

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.

8.2.2 AUTHORIZATION - Site Plan Approval is to be granted by the Planning Board for the Town of Holland.

8.2.3 PROJECTS REQUIRING SITE PLAN APPROVAL - Any non single family unit, non-single family outbuilding or additions to existing structures require Site Plan Approval.

The Planning Board may waive the requirement for Site Plan Approval if the board determines that the proposed construction or alteration will have minimal effect relative to the criteria set forth in Section

8.2.3 SITE PLAN REQUIREMENTS - All site plans shall be on standard 24"x36" sheets prepared by a registered architect, landscape architect or professional engineer and shall show:

- a. The location, boundaries and owner of record of the site, adjacent streets or ways and the location and owners' names of all abutting properties.
- b. Existing and proposed topography of the site and topography of areas within 100 feet of the site, showing contours, location of wetlands, streams, water bodies, drainage swales, area subject to flooding and unique natural land features.
- c. Existing and proposed structures including dimensions and elevations.
- d. The location of proposed streets, parking and loading areas, driveways, walkways, access and egress points.
- e. The location and a description of proposed septic systems, water supply, storm drainage systems, utilities and waste and other refuse disposal systems.
- f. The location and a description of proposed open space or recreation areas and landscape features, including the location and description of screening, fencing and planting.
- g. A complete list of chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use.

8.2.4 PROCEDURES FOR SITE PLAN APPROVAL

- a. The original site plan shall be filed with the Town Clerk and ten copies concurrently filed with the Planning Board. The date of receipt by the Town Clerk shall be considered the date on which the application has been filed with the Planning Board.

- b. All applications for Site Plan Approval shall be accompanied by cash or check payable to the Town of Holland in the amount of \$100.00 plus \$0.05/square foot of building. When the Site Plan Approval and the Special Permit hearing are held concurrently, the Site Plan Approval fee is waived.
- c. Copies of the Site Plan will be distributed by the Planning Board to the Building Inspector, the Conservation Commission, the Board of Health, the Economic Development Board and the Highway, Police and Fire Departments who shall review the application and submit recommendations to the Planning Board. Failure to make recommendations within 45 days of the referral shall be deemed to mean lack of opposition.
- d. The Planning board shall hold a hearing pursuant to public notice as required by Section 9 of the Zoning Act, (M.G.L. Ch. 40A).
- e. After due consideration of the recommendations of other boards and departments, the Planning Board shall take final action within 135 days from the filing of the application.
- f. If the proposed development requires a Special Permit, then the requirements of M.G.L. Ch. 40A, Section 9 and Section 8 of the Town of Holland Zoning By-laws take precedence.
- g. For the purpose of securing the performance of all proposed work including landscaping and off-site improvements, the Board may require any of the following: a performance bond, deposit of money, bank passbook, or letter of credit in an amount determined by the Board to be sufficient to cover the cost of all or any part of improvements required.

8.2.5 SITE PLAN APPROVAL CRITERIA - Site Plan Approval criteria shall be the same as the criteria for Special Permit Approval, specified in Section 8.0.8 of the Zoning By-laws of the Town of Holland.

- a. The criteria shall be considered by the aforementioned boards, departments and officials in determining whether approval of the Site Plan is consistent with the purposes of this By-law. These criteria are not intended to be exhaustive and specific additional standards may be applied for a project if in the opinion of the Planning Board they are reasonably necessary. The issues represented by the criteria must be addressed to the satisfaction of the Planning Board in the Site Plan.
- b. One item to be added to the criteria for Site Plan Approval is as follows: Electric, telephone, cable TV, and other utilities are required to be placed underground where physically and environmentally feasible.

8.2.6 FINAL DECISION

- a. **The Planning Board's decision shall consist of either:**
 - 1. **A written approval of the proposed project.**
 - 2. A written denial of the application stating the reason(s) for the denial, or
 - 3. A written approval subject to any conditions modifications and restrictions as the Planning Board may deem necessary to satisfy this Bylaw.
- b. **The Planning Board's decision shall be mailed to the applicant and filed with the Town Clerk. A copy shall also be sent to the Building Inspector.**
- c. No Certificate of Occupancy shall be issued for any structure subject to Site Plan Approval unless it and all of its related facilities substantially conforms to the approved Site Plan.

8.2.7 ENFORCEMENT

- a. Approval of the Site Plan may be extended for one additional year at the discretion of the Planning Board after the receipt of a written request from the owner or his designated agent and for good cause shown. If one year has elapsed from the date of approval and no extensions have been granted, or if granted, then at the end of the one year extension no construction has been started, the Site Plan approval shall become null and void without requiring any further action by the Planning Board.
- b. Violations of the approved site plan or any conditions of approval shall be subject to the provisions of Section 9.0 of the Zoning Bylaw.

- 8.2.8 **APPEAL PROCESS - If an aggrieved person wishes to appeal the decision of the Planning Board, the procedures as outlined in M.G.L. Ch. 40A, Section 8 must be followed except where a Site Plan Approval is issued in conjunction with a Special Permit, wherein M.G.L. Ch. 40A Section 17 must be followed.**