

ARTICLE XVII
Site Plan Review
[Added 10-17-1991 OTM by Art. 21, approved 2-4-1992]

§ 200-94. Applicability.

- A. All proposed retail, service, commercial, wholesale, transportation and industrial developments, redevelopments or expansions, which are not otherwise subject to site plan review pursuant to the provisions of § 200-10A and 200-28, Articles VIII through XI, Article XIV or § 200-90 shall be subject to site plan review and approval by the Community Planning Commission prior to the issuance of any building permit in connection with such development, redevelopment or expansion. Likewise, prior to the issuance of a certificate of occupancy, all conditions of said site plan approval must be met. [Amended 10-8-1998 OTM by Art. 19, approved 1-27-1999]
- B. The site plan review requirements established by this article shall not apply to any development which, prior to the effective date of this article, had been authorized by a special permit granted under former Section 8.4 of the Zoning Bylaw, provided that and until such development project is constructed in accordance with the terms of said special permit, including any amendment or extension of said special permit, as may be granted by the issuing authority.

§ 200-95. Purpose.

The purposes of the site plan review requirements of this article are as follows:

- A. To protect and advance the public health, safety, morals, convenience, aesthetics and welfare by establishing standards of performance and design for future retail, service, commercial, wholesale, transportation and industrial development which recognizes the interdependence of land values, aesthetics and good site planning by promoting harmonious, safe, attractive and compatible development.
- B. To allow for the review of all aspects of proposals for said developments including, but not limited to, present and projected growth of the Town, the relationship of the development to the surrounding environment and the community, and the quality of the site plan.

§ 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. In approving a site plan under this article, the Community Planning Commission shall:

- (1) Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets.
- (2) Require suitably located access of sufficient width to accommodate existing and prospective traffic and to afford adequate access for fire-fighting apparatus and equipment to buildings, and to be coordinated so as to comprise a convenient system.
- (3) Require, in proper cases, that plans showing new access roads or narrowing or widening of such existing access roads, be submitted to the North Reading Community Planning Commission for approval.
- (4) Require that the land indicated on site plans submitted to the North Reading Community Planning Commission shall be of such character that it can be used for building purposes without danger to health.

§ 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) **[Added 4-7-2008 ATM by Art. 23, approved 6-27-2008]** 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.

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.