

## 7.3 Design and Site Plan Review

*Note: §7.3 was amended by Article 16 at the 2005 Annual Town Meeting.*

### 7.3.1 Purpose

- a) To maintain the integrity and character of all zoning districts and adjoining zones by insuring that proposed development fulfills the purposes and complies with the requirements of the Belmont Zoning By-Law ("these By-Laws").
- b) To insure that development which is subject to this review is planned and designed to minimize impacts on its abutters, the neighborhood and the environment.
- c) To provide an orderly review procedure where site plans of proposed projects can be approved with reasonable conditions which will further the purposes of these By- Laws.

### 7.3.2 Applicability

The Planning Board shall hear and decide all petitions for Design and Site Plan Review in accordance with the provisions of this Section 7.3.

- a) Design and Site Plan Review is required for any new building, addition or change in use of a predominantly non-residential building greater than 2,500 gross square feet gross floor area in any zoning district, or a proposal that results in the need for six (6) or more parking spaces on the lot or if the proposal reduces the number of on-site parking spaces or changes to the configuration of off-street parking, screening, egress, utilities, drainage or lighting.
- b) For addition or alterations of less than 2,500 gross square feet, the Planning Board may waive any or all of these requirements.
- c) Design and Site Plan Review is not required for those uses which require a Special Permit (for use) from either the Planning Board or the Zoning Board of Appeals. If a Special Permit is required per Section 1.5 of these By-Laws, it shall be obtained prior to the submittal of an application for Design and Site Plan Review.

### 7.3.3 Application Procedures

Each application for Design and Site Plan Review shall be submitted to the Office of Community Development (OCD) during regular business hours and shall contain all of the information noted below. Applicants are encouraged to meet with OCD staff

planners, abutters to the proposal and informally with the Planning Board to discuss the proposal prior to submittal.

- A completed application form and the applicable fees to address the administrative, advertising and review costs of the Town,
  - An original and thirteen (13) copies of the application package and plans, and
  - Site information as required in Section 7.3.4 below.
- a) Within ten (10) days of receipt of the application package, the Office of Community Development shall provide copies to the Board of Selectmen, Board of Health, Zoning Board of Appeals, Department of Public Works and the Fire and Police Departments requesting written comments prior to the hearing date. The application may also be provided to other appropriate boards or committees (the Traffic Advisory Committee or Conservation Commission for example). Comments received by OCD shall be made available to the Applicant upon request prior to the hearing.
- b) The Planning Board shall hold a public hearing within 45 days of OCD receiving the application. Notice of the public hearing shall be placed in a newspaper of general circulation, by posting at Town Hall and the OCD website at least seven (7) days before the hearing. Notice shall be sent by mail to the Applicant and abutters (within 300 feet) prior to the hearing date.
- c) Within 20 days following the close of the public hearing, the Planning Board shall act on the application. Approval shall require a majority vote of the five (5) members. The associate Planning Board member shall sit on the Board for the purposes of acting on a Design and Site Plan Review application, in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board or in the event of a vacancy on the Board. This time period may be extended at the request of the Applicant.
- Note: §7.3.3 c) was amended by Article 6 at the 2010 Special Town Meeting.*
- d) The Design and Site Plan Review application shall be approved provided that all of the requirements of these By-Laws are fulfilled. The Board may attach reasonable conditions to any approval. An approval does not relieve the applicant of the responsibility of obtaining other required approvals and/or permits from local boards, state or federal agencies.
- e) If the Design and Site Plan Review application does not conform to the requirements of these By-Laws, the Planning Board shall identify these deficiencies in writing and may deny approval. A new application and hearing process will then be required for further consideration of the proposal.
- f) Any appeal may be filed with Zoning Board of Appeals (ZBA) in conjunction with an appeal from the denial or grant of a Building Permit for the subject site.
- g) No Building Permit shall be issued to the Applicant (or his/her designee) until the Planning Board has filed its written decision with the Town Clerk or after 20 days has elapsed from the close of the public hearing without a decision being filed.

#### 7.3.4 Design and Site Plan Review Submittal Requirements

Each application for Design and Site Plan Review shall include the following information unless, prior to submittal, the Planning Board has determined that certain materials are not germane to the decision being made, and authorizes their omission:

- a) Site plans at a scale of 1"=20' prepared and stamped by a professional engineer (P.E.) or a Registered Professional Land Surveyor (RPLS). (The Board may approve another scale or waive the PE/RPLS requirement in specific circumstances.) The plans shall show all new buildings, additions, adjacent structures, streets, sidewalks and crosswalks and all existing and proposed open spaces. Site development details shall include existing and proposed walls, fences, outdoor lighting, street furniture, new paving and ground surface materials. Points of vehicular and pedestrian access/egress shall be shown. All utilities, easements or service facilities, insofar as they relate to the project, shall be shown. Proposed site grading, including existing and proposed grades at property lines shall be shown.
- b) Building elevations or drawings shall be provided at a scale of 1/8" = 1' or other appropriate scale.
- c) A brief narrative describing the proposal and its potential impacts on its abutters and the neighborhood. The narrative should address issues such as the hours of operation, the number of seats for restaurants, clubhouses, or places of public assembly, anticipated number and frequency of events at clubhouses, places of public assembly, or anticipated pupil enrollment and use schedule for schools for profit, number of parking spaces, the square footage of the site and buildings, and potential impacts on open spaces. For multi-family proposals the number, type and size of dwelling units should be discussed. The Planning Board may, at its discretion, require an estimate of municipal revenues and costs expected to be generated by the project, including anticipated real estate valuation and public service needs.
- d) The proposed method of stormwater removal accompanied by calculations for a 20-year storm event. All efforts shall be made to meet the most current Department of Environmental Protection Stormwater Management Design Guidelines.

#### 7.3.5 Approval Guidelines:

- a) At its discretion, the Planning Board may require the completion of a Development Impact Report pursuant to Section 7.5 of these By-Laws prior to acting on the application. The Applicant may also be required to receive an Order of Conditions from the Conservation Commission and/or approval from the Board of Health prior to the Planning Board acting upon an application.
- b) The following criteria and requirements must be fulfilled:
  - The dimensions of the proposed building(s), lot and lot coverage shall comply with the requirements provided in table form per Section 4 of these By-Laws,

- The arrangement of parking and loading spaces, internal traffic circulation and traffic controls in relation to the proposed uses of the building(s) and adjacent uses shall comply with Section 5.1 of these By-Laws,
  - All Signs shall comply with Section 5.2 of these By-Laws,
  - All Landscaping requirements shall comply with Section 5.3 of these By-Laws,
  - The method to dispose of refuse and other waste if it is not within the structure shall be defined. Screening of exterior dumpsters or similar trash receptacles shall comply with Section 5.3 of these By-Laws, and
  - All Environmental Controls shall comply with Section 5.4 of these By-Laws.
- c) The Board may require that some or all of any conditions of Approval be secured by a deposit of money or an Irrevocable Letter of Credit in the Town's favor. This performance guarantee shall bear a reasonable relationship to the expected costs of completing the specified work being secured.
- d) Design and Site Plan Review Approval shall lapse if on-site construction is not commenced within two (2) years from the date of Approval. If the Approval lapses, a new submittal and hearing will be required.
- e) Upon completion of the project, the developer shall submit "as-built" plans to Office of Community Development for review. Upon acceptance of the plans by Office of Community Development and the Planning Board, the developer may submit a written request for a release of the performance guarantee. This provision may be waived by the Planning Board in certain circumstances.

#### 7.3.6 Revisions to an Approved Site Plan:

- a) The Applicant, property owner, Building Commissioner or the Planning Board may petition to change or modify a Design and Site Plan Approval. This may occur in the event of unforeseen site characteristics, infrastructure or economic problems or other unexpected circumstances.
- b) All proposed changes shall be reviewed and discussed by the Planning Board at a regularly scheduled meeting prior to the initiation of such on the property. Minor changes, as determined by the Planning Board, may be approved without a public hearing.
- The Planning Board reserves the right to require a new hearing at the expense of the Applicant if it determines that a proposed change or modification is major and/or significant.
  - All approved changes or modifications shall be detailed in writing by the Planning Board. All changes or modifications shall be shown on a revised plan and if approved, shown on the "as-built" plans.