

Section 5.3 Site Plan Approval

5.31 Purpose: The purpose of this section is to provide for a comprehensive review of site plans for those uses and structures that may have a significant impact on adjacent properties, the Town's character, infrastructure, environment, and quality of life. Before applying for a building permit, all projects requiring site plan review, as required by this Bylaw, shall have obtained site plan approval from the Planning Board.

5.32 Uses Requiring Site Plan Review and Approval: Site plan approval shall apply to the following types of buildings and uses¹:

1. In a Village District, any multi-family dwelling, any construction, reconstruction, or enlargement of a non-residential building or parking area, any change of use, and any increase in floor area for a Commercial, Automotive Sales and Service, Industrial, or Institutional, Educational and Recreational Use listed in Section 3, Use Regulations.
2. In Rural and Residential Districts, any use that requires a special permit, and any other non-residential use that:
 - a) involves new construction greater than three thousand (3,000) square feet of gross floor area²; or
 - b) enlargement of a building by three thousand (3,000) square feet or more of gross floor area.

5.33 Site Plan Review Procedure

1. **Adoption of Regulations and Review Fees:** The Planning Board shall adopt regulations pertaining to procedures for submission and approval of site plans. In addition, the Board may retain a professional engineer, architect, landscape architect or other professional consultant to advise the Board on all aspects of the site plan. The Planning Board shall adopt a fee schedule that accurately reflects the cost of reviewing site plans and regulations regarding the use of outside consultants as provided in M.G.L. c.44, §53G.
2. **Public Hearing:** The Planning Board shall hold a public hearing on the completed application. For site plan review that does not involve an application for a special permit, notice of this Public Hearing shall be given in accordance with M.G.L. c. 40A, §11.
3. **Decision:** The Planning Board shall file its written decision with the Inspector of Buildings and the Town Clerk within ninety (90) days of the close of the public hearing. This time limit may be extended by written agreement between the applicant and the Planning Board. Failure of the Planning Board to take final action within said ninety (90) days, or extended time, shall be deemed to be approval of the application. Approval of a site plan shall require three affirmative votes of the Board. The Planning Board's final action shall consist of either:
 1. Approval of the site plan based on a determination that the proposed project will constitute a suitable development and will not result in substantial detriment to the neighborhood or the Town.
 2. Disapproval of the site plan with an explanation of the reasons for such disapproval and the elements of the proposal the Planning Board finds are not capable of revision or are so deficient in important elements and intrusive on the interests of the public that they warrant disapproval.

¹ Site plan review shall not apply to single family homes.

² As defined in the State Building Code, 780 CMR 1002.1.

3. Approval of the site plan subject to such reasonable conditions, modifications, and restrictions as the Planning Board may deem necessary to insure that the proposed project will constitute a suitable development and will not result in substantial detriment to the neighborhood or town.

5.34 Uses Also Requiring a Special Permit from the Planning Board: In cases where a site plan review and a special permit are required from the Planning Board, the applicant shall file site plan and special permit applications and fees concurrently with the Planning Board. The Board shall act concurrently on both applications, and the time periods for special permits shall apply to the site plan and special permit decisions.

5.35 Standards for Approval: The Planning Board shall apply the following standards in reviewing all applications for site plan approval:

1. Conformance with all the provisions of the Warren Zoning Bylaw;
2. Provisions for convenient and safe vehicular and pedestrian movement within the site, for driveway openings that are convenient and safe in relation to the adjacent street network, and for adequate emergency vehicle access;
3. Provisions for adequate parking and loading spaces, and site design that minimizes visual intrusion of these areas from public ways;
4. Landscaping measures taken to screen the appearance of off-street parking areas from abutting properties and to create visual and noise buffers that minimize the encroachment of the proposed use on neighboring land uses;
5. Adequate provision for controlling surface water runoff to minimize impacts on neighboring properties and streets and to prevent soil erosion and sedimentation of any surface waters;
6. Measures taken to minimize contamination of ground water from sub-surface sewage disposal and operations involving the use, storage, handling, or containment of hazardous substances;
7. Protection of adjoining property or the Town from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, glare, and similar impacts.

5.36 Site Plan Conditions: The Planning Board may impose conditions, safeguards and limitations on time and operations as may be appropriate for the protection of the natural environment, the neighborhood, and the Town. Such conditions shall be imposed in writing in the site plan approval decision and shall be enforced by the Inspector of Buildings. The Board may require the applicant to post a bond or other security in an amount satisfactory to the Planning Board for compliance with these conditions.

5.37 Right of Appeal: Any person aggrieved by a decision of the Planning Board may appeal to the Superior Court or to the Land Court in accordance with M.G.L. Chapter 40A, Section 17.

5.38 Occupancy Permit: The Inspector of Buildings shall not issue a permanent occupancy permit until s/he receives an as-built plan that demonstrates that the work proposed on the approved site plan, including all associated off-site improvements, has been completed in accordance with the approved plan.