

Article XII Site Plan Review

Section 1. Purpose and Applicability

The purpose of site plan review is to assess the impact of new development on surrounding properties, municipal facilities and services, and the natural environment. Only uses that have been established as permitted uses, either as a matter of right or as a result of successful review as a special exception, are intended to be able to proceed to site plan review. Therefore, the purpose of site plan review is not to establish the right of a use to be located in the area proposed, but rather it is to assure that the way the use is designed and placed on a lot is appropriate to its surroundings. This section shall apply to:

- (1) Proposals for new construction of nonresidential buildings or structures and of multifamily dwellings, including accessory buildings or structures, having a total area for all floors of more than 1,000 sq. ft. and placement of non-temporary accessory storage containers. *(Amended – 11/5/13)*
- (2) Proposals for enlargement of nonresidential buildings or structures, [congregate housing developments](#) and of multifamily dwellings, including accessory buildings and structures, if the enlargement/[expansion increases the gross floor area by more than 1000 square feet](#) ~~has a total area for all floors~~ within a five-year period ~~of more than 1,000 sq. ft.~~
- (3) A Proposals to pave, strip, remove earth materials from, or grade areas of more than 10,000 sq. ft. within a five-year period for non-residential uses and mineral extraction in accordance with Article X, Part II, Section 1(2)(b), except that Site Plan Review is not required for roads and infrastructure for approved subdivisions or for construction, maintenance or repair of municipal or state roads and infrastructure. *(Amended – 11/13/07)*
- (4) Proposals to pave, strip, remove earth materials from, or grade areas of more than 40,000 sq. ft. within a five-year period for residential uses; however, in reviewing such proposals, the Planning Board shall only consider Section 6, Approval Criteria, (1), (2) and (5). *(Amended – 11/13/07)*
- (5) ~~Proposals to change residential uses to nonresidential uses having a total non-residential floor area of more than 1,000 square feet. *(Amended – 6/20/06)*~~
[Proposals to change from an existing or previous permitted use to another allowed use having a gross floor area of greater than 1000 square feet except where the resulting use will be a single or two family dwelling.](#)
- (6) Proposals to construct, enlarge, or extend piers, wharves, bulkheads, breakwaters, consolidated piers, causeways, marinas, bridges over 20 feet in length, and uses projecting into water bodies. *(Amended – 6/20/06)*
- (7) Proposals to construct new wireless telecommunications facilities, and any expansion of an existing wireless telecommunications facility that increases the height of the facility

by more than 20 feet. Such proposals shall also be reviewed according to the Wireless Telecommunications Facility Siting Ordinance.

- | (8) Proposals ~~under (1) and (2) above or proposals~~ that include two or more of the following types of exterior renovations to a non-residential or multi-family building within a two-year period, in the B-1, B-TH or B-TR zoning districts:
 - (a) façade
 - (b) roof
 - (c) siding
 - (d) awnings
 - (e) exterior lighting
 - (f) historic or architectural details *(Item 8 added – 11/2/10)*

- | (9) Proposals to apply a Business Opportunity Zone Overlay to a parcel (or parcels) within the B-2, B-3, B-4, B-R or B-TR zoning districts. In addition to the Approval Criteria found in Section 6. Approval Criteria, (1) – (10) below, applications for a BOZ Overlay shall undergo a review of design standards unique to the BOZ Overlay found at Section 6. Approval Criteria, (12). Applicants should tailor all submissions required for Site Plan Review to address these standards. *(Item 9 added – 6/9/2015)*

This Section does not apply to agricultural land management practices and forest management practices.

Section 2. Procedures

- (1) No building permit or plumbing permit shall be issued by the Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Article until a site plan of development has been approved by the Planning Board.
- (2) Applicants are encouraged to meet in a pre-application conference with the Planning Board prior to formal submission of an application.
- (3) Every applicant applying for site plan approval shall submit to the Code Enforcement Officer nine (9) copies of a complete site plan of the proposed development, which shall be prepared in accordance with Section 3 of this Article, accompanied by a fee as determined by the Selectmen. All approved site plans produced with a computer assisted design program shall be submitted with a digital copy of the plan in a form acceptable to the Town. A fee schedule for site plan review shall be established by the Selectmen annually. The schedule shall include a fee for applications for site plan review and for site plan amendments that are filed after the commencement of the activity for which approval is required, such fee to be greater than the fee for an application that was filed in a timely manner. The Code Enforcement Officer shall retain two (2) copies of the plan

approval is required, such fee to be greater than the fee for an application that was filed in a timely manner. The Code Enforcement Officer shall retain two (2) copies of the plan and forward one copy each to the fire chief, town manager, police chief, superintendent of the wastewater treatment plant, and director of the solid waste disposal system. *(New second sentence – 11/15/05)*

- (4) A complete application for site plan approval shall be submitted at least fifteen (15) days prior to the Planning Board meeting at which the applicant wishes to be heard. However, any application which is not complete shall not be placed on the agenda but shall be returned to the applicant by the Code Enforcement Officer with instructions as to the additional information required. The Code Enforcement Officer shall review the proposed project for Zoning Ordinance compliance and to determine that all special exceptions and/or variances which may be necessary first have been obtained from the Zoning Board of Appeals. The Code Enforcement Officer shall continue to review the project for Zoning Ordinance compliance as changes are made during the site plan review process. Within ten (10) days after receipt of their copies of the complete site plan, the town officials who have been forwarded copies of the plan shall submit their written comments to the Code Enforcement Officer. Any supplemental information or plan revisions shall be submitted no less than seven days prior to the Planning Board meeting.
- (5) Within sixty (60) days after the date on which the site plan application first appears on the Planning Board agenda, the Board shall act to approve, approve with conditions, or disapprove the site plan application submitted or amended. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant. During this sixty (60) day period, the Board may schedule an on-site visit.
 - (a) In connection with the review, the Planning Board shall hold a Public Hearing within thirty (30) days after the site plan application first appears on the Planning Board agenda, however, the Planning Board may waive the public hearing for applications under Section 1, (8); the time limit for scheduling such public hearing may also be extended by mutual agreement of the Planning Board and the applicant. Any mutual agreement for extension of the time for a public hearing or of the time for review set forth in Article XII, Section 2(5), shall be in writing, signed by the Planning Board and the applicant or the applicant's agent. *(Amended – 11/2/10)*
- (6) Within thirty (30) days of reaching its decision, the Planning Board shall notify the applicant in writing of its action and the reason for taking such action. *(Amended - 6/15/04)*
- | (7) For applications under Article XII, Section 1, (~~67~~), the Planning Board shall obtain comments from the Harbor Committee. The Conservation Commission as well as other appropriate Town Officials and committees may also be asked to comment. In addition, the Planning Board may schedule a public hearing to obtain additional information from the public. No construction authorized under this procedure shall be considered usable or completed until a certificate of completion has been issued by the Code Enforcement Officer certifying completion in conformance to all terms and conditions under which the application was approved. *(First sentence amended – 6/20/06)*