

## **8.1 ADMINISTRATIVE SITE PLAN REVIEW**

8.1.1 PURPOSE - This Section of the Town Zoning Bylaw is enacted to protect the health, safety, convenience and general welfare of the inhabitants of Holland.

Administrative Site Plan Reviews are reserved for projects that are allowed by right but still require a review by town bodies and boards before final approval can be granted. Administrative Site Plan Reviews are intended to provide review of procedure for projects which may have impacts on the Town of Holland, to minimize the impacts of such development, and to ensure compliance with the following goals of the Town:

- a. To protect the health, safety, and general welfare of the inhabitants of the Town of Holland;
- b. To ensure than new development is designed in a manner which reasonably protects visual and environmental qualities and property values of the Town of Holland and to assure adequate drainage of surface water, groundwater and stormwater and safe vehicular and pedestrian access.;
- c. To regulate rather than prohibit use through reasonable conditions concerning the location of buildings, signs, open space and landscaping, parking areas, pedestrian movement, storage areas, access and egress, drainage, sewerage, water supply, and fire safety.

8.1.2 USES REQUIRING ADMINISTRATIVE SITE PLAN REVIEW - The building permit shall not be issued for any of the following uses unless a Site Plan has been approved and endorsed in accordance with this Section:

- a. Certain uses, structures, or conditions designated within Section IV, Use Regulation, of the Holland Zoning Bylaw as requiring an Administrative Site Plan Review.
- b. Expansion of any existing use requiring an Administrative Site Plan Review as designated within Section IV, Use Regulations, of the Holland Zoning Bylaw resulting in a floor space increase of twenty-five percent (25%) or five thousand (5,000) square feet, whichever is less;
- c. Resumption of any use described above discontinued for more than two (2) years;

8.1.3 AUTHORIZATION - This bylaw authorizes the Planning Board to be the Administrative Site Plan Review Authority, as specified in Section IV Use Regulations.

#### 8.1.4 ADMINISTRATIVE SITE PLAN REVIEW APPLICATION PROCEDURE

- a. For uses requiring an Administrative Site Plan Review in Section IV, Use Regulations, of the Holland Zoning Bylaw, the current owner of record, or any person authorized in writing by the owner of record, shall file an application for an Administrative Site Plan Review with the Planning Board accompanied by the required application form and fee.
- b. The applicant shall file nine (9) copies of the application and any required supporting materials with the Planning Board for review. The Planning Board may request additional copies as it deems necessary.
- c. When the application has been received in a complete form as defined by said rules, a copy shall be forwarded to the Town Clerk. The stamp of the Town Clerk shall designate the date of filing.
- d. The Planning Board within fourteen (14) days of the receipt Administrative Site Plan Review application, shall transmit to the Building Inspector, the Conservation Commission, and the Zoning Board of Appeals, and other appropriate town boards, commission or department copies of the application and site plan. The Boards receiving these copies shall have up to thirty (30) days to make recommendations to the Planning Board. Failure of the Boards to make recommendations within thirty (30) days of referring the application shall be deemed to be lack of opposition.
- e. A public hearing is not required for an Administrative Site Plan Review. If the applicant filing an Administrative Site Plan Review request a hearing or if after studying the plan, the Planning Board is disposed to disapprove the plan or subject it to conditions which are opposed by the developer, the Board must honor the request for a hearing.
  1. If a hearing is requested, the Planning Board must hold a public hearing within forty five (45) days of the request for a hearing and after due consideration of the recommendations received from boards and bodies mentioned in Section 8.1.4(d.) The Board shall take final action within thirty (30) days from the time of the close of hearing.
  2. In all cases when notice of a public hearing is required, the Planning Board holding such hearing shall publish a notice of the date, time, location, and topic of the Public Hearing in a newspaper of general circulation in Holland at least once in each of two (2) successive weeks. The first publication shall be published at least fourteen (14) days before the day of the hearing. The Planning Board shall also post a notice in a conspicuous place in the town hall for a period of not less than fourteen (14) days before the date of such

hearing.

- f. As provided by MGL Chapter 44, Section 53G, the Planning Board may impose reasonable fees for the employment of outside consultants engaged by the Board, for specific expert services deemed necessary by the Board to come to a final decision on an Administrative Site Plan Review application submitted. A review fee may be imposed only if the work is in connections with the applicant's specific project and all written results and reports are made part of the record before the Board. A review fee may be imposed only after the Board has complied with the Uniform Procurement Act (M.G.L. Chapter 30B) and with the special account procedures set in M.G.L. Chapter 44 Section 53G.

8.1.5 Administrative Site Plan Review Contents - An architect, landscape architect, or professional engineer duly licensed by the Commonwealth of Massachusetts shall prepare, sign and affix his/her seal on all site plans unless the Planning Board waives this requirement because of unusually simple circumstances. All site plans shall be on standard 24" x 36" sheets at a scale of one inch equaling 20 feet, with additional narrative as necessary. Site plans shall include the following information:

- a. Name of the project-locus, date and scale plan;
- b. Name and address of the owner of record, developer, and seal of the engineer, landscape architect or engineer;
- c. The location and boundaries of the lot, adjacent streets or ways, and any relevant zoning district boundaries;
- d. Existing and proposed topography at the two foot contour interval the location of wetlands, streams, water bodies, drainage swales, areas subject to flooding and base flood elevations and unique natural land features;
- e. Existing and proposed structures, including dimensions and elevations; and all exterior entrances and exits;
- f. The location of existing and proposed parking and loading areas, public and private ways, driveways, walkways, sidewalks, curbing, access and egress points;
- g. The location and description of all proposed septic systems, a soil percolation test, water supply, storm drainage systems including existing and proposed drain lines, culverts, drainage swales, catch basins, drainage calculations, and sub-drainage, utilities, hydrants, manholes, lighting fixtures, and refuse and other waste disposal methods and facilities;
- h. Proposed landscape features including the location and a description of

buffers, screening, fencing, and plantings, including the size and type of plants, material;

- i. Location, dimensions, height, color, illumination and characteristics of existing and proposed signs that are compatible with Holland Zoning Bylaw Section 7.4;
- j. The location and a description of proposed open space or recreation areas;
- k. A lighting plan, including parking lot and building exterior lighting and any provision of light reduction through the use of shields, screening, or similar actions;
- l. A plan for the control of erosion, dust, and silt, both during and after construction sequencing, temporary and permanent erosion control, and protection of water bodies;
- m. For commercial uses, maximum areas of the building to be used for selling, offices, business or other uses, number of employees, seating capacity where applicable, and number of parking spaces required for intended use.

The Planning Board may waive any information requirements in Section 8.1.5, it judges to be unnecessary to the review of a particular plan.

#### 8.1.7 ADMINISTRATIVE SITE PLAN REVIEW DECISIONS

- a. The Planning Board shall make a decision within sixty-five (65) days of receiving completed Site Plan application and supporting plans and documents unless a public hearing is requested and in such case then a decision will be made within thirty (30) days of the close of the public hearing;
- b. The Planning Board's final action in writing shall consist of either:
  - 1. Approval of the site plan based on a determination that the proposed project will constitute a suitable development and is in compliance with the standards set forth in this bylaw;
  - 2. Disapproval of the site plan based on a determination that the application was incomplete and insufficient information was submitted to review the proposal; or
  - 3. Approval of the project subject to any conditions, modifications and restrictions which will ensure that the project meets the Criteria for Review.

- 8.1.8 CRITERIA FOR REVIEW - The following criteria and guidelines shall be used by the Planning Board in evaluating the Site Plan and all information submitted as part of the application:
- a. The site plan conforms with all appropriate provisions of the Zoning Bylaw.
  - b. The site plan minimizes traffic and safety impacts of the proposed development and maximizes the convenience and safety of vehicular and pedestrian movement within the site.
  - c. The proposed development, to the extent feasible:
    - 1. Is integrated into the existing landscape and protects abutting properties;
    - 2. Minimizes adverse environmental impacts on such features as wetlands, floodplains, and aquifer recharge areas;
    - 3. Minimizes obstruction of scenic views from publicly accessible locations;
    - 4. Preserves unique natural or historical features;
    - 5. Minimizes removal of trees, vegetation, and soil and grade changes,
    - 6. Maximizes open space retention;
    - 7. Screens objectionable features from neighboring properties and roadways;
    - 8. Complies with all State and Federal requirements for handicap access; and
    - 9. Controls offsite impacts from noise, temperature and wind conditions.
  - d. The architectural design, layout and landscaping of the proposed development is in harmony with the historic, rural character of the neighborhood and the Town of Holland.
  - e. The proposed development is served with adequate water supply and waste disposal systems and will not place excessive demands on Town services and infrastructure.
  - f. The site plan shows adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, to prevent changes in groundwater levels, and potential for flooding, and a stormwater management plan prepared in accordance with good engineering, hydrologic and pollution control practices.
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### 8.1.9 FILING AND ENFORCEMENT

- a. The Planning Board may require the posting of a bond or other adequate security to assure compliance with the site plan and conditions and may suspend any permit or license when work is not performed as required.
- b. Any approval of a Site Plan issued under this section shall lapse within one (1) year if a substantially complete use (as defined in this zoning bylaw) thereof has not commenced sooner except for good cause.
  1. The time required to pursue and await determination of a judicial appeal pursuant to Chapter 40A of the General Laws shall be included within the one (1) year time limit.
  - i. The petitioner must file any request for extension for good cause in writing with the Planning Board at least two weeks prior to a regularly scheduled Planning Board meeting in order for that item to be posted on its agenda per the rules of the Open Meeting Law. The Petitioner must also provide evidence to back up the cause for the extension. The Planning Board will make a decision on the request at the next regularly scheduled Planning Board meeting. A simple majority is required. The Planning Board will notify the petitioner, the Building inspector, and the Town Clerk.
- c. The Planning Board may periodically amend or add rules and regulations relating to the procedures and administration of this section.

8.1.10 METHOD OF APPEAL - Any person, any municipal officer, or any municipal board aggrieved by a decision of the Planning Board may appeal to a Court of competent jurisdiction, by bringing action within twenty (20) days after the decision has been filed with the Town Clerk, in accordance with M.G.L. Chapter 40A, Section 17.

## **8.2 SITE PLAN APPROVAL** (adopted at STM June 27, 2001)

8.2.1 PURPOSE - The purpose of the Site Plan Approval is to ensure that development is suitable and designed in a manner that will not result in a detriment to the neighborhood or to the environment and will provide for the safety and general welfare of the inhabitants of the Town.

It is further the intent of the Site Plan Approval to ensure that development is consistent with the Zoning Bylaws and Building Regulations.