

§ 174-10

Site plan approval.

[Amended 4-8-1985 ATM by Art. 39; 4-14-1986 ATM by Art. 48; 4-13-1987 ATM by Art. 43; 4-11-1988 STM by Art. 4; 4-26-1990 ATM by Art. 41]

A. The purpose of the site plan review procedure is to encourage a desirable and compatible character of development within the Town of Southborough and to assure safety, promote logic, imagination and innovation in the design process while complying with all zoning requirements. The requirements of this section shall be applicable to the following:

- (1) Any nonresidential development that results in an increase in on-site parking.
- (2) All modifications to existing development projects which fall within the applicability of the Town's regulations for parking and loading (§ 174-12) or landscaping (§ 174-13).
- (3) Any change in use or reactivation of a facility that has not been in use for a period of two years.

[Added 4-8-1996 ATM by Art. 51]

- (4) Multifamily housing for the elderly.

[Added 4-15-1997 ATM by Art. 56]

- (5) Adaptive reuse of historic buildings.

[Added 4-25-2017 ATM by Art. 30]

B. Site plan review will be processed by one of the following means:

- (1) Minor plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds less than 2,000 square feet of floor area or which would require at least five but fewer than 20 parking spaces regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals less than 2,000 square feet shall be subject to minor plan review by the Planning Board Site Plan Review Committee. ~~The Site Plan Review Committee shall be chaired by the Town Planner and will consist of a Selectmen or its designee, Building Inspector, Highway Superintendent, Board of Health Agent, Superintendent of the Water Department, Police Chief and Fire Chief or their designee, who will meet at a regularly scheduled time and place to review plans.~~ The Planning Board Committee shall also seek the advice of the Conservation Commission in the review of all minor plan submissions.

[Amended 4-8-1996 ATM by Art. 51]

- (a) ~~Minor plan review will require 10 copies of the site plan to be submitted to the office of the Planning Board, together with an application form and filing fee. A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to the instructions on the application form.~~ All plans will be prepared at

a scale no greater than one inch equals 40 feet on standard twenty-four-by-thirty-six-inch sheets and shall show, as a minimum:

- [1] All existing and proposed buildings, including setbacks.
- [2] Existing and proposed parking.
- [3] Driveway openings.
- [4] All property and street lines.
- [5] Existing and proposed landscaping.
- [6] Existing and proposed signs.
- [7] Surfacing, indicating treatment of all surfaces.
- [8] Location of all wetlands.
- [9] Method of sewage disposal.
- [10] Water supply.
- [11] Stormwater drainage.
- [12] Such other information as the Site Plan Review Committee may reasonably request.

~~(b) Any dispute arising from the minor plan review process or any plan not receiving unanimous approval from the Site Plan Review Committee shall be referred to the Planning Board for action. The Committee may also refer any site plan that, due to unusual circumstances or a unique situation, it feels should be approved by the Planning Board. All site plans sent to the Planning Board by the Site Plan Review Committee for action will be handled through the minor plan review process.~~

~~[Amended 4-8-1996 ATM by Art. 51]~~

~~(c) Minor site plan review is not a public hearing. The Planning Board Site Plan Review Committee shall approve, or disapprove or refer to the Planning Board all submittals for minor plan review within 30 days of a completed application to the office of the Planning Board.~~

(d) Where applicable, all other criteria and conditions of this section will govern minor plan review.

(2) Major plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds 2,000 square feet or more of floor area or which would require 20 or more parking spaces, regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals 2,000 square feet or more shall be subject to major plan review by the Planning Board. The major site plan submission shall consist of the following elements:

[Amended 4-8-1996 ATM by Art. 51]

(a) Ownership, zoning, use and the general location of structure and topography within 300 feet of the property lines of the site or adjacent land contiguously owned with the site.

(b) All site features, existing or proposed, including but not limited to the following. All plans will be prepared at a scale no greater than one inch equals 40 feet on standard twenty-four-by-thirty-six-inch sheets and shall show, as a minimum, all site features, existing or proposed, including but not limited to the following:

- [1] Driveways, including widths.
- [2] Parking facilities, including dimensions thereof.
- [3] Loading facilities.
- [4] Service areas.
- [5] Street line, including widths.
- [6] Roadways, including widths.
- [7] Pedestrian walks, including widths and types of surface.
- [8] Landscaping designation, specific plantings.
- [9] Screening.
- [10] Signs, including proposed sizes, mounting heights, types and drafted design.
- [11] Lighting, including plan location and detail information, size, type and wattage.
- [12] Surfacing, indicating treatment of all surfaces.
- [13] Existing trees on the site which are a caliper of six inches or larger.
- [14] Wetlands.
- [15] Drainage, including detailed design data, pipe sizing, etc.
- [16] Stone walls.
- [17] Topography at two-foot contour intervals.
- [18] Sewage disposal, including detailed design information.
- [19] Water supply.
- [20] Curbing.
- [21] Such other information as the Planning Board may reasonably request.

(c) The construction of the work as detailed on the site plan shall not deviate from the work shown on the approved site plan. Accordingly, the site plan shall contain a sufficient level of detail to ensure the constructability of the project. Supporting details and documentation shall be presented as part of the site plan submission

(3) Incomplete applications for both the minor and major review shall not be accepted by the Planning Board. Following submission of a site plan to the Planning Board, the Board or its designee shall review the plan for completeness within three business days of the submission. Completeness shall be based on the requirements of the this respective subsections for according to minor or major review. If the submission is determined incomplete by the Planning Board or its agent, notice will be provided -mailed to the applicant ~~by certified mail~~ within three business days of the submission specifying the deficiencies.

C. The plans for minor or major site plan approval shall be prepared by a professional engineer, land surveyor, architect or landscape architect registered to practice in the Commonwealth of Massachusetts. A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to the instructions on the application form. and shall be submitted with 11 copies to the office of the Planning Board, together with an application form and a filing fee, if any.

D. Approval required.

(1) Site plan approval shall be granted upon determination by the Planning Board that the following are complied with. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment; shall provide allow and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Southborough Planning Board's Rules and Regulations for the Subdivision of Land; ~~and~~ shall be so designed that for the given location, ~~and~~ type and extent of land use, the design of building form, building location, egress points, grading and other elements of the development shall be so as to:

(a) Minimize the volume of cut and fill, the number of removed trees six inches in caliper and larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and the threat of air or water pollution.

(b) Maximize pedestrian and vehicular safety and convenience within the site and egressing from it.

(c) Minimize obstruction of scenic views from publicly accessible locations.

(d) Minimize visual intrusion by minimizing the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned; minimizing glare from headlights through plantings or other screening; minimizing lighting intrusion through use of such devices as cutoff luminaires confining direct rays to the site; fixture mounting height not higher than 20 feet except adjacent to Route 9; and avoiding unreasonable departure from the character of buildings s in the vicinity.

(2) The Planning Board shall adopt and from time to time amend reasonable regulations for the administration of these guidelines.

E. The Planning Board shall hold a public hearing on the application for major site plan approval, with a written notice of the time and place of said hearing being given the applicant and the Board of Selectmen. The applicant is responsible for sending this notice to the certified abutters by certified mail return receipt requested, at least 10 days before the scheduled hearing. The Planning Board shall not act on the application until it has received and given due consideration to the recommendations of the Board of

Selectmen or until 10 days have elapsed after the public hearing without receipt of the Selectmen's comments.

F. The Planning Board shall act on a complete application for major site plan approval and shall notify, in writing, the applicant, the Board of Selectmen and the Building Inspector of its action within 60 days of the receipt of the complete application. Failure of the Planning Board to so act and to notify the applicant within said 60 days shall constitute approval of the site plan. The actions allowed by the site plan approval are authorized for a one-year period from the date of grant thereof. The applicant shall be granted a single one-year extension by applying to the Planning Board, in writing, prior to the date of expiration. If the actions permitted are not exercised or the approval not extended, they shall lapse, and a new application notice and hearing will be required.

G. Any person aggrieved by the action of the Planning Board on a site plan approval application may appeal said action to a Court of competent jurisdiction in accordance with M.G.L. c.40A, Section 17.

[Amended 5-22-2018 STM by Art. 3]

H. Minor departures from the site plan as approved, may be authorized by the Building Inspector after approval of the Planning Board Site Plan Review Committee if required by engineering or other circumstances not foreseen at the time of plan approval. Any change increasing the size of any building or structure, changing the location of any building, parking or access road by more than 10 feet or reducing landscaping or screening may be made only through review by the Planning Board following the same procedures as for an original submittal. Any departure must be requested, in writing, with the basis for the change given. Any change authorized shall be recorded on the file copy of the site plan with the Building Inspector's signature and the date.

I. The removal, fill or change of grade of earth materials, including soil, loam, sand or gravel, undertaken in order to construct or locate buildings, structures and such features accessory thereto as ways, driveways, areaways, walks or parking areas, and therefore exempt from regulations under Chapter 85 of this Code, is a part of construction and development process regulated by the Zoning Chapter. Except as necessary for the construction of detached one- or two-family dwellings and of features accessory thereto, the removal, fill or change of grade of earth materials for the purposes defined above shall be subject to approval under this section. Where the commencement of removal, fill or change of grade of earth materials precedes construction by three months or more, the submission and approval of the site plan may be undertaken in two stages, with the information for the first stage limited to property boundaries, existing and proposed topography at two-foot or lesser contour intervals, the character of the soil to be removed, added or relocated, the location and depth of any service and drainage conduits or pipes and the approximate location of any existing or proposed buildings, structures or physical features accessory thereto. Each stage shall be treated as a separate site plan for the purposes of this section, and the approval of Stage 1 of a site plan shall not be construed to assure the subsequent approval of Stage 2.

J. Compliance. The issuance of an occupancy permit will not be given prior to the satisfactory completion of all elements and conditions of the approved site plan. A temporary occupancy permit may be issued after the satisfactory completion of all items essential to public health and safety and sufficient bonding acceptable to the Planning Board is provided to the Town to cover all outstanding items.