on the plan.

14. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred (100) feet of the site.

The Granting Authority may require a detailed traffic study for large developments or for those in heavy traffic areas to include:

- a) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
- b) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
- c) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.

15. For new construction or alterations to any existing building, a table containing the following information must be included:

- a) Area of building to be used for a particular use such as retail operation, office, storage, etc;
- b) Maximum number of employees
- c) Maximum seating capacity, where applicable; and
- d) Number of parking spaces existing and required for the intended use.

16. Elevation plans at a scale of 1/4"=1' for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features and indicating the type and color of materials to be used.

17. The Granting Authority shall have the right to waive or modify any of the above requirements upon its own motion or upon the request of the applicant and shall further have the right to request additional or further information or submissions if it determines that such items are necessary or appropriate for the Granting Authority to make its decision consistent with the stated intent and purposes of this Article.

(Art. 36, 5/2/90; Art. 21, 5/21/93; Art. 35, 5/2/95; Art. 30, 5/4/2004)

#### 9.07 Standards for Review.

The Granting Authority shall review the site plan and supporting documents, taking into consideration the reasonable fulfillment of the objectives listed below. Detailed design guidelines and

performance standards<sup>1</sup> shall be adopted by the Granting Authority to guide decisions with respect to these objectives, and to help ensure consistency in the review of all applications.

1. Legal. Conformance with the provisions of the By-Laws of the Town, the General Laws of Massachusetts, and all applicable rules and regulations of State and Federal agencies.
2. Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
3. Parking. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.
4. Town Services. Reasonable demands placed on Town services and infrastructure.
5. Pollution Control. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
6. Nuisances. Protection of abutting properties and Town amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
7. Existing Vegetation. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
8. Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
7. Town Character. The building setbacks, area and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and the natural landscape. (Art. 36, 5/2/90)

#### 9.08 Enforcement.

1. The Granting Authority may require the posting of a bond or other similar performance guarantee to ensure compliance with the plan and stated conditions of approval. It may suspend any permit or license when work is not performed as required.
2. Any Special Permit issued under this section shall lapse within one (1) year if a substantial use thereof has not commenced, except for good cause. The time required to pursue and await determination of a judicial appeal pursuant to Chapter 40A of the General Laws shall be included within the one (1) year time limit.
3. The Granting Authority may periodically amend or add rules and regulations relating to the procedures and administration of this By-Law, by majority vote of the combined

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<sup>1</sup>**Editor's Note:** See Appendix ZA:1, Zoning Guidelines.

Granting Authorities, after conducting a public hearing to receive comments on proposed revisions. Such hearing shall be advertised once in a newspaper of general local circulation, at least seven (7) days prior to the hearing date.

(Art. 36, 5/2/90)