

CHAPTER 1300 - SITE PLAN REVIEW

1301. Purpose

Substantial development or major changes in the uses of land may cause a material impact on the cost and efficiency of municipal services, public utilities, road systems and traffic congestion, and may affect the visual characteristics of neighborhoods and the Town, and the general health, safety and welfare of the community. The purpose of this Section to minimize the potential negative impacts of development, while maximizing development's positive effects by assessing the impact of new development on surrounding properties, municipal facilities and services, and the natural environment.

Only uses that have been recognized as being permitted uses in their zoning district, or as the result of successful review as a conditional use, are permitted to proceed to site plan review. Therefore, the purpose of site plan review is not to establish the right of a use to be located in the area proposed, but rather to ensure that the way the use is designed and placed on a lot is appropriate to its surroundings.

The Planning Board may consider the historic importance, scenic beauty or irreplaceability of natural areas during the site plan review. This may require a proposed development or structure to relate harmoniously to the terrain and surrounding environment, including existing buildings in the vicinity that have a visual relationship, with the proposal being considered.

1302. Administration

No building permit, plumbing permit or certificate of occupancy shall be issued by the Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Section until a site plan review of the proposed development has been approved by the Planning Board.

An applicant may request a pre-application meeting with the Planning Board prior to formal submission of a site plan.

The Planning Board may require the applicant to perform additional studies, perform inspections or tests, and submit additional materials pertaining to municipal sewer service, water supply, traffic, parking, stormwater and other impacts of the development. The cost of the additional studies, inspections, tests, or additional materials shall be borne by the applicant.

The materials submitted must include, but are not limited to, a written statement defining the proposed project and a Sketch Plan. The Sketch Plan may be a freehand drawing and shall show:

1. The outline of the tract or parcel with estimated dimensions, road rights-of-way and existing easements;
2. The layout of existing and proposed building(s), driveways and parking areas;
3. Identification of general areas of steep slopes, wetlands, streams and floodplains;
4. Estimated calculation of the percent of lot coverage (see definition).

Every applicant applying for site plan review should submit two (2) hard copies and one (1) digital copy of the application and supporting documentation to the Planning Office. All copies shall be prepared in accordance with Section 1304 and accompanied by the associated cost included in the Fee Schedule.

Within fourteen (14) days of receiving an application, the Planning and Development Director shall review the application for completeness. If found incomplete the applicant shall be notified of the specific material needed to make the application complete. The Planning and Development Director may conduct a site visit of the proposed activity before deeming the application is complete. The applicant shall be responsible for providing the additional material to make the application complete. In no case shall a complete application take longer than 60 days to be placed on the Planning Board agenda.

Recommendations from the Fire Chief, Police Chief, and Public Works Director shall be solicited from the Planning Office prior to the site plan review meeting.

For any application requiring Planning Board review, the Town will send notice to all abutters and abutting property owners, as currently listed by the Town Tax Assessor, by priority mail seven (7) days prior to submission of Application to the Planning Board. The applicant will be responsible for all associated costs included in the Fee Schedule.

Such notice shall include:

1. The address and map-lot number where the construction is proposed,
2. A general description of the proposed construction,
3. And instructions on how to obtain additional information regarding the project.

A List of all abutters notified will be supplied by the Town seven (7) days before the schedules Planning Board meeting.

The Planning Board may schedule an on-site inspection meeting. The on-site inspection shall be jointly attended by the applicant or his or her duly authorized representative and at least two Planning Board members.

Within sixty (60) days after the date on which the site plan application first appears on the Planning Board agenda, the Board shall act to approve, approve with conditions, continue, or disapprove the site plan application submitted or amended. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

An applicant for site plan review shall obtain any conditional use and/or variances that may be required from the Zoning Board of Appeals prior to review by the Planning Board. An applicant may request a pre-application meeting prior to receiving ZBA Conditional Use approval.

1303. Applicability

The following shall require site plan review and approval:

1. The construction or expansion of buildings, including accessory buildings and structures, for commercial use by a total floor area of 1,000 sq. ft. or more.
- ~~2. The creation of more than ten thousand (10,000) square feet of new impervious area at commercial or multi-family residential properties;~~
- ~~3. A commercial Building that has been vacant for more than two (2) years;~~
- ~~2.4. The conversion of a residential building to a commercial use;~~
 - ~~i) A commercial building that has been vacant for more than two (2) years;~~
 - ~~b) The conversion of a residential building to a commercial use;~~
3. Revisions to an existing Site Plan seeking an amendment to that previously approved Site Plan; ~~and/or~~
4. Any change of use in which the intensity of use - as reflected in traffic generated, impacts on municipal services, the environment and surrounding neighborhood - will differ in a substantial way from that of the preceding use.

1304. Site Plan Content

The Content of the site plan application shall include as a minimum:

Site Plan

A site plan or plans prepared at a scale of not less than 1-inch equals 40 feet, containing the following information:

1. Name and address of the applicant and her and/or his authorized agent and name of proposed development and any land within 500 feet of the proposed development in which the applicant has title or interest.
2. Municipal map and lot numbers and names of abutting landowners.
3. Plans drawn to scale detailing total floor area and footprint of each proposed structure and the lot coverage as defined in Section 300 of the Land Use Ordinances.
4. Elevations drawn to scale detailing the proposed siding and roofing materials, sizes of door and window openings and other features which may assist the Planning Board in making appropriate findings related to Architectural Review as noted in Section 1003 of this Ordinance.
5. Scale, true north arrow, legend and a space for dates of any revisions that may be required.
6. Exact dimensions and acreage of parcel to be built upon. The corners of the parcel shall be located and marked on the ground and shall be referenced on the plan. For any site for which construction or grading is proposed, other than an enlargement of an existing building or construction of an accessory building, the Planning Board may require that the site plan include an actual field survey of the boundary lines of the lot, giving complete descriptive data by bearings and distances made and certified by a registered land surveyor.
7. Existing and proposed locations and dimensions of any utility lines, sewer lines, waterlines, easements, drainage ways and public or private rights-of-way.
8. The size, shape and location of existing and proposed buildings on the parcel.
9. If the site is to be served by a subsurface wastewater disposal system, a report by a licensed site evaluator shall be provided.
10. Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of ingress and egress of vehicles to and from the site onto public streets and curb and sidewalk lines.
11. Landscaping plan showing location, type and approximate size of plantings and location and dimensions of all fencing and screening. Maintenance and replanting provisions shall be noted.
12. Natural contours at intervals of two (2) feet and final contours at intervals of two (2) feet, the natural contours to be shown by dashed lines and the final contours to be shown by solid lines. Where sufficient detail cannot be shown with two (2) foot contours, spot evaluations shall be required, with existing spot evaluations shown in parentheses to be distinguishable from final spot elevations. Where construction will not disturb the entire lot proposed for development, the requirement to map contours or spot elevations shall apply only to those portions

of the lot that will be altered in any way and portions of the lot downslope from the proposed alterations to an extent sufficient to clearly delineate the existing and proposed course of drainage and the point or points of discharge from the lot.

13. Specification of quantities and grades of materials to be used if land-filling is proposed.
14. Photos of the project area prior to any site preparation shall be submitted with the map.
15. A digital copy of lot lines and buildings shall be submitted, if available.

Written Statement

A written statement by the applicant shall consist of:

1. Evidence by the applicant of her and/or his title and interest on the land that the application covers.
2. A description of the proposed uses to be located on the site.
3. Total floor area and footprint of each proposed building and structure and the lot coverage as defined in the Rockport Land Use Ordinance.
4. Summary of existing and proposed easements, restrictions, and covenants on the property.
5. Method of solid, liquid, chemical, or other waste disposal.
6. Erosion and sedimentation control plan, stormwater drainage control plan, and soils information.
7. Approximate amount of blasting required, if any, and a disposition plan for **removed materials. Any blasting shall be performed in accordance with Section 813 of this Ordinance.**
8. If public water and sewer are to be used, written statements from the water utility and sewer district shall be provided commenting on the capacity of the system and the availability of the utility to provide service to the new development
9. An estimate of the date when construction will start and be completed.
10. List of approvals and permits required by the Office of the State Fire Marshal and other State and Federal Agencies.

Revisions to Approved Site Plans

1. Applicants proposing revisions to an existing site plan should submit two (2) hard copies and one (1) digital copy of the revision application to the Planning Office.
2. Application materials shall consist of the amended site plan as proposed and supporting documentation for all Written Statement and Standards applicable to the revision.
3. The Planning Board may schedule an on-site inspection meeting. The on-site inspection shall be jointly attended by the applicant, or his or her duly authorized representative, and at least two Planning Board members.
4. Within sixty (60) days after the date on which the site plan revision application first appears on the Planning Board agenda, the Board shall act to approve, approve with conditions, continue, or disapprove the site plan application submitted or amended. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

5. Applications for revisions to previously approved Site Plans shall be exempt from the pre-application process.

1305. Performance Standards

The following standards are to be used by the Planning Board in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved unless, in the judgment of the Planning Board, the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant.

1. **Preserve and Enhance the Landscape**

At completion, as defined during site plan review, landscaping should be designed and planted to define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and structures.

2. **Soils and Erosion Control**

The soils on the site shall have adequate capacity and stability to support all proposed development.

Filling, excavation and earth moving activity shall be carried out in a way that keeps erosion and sedimentation to a minimum. The design shall include best management practices that;

- i. Preserve and protect the natural vegetation.
- ii. Keep the duration of exposure of disturbed soils to as short a period as possible and stabilize the disturbed soils as quickly as practicable,
- iii. Use temporary vegetation or mulching to protect exposed critical areas during development.

3. **Vehicular Access**

Vehicular access shall comply with the access management standards of Sections 803 and 808.

4. **Parking and Circulation**

The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives and parking areas, shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas and arrangement of parking areas.

5. **Surface Water Drainage**

Adequate provision shall be made for surface drainage so that removal of storm waters will not adversely affect neighborhood properties, downstream water quality, soil erosion or the public storm drain system. Whenever possible, on-site absorption of run-off waters shall be used to minimize discharges from the site.

6. **Existing Utilities**

The development shall not impose an unreasonable burden on sewers and storm drains, water lines or other public utilities.

7. **Special Features of Development**

Exposed storage areas, exposed machinery, installations, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide an audio and visual buffer sufficient to minimize their adverse

Commented [OT1]: Should we remove this section?

impact on other land uses within the development area and surrounding properties.

8. **Exterior Lighting**

Exterior lighting shall meet the provisions of Section 801.7

9. **Emergency Vehicle Access**

Provisions shall be made for practical and safe emergency vehicle access to all buildings and structures at all times of the year.

10. **Municipal Services**

The development will not have an unreasonable adverse impact on municipal services.

Water Quality

Must comply with Federal and State regulations.

11. **Air Quality**

Must comply with Federal and State regulations.

12. **Water Supply**

The development has sufficient water available for the reasonably foreseeable needs of the development and will not cause an unreasonable burden on an existing water supply, if one is to be used.

1306. General Provisions

1. The Planning Board may modify or waive any of the above application requirements or performance standards when the Planning Board determines that because of the special circumstances of the site or the size of the project such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the Town.
2. All construction performed under the authorization of a building permit issued for development within the scope of this Ordinance shall be in conformance with the approved site plan.
3. Site plan approval shall expire two (2) years after Planning Board approval if a building permit has not been issued. Applicants may seek a two-year extension prior to an approved site plan's expiration, unless the ordinance, at the time of renewal, has changed to such an extent that the previously-approved use would no longer be permitted.
4. The Planning Board, after reviewing and finding specific technical deficiencies, may hire its own civil engineer, soil scientist, geologist or other expert to review the plan submitted by the applicant. The applicant shall pay for this expense.
5. Conditions: The Planning Board may, in order to carry out the purposes of this Section, require reasonable conditions necessary to protect the public interest and to fit such uses harmoniously into their neighborhoods. Such conditions imposed shall be included in the building permits issued by the Planning Office.
6. The Planning Board's decisions shall be made independently of and concurrently with State and Federal agencies' reviews but may be subject to their stricter requirements.

1307. Appeals

An appeal of the Planning Board's final decision may be filed by any person aggrieved by that

Chapter 1300 - Site Plan Review

decision. An appeal from a final decision of the Planning Board shall be by appellate review to the Zoning Board of Appeals based on the Planning Board record to determine whether the Planning Board's decision was within the scope of its authority and supported by substantial evidence in the record.