

ARTICLE A – Large House Review (New Version 9/11)

To see if the Town will vote to establish a comprehensive site plan review procedure for large single family houses by amending the Zoning Bylaw by adding a new SECTION XVID. LARGE HOUSE REVIEW. to read substantially as follows:

SECTION XVID. LARGE HOUSE REVIEW

A. PURPOSE

This Section is adopted by the Town to provide pre-construction and post-construction site plan review of single family dwellings which meet the applicability standards set forth below.

B. DEFINITIONS

Total Living Area plus Garage Space - This term includes all finished area above ground obtained by using the outside measurements of the house expressed in square feet as calculated in accordance with the methodology used by the Board of Assessors, as well as :

- (i) Garage space and storage buildings in excess of 600 sq ft.; and
- (ii) Basement areas multiplied by a fraction, the numerator of which is the external above ground surface of basement walls and the denominator of which is the total surface (both above and below ground) of external basement walls, provided that if such fraction is less than .25, then the basement areas shall not be included.

C. APPLICABILITY

The provisions of this Section shall apply to all single family residential dwellings for which building permits, exceeding 300 square feet, are issued after January 1, 2008 where the Total Potential Living Area plus Garage Space, after completion of the dwelling, exceeds:

3,600 square feet for dwellings within the 10,000 Square Foot Area Regulation District;

4,300 square feet for dwellings within the 15,000 Square Foot Area Regulation District;

5,900 square feet for dwellings within the 20,000 Square Foot Area Regulation District ; and

7,200 square feet for dwellings within the 30,000 and 40,000 Square Foot Area Regulation Districts.

Notwithstanding the foregoing, this section shall not apply to changes to non-conforming single-family dwellings in a 10,000 Square Foot Area Regulation District which are

subject to a Finding in accordance with Section 6 of Chapter 40A M.G.L and SECTION XVII of this Zoning Bylaw.

D. PROCEDURE

1. General. Applicants for single family residential dwellings which are subject to this Section shall submit the information described below to the Planning Director and shall not be entitled to issuance of a building permit unless and until the dwelling is approved in accordance with this Section.
2. Submission of Plans. The applicant for a single family residential dwelling subject to this Section shall provide 20 copies of the following information to the Planning Board and the Design Review Board through the Planning Director:
 - a. a site plan showing existing site conditions, all buildings, trees over 6” caliper, and significant natural features;
 - b. photographs of the site showing existing buildings and natural features on the site and surrounding contiguous lots,
 - c. plans of the existing and, if available, former buildings on the site which have been demolished during the previous five years ;
 - d. proposed site conditions showing proposed building on the site, driveway location and utilities;
 - e. proposed building elevations for each side of the proposed dwelling;
 - f. proposed grading, depicted by one foot contours, and proposed drainage structures such as catch basins, roof drains, dry wells;
 - g. landscape plan showing tree removal and planting, other major landscaping elements;
 - h. provisions for sedimentation and erosion control if existing slopes in excess of 15% are to be disturbed.
3. Waivers. The Planning Board may, in any particular case where it determines such action to be consistent with the purpose and intent of the Zoning Bylaw and otherwise in the public interest, waive strict compliance with its Rules and Regulations and with the requirements contained in this section. In a preliminary meeting with a prospective site plan approval applicant under this section, the Planning Board may make a determination that proposed construction, or aspects of the construction are de-minimus and may waive appropriate provisions of this section to expedite and simplify the site plan approval process for the applicant, but any such waivers must be made in writing.

4. Review and Timing. The Planning Board and Design Review Board shall each meet separately with the applicant not fewer than 10 days after receipt of the submission to discuss the project. Although a public hearing is not required notice of the Planning Board meeting shall be sent by mail, postage prepaid, to the abutters and abutters to the abutters within 300 feet of the property line of the applicant, as they appear on the most recent applicable tax list. Owners of land directly opposite the applicant on any public or private street or way shall be considered abutters under this Section. Written or oral comments from abutters may be received and considered at the discretion of the Chairman of the Planning Board. The Design Review Board shall prepare comments and recommendations as it deems appropriate and shall submit these to the Planning Board. The Planning Board shall prepare its decision and provide it to the applicant within 90 days of the submission and the Building Inspector and Zoning Board of Appeals as may be appropriate. The Planning Board may seek the recommendations of other Town Departments depending on the nature of the application. If the Planning Board has not issued its decision within 90 days of receipt of the submission from the applicant, the project, as described in the submission, shall be deemed approved. The 90-day time limit may be extended by written agreement between the Planning Board and the applicant, signed by, or on behalf of, the applicant.
5. Approval. The Planning Board, based upon the recommendations of the Design Review Board, shall determine whether the Standards and Criteria for Review set forth below have been satisfied. If the Planning Board finds that the criteria have been satisfied it shall approve the project as set forth in the submissions, provided that it may approve the project subject to conditions or plan modifications specified by the Planning Board in writing. A construction mitigation plan may be required if the site warrants erosion and sedimentation control measures. If the Planning Board finds that the criteria have not been satisfied, it shall disapprove the project, but state in writing the basis for its decision.
6. Issuance of Building Permit and Certificate of Occupancy. The Building Inspector shall not issue a building permit unless and until the project is approved by the Planning Board or is deemed approved in accordance with this Section. The Building Inspector shall verify compliance with all required conditions or plan modifications prior to the issuance of a Certificate of Occupancy. The Building Inspector shall inform the Planning Director of any failure to comply with conditions of site plan approval or plan modifications pursuant to this section. The Planning Director shall notify the applicant of the work remaining to be done or conditions remaining unsatisfied.

E. STANDARDS AND CRITERIA FOR REVIEW

1. Preservation of Landscape. The landscape shall be preserved in its natural state insofar as practicable by minimizing any grade changes and vegetation and soil removal. Unique natural areas, topographic features such as ledge outcrops; significant trees and landscaping; and historic features shall be saved or enhanced insofar as practicable. Management of storm water shall be

provided so as to minimize the impact on Town streets and abutting properties.

2. Relation of Buildings to Environment. All new construction shall be sited and implemented in a manner that is in harmony and scale with other structures in its immediate vicinity to preserve the characteristics of existing neighborhoods. Structures shall be arranged insofar as practicable to avoid casting shadows onto abutting property.
3. Building Design and Landscaping. Proposed development shall be in harmony with the prevailing character and scale of the buildings in the neighborhood and the Town through the use of appropriate scale, massing, building materials, screening, lighting and other architectural techniques. Variation in detail, form, and siting shall be used to provide visual interest and to relate harmoniously to the surrounding neighborhood. Exterior lighting shall be only as needed to accomplish safety and design objectives and shall be arranged so as to minimize the impact on neighboring properties. Consideration shall be given to the need for vegetated buffers.
4. Open Space. Open space shall be as extensive as is practicable and designed so as to add to the visual amenities of the neighborhood for persons passing the site or overlooking it from nearby properties.
5. Circulation. Walkways, drives and parking shall be safe and convenient and, insofar as practicable, not detract from the use and enjoyment of adjacent properties and Town streets.

F. FEES

Any applicant seeking site plan approval under this section shall submit an application and pay such fees as shall be determined by the Planning Board, to cover any expenses connected with a public hearing and review of plans, including but not limited to the costs of any engineering or planning consulting services necessary for review purposes.

G. RULES AND REGULATIONS

The Planning Board may promulgate or amend Rules and Regulations which pertain to the site plan approval process under this section so long as the Rules and Regulations conform to this Section XVID of the Zoning By-law. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

H. APPEALS

An applicant may appeal the conditions or plan modifications to the Zoning Board of Appeals in accordance with SECTION XXIV. PERMIT GRANTING AUTHORITY.

or take any other action relative thereto.

(Planning Board)