ARTICLE VII
Site Plan Review
[Added 10-20-2008 FATM, Art. 20[13]]

§ 650-52. Purposes.

The purposes of the Site Plan Review are to protect the health, safety, convenience and general welfare of the inhabitants of the Town by providing for a review of plans for uses and structures which may have a significant impact on traffic, public safety, municipal services, utilities and infrastructure, environmental quality, and surrounding properties.

§ 650-53. Applicability.

A. Site Plan Review shall apply to the following:

(1) Any development involving the construction of two or more buildings or structures on a single lot;

(2) Any construction, reconstruction, exterior alteration, or addition to any commercial or industrial building;

(3) Construction of any new parking lot with five or more parking spaces;

(4) Any change of use of an existing structure if the proposed use requires substantial alteration of an existing parking area or the creation of five or more additional parking spaces; or

(5) Any use requiring a special permit.

B. Site Plan Review shall not apply to:

(1) The construction or alteration of a single-family or two-family dwelling;

(2) Any activity, construction, or installation conducted solely for the purpose of environmental remediation.

§ 650-54. Relationship to other permits and approvals.

A. No building permit shall be issued for any use or activity within the scope of this Article VII unless a site plan has been reviewed and approved therefore, or unless 60 days lapse from the date of submission of a complete site plan application without action by the Planning Board; and no Certificate of Occupancy or Certificate of Zoning Compliance shall be issued unless the site is constructed in accordance with the approved site plan.

B. Approval of a site plan under this Article VIII shall not substitute for the requirement of obtaining a special permit or other permits or approvals required by the Zoning Bylaw.

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13. Editor's Note: This bylaw also repealed original Sec. 7R of the Zoning Bylaw, Commercial Site Plan Review for Commercial and Industrial Buildings, added 10-19-1998 FATM, Art. 39.

C. Any work done in deviation from an approved site plan shall be a violation of the Zoning Bylaw, unless such deviation is approved in writing by the approval authority or determined by the Building Inspector to be of no significant detriment to the achievement of any of the purposes set forth herein.

D. When site plan review is required for a special permit and the Planning Board is the special permit granting authority, the site plan review and special permit procedures shall be combined, and the site plan decision and any conditions thereto shall be incorporated within the special permit.

E. When site plan review is required for a special permit and the Zoning Board of Appeals or any board other than the Planning Board is the special permit granting authority, the Planning Board shall forward its recommendations to the special permit granting authority within 30 days of receipt of the site plan application.

§ 650-55. Submission requirements.

A. Applicants are encouraged to meet informally with the Planning Board prior to submitting an application for Site Plan Review, particularly if an applicant intends to request waivers of any of the submission requirements listed below.

B. The site plan application shall be submitted on forms approved by the Planning Board in accordance with the Planning Board's rules and regulations. Site plans shall be prepared by a Massachusetts registered professional architect, landscape architect, or registered professional engineer, drawn to a scale of 1 inch = 40 feet with a maximum size of 24 inches x 36 inches and shall contain, at minimum, the following information:

(1) The name and address of the applicant and the property owner.

(2) All property boundaries, area and zoning classification, and uses and ownership of abutting land.

(3) A graphic scale and a north arrow.

(4) A locus map showing the project within the Town at a scale of one inch equals 400 feet, and the location and use of any building thereon within 500 feet of the boundary of the subject property. The Town of Webster Assessor Maps, as amended to the date of filing said site plan, shall be acceptable to show the required use and ownership information.

(5) Location of site relative to the Municipal Wellhead Protection Zone, Conservation District, or the Lake Watershed Overlay District as shown on the Town of Webster Zoning Map.

(6) Location of site with regard to the Flood Plain District as described in § 650-64 of this bylaw.

(7) Existing and proposed topographical contours of the property taken at two-foot contour intervals by a registered professional engineer or registered land surveyor.

(8) Location of all wetlands or water bodies on the property and within one hundred feet (100') of the perimeter of the development activity.

(9) The nature, location, and size of all significant existing natural land features, including but not limited to tree, shrub, or brush masses, all individual trees over ten inches (10") in caliper, grassed areas, soil features, and priority habitat and estimated habitat areas as determined by the Natural Heritage and Endangered Species Program (NHESP).

(10) Engineering cross-sections of proposed new curbs and pavements, and sight triangles measured in feet from any proposed curb cut along the street on which access is proposed.

(11) Proposed surface treatment(s) of paved areas and the location and design of drainage systems, with drainage calculations prepared by a registered professional engineer.

(12) Comprehensive parking and traffic circulation plan, showing location and dimensions of proposed parking spaces, loading zones, dividers, bumper stops, required buffer areas and planting beds, the location and dimensions of proposed pedestrian walkways, and provisions for accessible parking and circulation for persons with disabilities.

(13) Provisions for sewage and solid waste disposal, increases in drainage, dust, stormwater management, erosion control and other utilities.

(14) Private and municipal services necessary; including wells, water and sanitary sewer services, and septic systems.

(15) Lighting plan showing the location, direction and intensity of existing and proposed external light fixtures, including intensity on adjacent properties; and details of proposed light poles and fixtures.

(16) Landscaping plan showing the location, name, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps and paths.

(17) A statement of the projected number of motor vehicle trips to and from the site for the peak hours of an average day, based on published material such as the most recent edition of the Institute of Transportation Engineers, Trip Generation.

(18) All requested waivers of the Planning Board Bylaws and where applicable, all zoning variances granted by the Zoning Board of Appeals.

C. When deemed necessary by the Planning Board, the applicant shall submit supplemental plans and drawings and/or development impact reports prepared by a professional recognized in the applicable field. The Planning Board may require that any or all of the following topics be addressed:

(1) Drawings of exterior elevations, schematic floor plans, schedule of all exterior materials and colors, and photographs of existing buildings on the lot and buildings on adjacent lots, including all existing and proposed signage.

(2) Traffic impacts: projected total and peak-hour trip generations, traffic distribution, capacity of streets and intersections to be affected by the project, existing and proposed traffic controls and other content as may be specified by the Planning Board.

(3) Environmental impact: analysis of the project's potential impacts on the quality of air, surface water, and groundwater; flooding potential; erosion; increases in impervious surfaces; stormwater management; hazards from radioactive emissions or other hazardous materials; solar access to adjacent properties; noise and light impacts; energy use; and greenhouse gases.

(4) Infrastructure impact: impacts on existing infrastructure serving the site, including roads, water, sanitary sewer, storm drainage, and other public utilities.

§ 650-56. Procedures.

A. An application for a building permit to perform work as set forth in § 650-53A above shall be accompanied by a site plan approved by the Planning Board.

B. Site Plan Approval application requirements, including fees, shall be in accordance with the Rules and Regulations of the Planning Board and § 650-55 above.

C. The applicant shall provide, at a minimum, eight copies of the site plan application and site plans. A minimum of four copies of all project related reports (stormwater reports, traffic reports, etc.) shall be submitted to the Planning Board.

D. All application materials subject to review by the Planning Board or the Planning Board's representative shall be submitted no later than fourteen (14) calendar days prior to the date of the Planning Board's public project review meeting.

E. Within five days of receipt of a complete site plan application, the Planning Board shall submit one copy each to the Board of Selectmen, Board of Health, Conservation Commission, Building Inspector, Public Works Director, Highway Superintendent, Chief of Police, Fire Marshal, Safety Officer, and any other Town boards, officers, or departments as determined by the Planning Board.

F. The Planning Board shall hold a project review meeting with the applicant at a regularly scheduled meeting of the Planning Board no later than 45 days from the date of submission of the proposed Site Plan. Review authorities shall forward their comments, in writing, to the Planning Board no later than the date of the project review meeting.

G. The Planning Board shall either approve the site plan as presented or approve with conditions. The conditions shall become binding zoning requirements of the project. Noncompliance with the site plan or the conditions placed on said plan by the Planning Board shall be cause for action by the Zoning Enforcement Officer of the Town of Webster.

H. The Planning Board may deny a site plan application that does not include the specific information required to make the determinations found in § 650-57 below.

I. The Planning Board's decision shall be by a majority of those present, and shall be in writing.

J. If no action is taken within 60 days, the application shall be deemed approved as submitted except where the Planning Board and the applicant have agreed in writing to extend the review period.

K. One copy of the approved site plan shall be provided each to the applicant, the Building Inspector, the Department of Public Works, the Police Department, the Fire Department, the Conservation Commission and where applicable, to the Board of Health. One copy of the approved site plan shall remain in the records of the Planning Board.

§ 650-57. Decision criteria.

The Planning Board shall grant Site Plan Approval only upon its determination that:

A. The site plan meets all applicable requirements of this bylaw.

B. Given the location, type and extent of land use proposed by the applicant, the design of building form, building location, egress points, grading, and other elements of the site plan could not reasonably be altered to:

(1) Reduce clearing and grading on the site, or reduce the volume of cut and fill, the number of significant trees removed, the length of removed or altered stone walls, the area of wetland vegetation displaced, address stormwater quantity and quality, soil erosion, or threat of air or water pollution;

(2) Reduce the risk of groundwater contamination from on-site wastewater disposal systems, stormwater management systems, or operations involving the use, storage, handling, or containment of hazardous substances;

(3) Improve pedestrian, bicycle or vehicular safety, both on the site and egressing from it;

(4) Reduce obstruction of scenic views from publicly accessible locations;

(5) Reduce visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;

(6) Reduce glare from headlights, reduce light trespass from luminaries onto adjacent lots or the street, or light overspill into the night sky;

(7) Improve access to each structure for fire and other emergency service equipment;

(8) Avoid the removal or disruption of historic structures or architectural elements; and

(9) Achieve greater compatibility with the surrounding area as to building design or scale, or site design.

C. The proposed development will not result in any increase in storm flow from the site.

D. The proposed development will not create a nuisance of noise, odor, smoke, vibration, unsightliness, or other conditions detrimental to the public good.

E. Any variances required from the Zoning Board of Appeals have been granted.

F. All site plan application and peer review fees have been paid in full.

G. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives.

§ 650-58. Duration.

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

§ 650-59. As-built plan.

At the discretion of the Planning Board, an as-built plan shall be provided to and approved by the Planning Board. The plan shall indicate all above and below grade improvements depicted on the approved site plan. The plan shall be prepared by a registered professional engineer or registered land surveyor.

§ 650-60. Appeals.

Any decision of the Planning Board pursuant to this article may be appealed in accordance with MGL c. 40A, § 17, to a court of competent jurisdiction.

ARTICLE VIII
Wireless Communications Facilities
[Added 10-16-2000 FATM, Art. 3]

§ 650-61. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CARRIER — A company that provides wireless services.

CO-LOCATION — The use of a single mount on the ground or several mounts on an existing structure by more than one carrier.

COMMUNICATIONS DEVICES — Any antenna, dish or panel mounted out of doors on an already existing building or structure used by a commercial telecommunications carrier to